

DOCKETED

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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
OPENING TESTIMONY, EXHIBIT LIST, AND EXHIBITS

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INTRODUCTION

Intervenor Colorado River Indian Tribes (CRIT or Tribes) provides this Opening Testimony regarding the proposed Amendment to the Palen Solar Electric Generating System (Palen or Project).

All of the included testimony, described below, was prepared by the person testifying. A signed declaration has been provided for each person, and a resume has been included where appropriate.

Attorneys Winter King and Sara Clark, with Shute, Mihaly & Weinberger LLP, counsel to the Tribes, assisted in compiling this testimony and the documents submitted. An Exhibit List and copies of the documents referenced in the opening testimony are filed concurrently with this testimony.

CRIT reserves the right to supplement and/or revise this testimony at any time up to and including the close of the evidentiary hearings. Moreover, many of the factual issues discussed in this Opening Testimony involve both legal and factual questions. Therefore, CRIT reserves the right to address all disputed issues identified at the hearings through testimony, rebuttal, cross-examination, and briefing.

TESTIMONY SUBMITTED

- 1) Testimony of Chairman Wayne Patch, Sr. regarding Impacts of Renewable Energy Projects on the Colorado River Indian Tribes
- 2) Testimony of Rebecca Loudbear, Winter King, and Sara Clark regarding General Comments on the Final Staff Assessment's Analysis of Cultural Resources, Visual Resources, Environmental Justice, Biological Resources, and Alternatives.
- 3) Testimony of Rebecca Loudbear, Winter King, and Sara Clark regarding Lessons Learned from the Unanticipated Discovery of Buried Cultural Material at the Genesis Solar Energy Project.
- 4) Testimony of Doug Bonamici regarding Consultation and the Ethnographic Study for the Palen Project.
- 5) Testimony of Wilene Fisher-Holt regarding Impacts of the Palen Project on Cultural Resources [*submitted to the Docket Unit with an Application for Confidentiality*]

EXHIBIT LIST

Exhibit	TN # (where applicable)	Title of Document	Subject Area
Exhibit 8000		November 5, 2009 Presidential Memoranda on Tribal Consultation	Cultural Resources
Exhibit 8001	200548	Letter from Chairman Wayne Patch, Sr. to California Energy Commission Staff re: Comments of the Colorado River Indian Tribes on the Preliminary Staff Assessment for the Palen Solar Electric Generating System (09-AFC-7C) (July 29, 2013)	Cultural Resources
Exhibit 8002	200361	Letter from the Quechan Indian Tribe to the California Energy Commission re: Comments from the Quechan Indian Tribe on the Preliminary Staff Assessment for the Palen Solar Electric Generating System (09-AFC-7C) (August 27, 2013)	Cultural Resources
Exhibit 8003	70274	Letter from Patricia Garcia-Tuck to Thomas Gates re: Palen Solar Energy Generating System (09-AFC-7C) – Invitation to Participate in California Energy Commission Tribal Consultation (March 26, 2013)	Cultural Resources
Exhibit 8004	70632	Letter from Joseph Ontiveros to Roger E. Johnson re: Palen Solar Electric Generating System (09-AFC-7C) (April 11, 2013)	Cultural Resources
Exhibit 8005	200226	Email from Alfredo Figueroa to Christine Stora re: Preliminary Staff Assessment for Cultural Resources for the Proposed Palen Solar Electric Generating System Project Amendment (August 19, 2013)	Cultural Resources
Exhibit 8006		Sustainable Preservation: California’s Statewide Historic Preservation Plan, 2013-2017	Cultural Resources
Exhibit 8007		Declaration of Priscilla Eswonia in Support of Plaintiff’s Application for Temporary Restraining Order and Order to Show Cause, <i>Colorado River Indian Tribes v. U.S. Department of the Interior</i> (Case No. CV 12-04291 GW (SSx))	Cultural Resources

