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STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the matter of:

Amendment for the **PALEN SOLAR
ELECTRIC GENERATING SYSTEM**

DOCKET NO. 09-ACF-7C

COLORADO RIVER INDIAN TRIBES

**Testimony of Chairman Wayne Patch, Sr. regarding Impacts of Renewable Energy
Projects on the Colorado River Indian Tribes**

REBECCA LOUDBEAR (Wisc. State Bar No. 1036107)
COLORADO RIVER INDIAN TRIBES
Office of the Attorney General
26600 Mohave Road
Parker, AZ 85344
Telephone: (928) 699-1271
Facsimile: (928) 669-1269
Rloubear@critdoj.com

WINTER KING (State Bar No. 237958)
SARA A. CLARK (State Bar No. 273600)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
King@smwlaw.com
Clark@smwlaw.com

QUALIFICATIONS

Wayne Patch, Sr. is currently the elected Chairman of the Colorado River Indian Tribes. Chairman Patch also served as Vice-Chairman from January 1, 2009 to December 31, 2010. Chairman Patch was born and raised on the Colorado River Indian Reservation. He is a full blood Mohave and an elder in the community. Chairman Patch is a combat veteran who served in the United States Marine Corps during the Vietnam era. He worked thirty years for the Bureau of Indian Affairs and Indian Health Services. After retiring from federal service he returned to his home on the Colorado River Indian Reservation where he resides currently.

STATEMENT

As an elected representative of the Colorado River Indian Tribes (CRIT or the Tribes), I submit this testimony expressing the Tribes' substantial concerns regarding the Palen Project's potential impacts on our people, our history, our culture, and our religious practices. Our people have lived in the region since time immemorial. For the past five years, however, when asked to approve a new utility-scale solar and wind energy facility proposed in these ancestral homelands, the California Energy Commission (CEC) has always agreed. With each new facility, thousands of acres of these lands are bulldozed and graded, covered with mirrors, troughs, towers, and turbines.

The individual and cumulative impacts of this development have been extremely painful for the Tribes' members. For CRIT's Aha Macav (Mohave) members, disturbing an ancestor's belongings and remains is taboo. Imagine the effect on these individuals of witnessing thousands of their ancestors' manos and metates unearthed with graders, then hauled off in buckets for "data recovery," ending up in storage in a remote facility. This is what happened at the Genesis Solar Energy Project. For CRIT's Chemehuevi members, the sacred Salt Songs trail is constantly under threat from these projects, as it traverses much of the area now proposed for development. For thousands of years we have used the native desert plants for religious and medicinal purposes and involved desert animals, such as the golden eagle, in our religious ceremonies. These plants are routinely ripped out to make way for solar arrays and avian species are repeatedly maimed or killed by solar flux or lead astray by the shimmering panels that look like water.

Despite these clear concerns, the public agencies tasked with protecting cultural resource on public lands have repeatedly ignored the concerns of CRIT and other tribes. This failure to consult not only violates federal law, it also undermines the public claims made by both the state and federal government regarding attempts to build relationships between the United States government, California, and Indian tribes. It is also bad policy. As President Obama stated, "History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results." November 5, 2009 Presidential Memoranda on Tribal Consultation (Exhibit 8000). Unless state and federal governments take steps to ensure that responsible agencies satisfy both the letter and spirit of the many statutes, regulations, executive orders, and agency policies mandating consultation and protection of cultural resources, the ongoing frantic pursuit of utility-scale renewable energy development in the deserts of California and Arizona will, indeed, lead to devastating and tragic results.

CRIT of course recognizes that the environmental and economic stakes are high as California seeks to reduce its dependence on fossil fuels. And CRIT generally supports the state's efforts to shift toward cleaner energy sources. However, efforts to reduce the state's greenhouse gas emissions and to develop domestic sources of energy should not come at the expense of cultural resources and sacred sites, especially when other, less destructive options have not been exhausted. Why should our ancestors' remains be disturbed and our sacred trails be destroyed to develop these facilities before California has asked its residents to drive a little less, insulate their homes, or turn down their thermostat even one degree? Before all state and federal government buildings have solar panels on their roofs and over their parking lots? Continuation of CEC's current practice of approving any large-scale solar facility proposed for the desert will result in shifting nearly the entire burden of renewable energy development to tribal communities, who have contributed little to the problems posed by global climate change, an approach that is short-sighted and unjust.

To address these issues, we ask that the Commission be willing to take the time necessary to adequately listen to affected tribes when considering proposed projects or plans that would impact our homelands. It is also essential that the CEC remain willing to say "no" to ill-sited projects. Moreover, we ask that those charged with considering the impacts of these projects and developing plans to "mitigate" their impacts do so with honesty and respect. In our minds, digging up "artifacts" and sending them to a museum does not "mitigate" the impacts of destroying a sacred landscape; likewise, when a proposed project would cut off a sacred trail that has been used by our people for thousands of years, the only way to avoid this impact is to move the project, not to "relocate" or develop on top of the trail. The impacts of these projects on our culture will be permanent and deep.

**Testimony of Chairman Wayne Patch, Sr.
regarding Impacts of Renewable Energy Projects on the Colorado River Indian Tribes**

I, Wayne Patch, Sr., declare as follows:

- 1) I am currently the Chairman of the Colorado River Indian Tribes.
- 2) My relevant professional qualifications and experience are set forth in the attached testimony.
- 3) I assisted with the preparation of the attached testimony relating to the proposed Amendment to the Palen Solar Electric Generating System.
- 4) It is my professional opinion that the attached testimony is true and accurate with respect to the issues that are addressed.
- 5) I am personally familiar with the facts and conclusions described within the attached testimony and if called as a witness, I could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: October 16, 2013

AT: Parker, AZ



Wayne Patch, Sr.