Exhibit	TN # (where applicable)	Title of Document	Subject Area
Exhibit 8008		Declaration of Mamie Harper in Support of Plaintiff's Application for Temporary Restraining Order and Order to Show Cause, <i>Colorado River Indian Tribes v. U.S. Department of the Interior</i> (Case No. CV 12-04291 GW (SSx))	Cultural Resources
Exhibit 8009		Declaration of David Harper in Support of Plaintiff's Reply in Support of Application for Temporary Restraining Order and Order to Show Cause, <i>Colorado River Indian Tribes v. U.S. Department of the Interior</i> (Case No. CV 12-04291 GW (SSx))	Cultural Resources
Exhibit 8010		Supplemental Declaration of Lyle Balenquah in Support of Plaintiff's Application for Temporary Restraining Order and Order to Show Cause, <i>Colorado River Indian Tribes v. U.S. Department of the Interior</i> (Case No. CV 12-04291 GW (SSx))	Cultural Resources
Exhibit 8011		Letter from Roger E. Johnson to Chairperson Eldred Enas re: Palen Solar Electric Generating System (09-AFC-7C) – Invitation to Participate in the California Energy Commission Tribal Consultation (February 25, 2013).	Cultural Resources
Exhibit 8012		Excerpts of Palen Solar Electric Generating System Draft SEIS (Sections 3.19 and 4.18)	Cultural Resources
Exhibit 8013		Amicus Brief in Support of Appellant Quechan Tribe of the Fort Yuma Indian Reservation by the Colorado River Indian Tribes, <i>Quechan Tribe of the Fort Yuma Indian Reservation v. United States Department of the Interior, et al.</i> , Docket No. 13-55704 (9th Cir.)	Cultural Resources
Exhibit 8014		CEC News Release – Preliminary Staff Assessment Released for the Palen Solar Electric Generating System Project (June 28, 2013)	Cultural Resources
Exhibit 8015*		Written Statement of Phillip Smith, Chemehuevi Elder	Cultural Resources
Exhibit 8016*		Written Statement of Stacia Bailey, Mohave Elder	Cultural Resources

Exhibit	TN # (where applicable)	Title of Document	Subject Area
Exhibit 8017*		Written Statement of Anonymous CRIT Member	Cultural Resources
Exhibit 8018*		Written Statement of Betty Cornelius, CRIT Member (Chemehuevi)	Cultural Resources
Exhibit 8019		KCET, Chris Clarke, August a Bad Month for Birds at Genesis Solar (October 8, 2013)	Cultural Resources

* These Exhibits have been submitted to the Docket Unit with an Application for Confidentiality and are not submitted electronically.

DATED: October 16, 2013

COLORADO RIVER INDIAN TRIBES

By: /s/ Rebecca Loudbear
REBECCA LOUDBEAR

Attorneys for Intervenor Colorado River Indian Tribes

DATED: October 16, 2013

SHUTE, MIHALY & WEINBERGER LLP

By: *Sara Clark*
WINTER KING
SARA A. CLARK

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DECLARATION OF SERVICE

I, Sean Mulligan, declare that on October 16, 2013, I served and filed copies of the Colorado River Indian Tribes Opening Testimony, Exhibit List, and Exhibits, Testimony of Chairman Wayne Patch, Sr., Testimony of Rebecca Loudbear, Winter King, and Sara Clark regarding General Comments on the Final Staff Assessment's Analysis of Cultural Resources, Visual Resources, Environmental Justice, Biological Resources, and Alternatives, Testimony of Rebecca Loudbear, Winter King, and Sara Clark regarding Lessons Learned from the Unanticipated Discovery of Buried Cultural Material at the Genesis Solar Energy Project, Testimony of Doug Bonamici regarding Consultation and the Ethnographic Study for the Palen Project., Exhibits 8000-8014 and 8019, all dated October 16, 2013. The most recent Proof of Service List, which I copied from the web page for this project at: <http://www.energy.ca.gov>, is attached to this Declaration.

For service to all other parties and filing with the Docket Unit at the Energy Commission:

X I successfully uploaded the document to the Energy Commission's e-filing system and I personally delivered the document or deposited it in the US mail with first class postage to those persons for whom a physical mailing address but no e-mail address is shown on the attached Proof of Service List. [The e-filing system will serve the other parties and Committee via e-mail when the document is approved for filing.] **or**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: October 16, 2013

/s/ Sean Mulligan
[Name]


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