

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	201619
Document Title:	Invitations to Tribes and Tribal Leaders to Participate in California Energy Commission/Tribal Consultation
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Organization:	California Energy Commission
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COVER PAGE FOR

DOCKET 09-AFC-07C

PALEN SOLAR ELECTRIC GENERATING SYSTEM

Letters of Invitation to Participate in California Energy Commission/ Tribal Consultation
RE: CUL 1

List of Tribes:

Twenty-Nine Palms Band of Mission Indians

Ah-Mut-Pipa Foundation

Colorado River Indian Tribes

Cocopah Indian Tribe

Fort Yuma Quechan Indian Nation

Morongo Band of Mission Indians

San Manuel Band of Mission Indians

Sobba Band of Luiseno Indians

Fort Mojave Indian Tribe

Torres-Martinez Desert Cahuilla Indians

Cabazon Band of Mission Indians

Cahuilla Band of Indians

Augustine Band of Cahuilla Indians

Chemehuevi Indian Tribe

Quechan Indian Nation

Ramona Band of Mission Indians

Agua Caliente Band of Cahuilla Indians

AhaMaKav Cultural Society Fort Mojave Indian

Tribe

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Darrell Mike, Chairperson
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Darrell Mike, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

The Palen Solar Electric Generating System (PSEGS) PMPD was issued on December 13, 2013 (http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201434_20131213T150623_Presiding_Member's_Proposed_Decision.pdf). Section 6 provides the Committee's proposed decision regarding cultural resources. Section 8 reviews the project issues that would require the committee to propose over-riding considerations. The project as proposed was denied on the grounds that the project record does not justify the overrides of adverse un-mitigable impacts. However, the PMPD left open the possibility, should the petitioner so choose, to submit additional information that may bring the Committee to reconsider its decision to deny the project as currently proposed. On December 23, 2013, the petitioner requested that a final decision of the full Commission be delayed so that the petitioner might submit additional information. The request for delay was granted.

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Commissioner Douglas' opening statement regarding Condition of Certification CUL-1 can be summarized as follows.

- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
- Two interests to consider when weighing cultural resources impacts and related conditions are the public/state interests and Native American interests.
- CUL-1 only mitigates for the state interest and staff submitted a mitigation cost cap during briefing.
- More could be done to mitigate for tribal interests in direct consultation with tribes prior to certification or staff and petitioner could frame the condition in such a way as to allow discussions with tribes after certification should the project be approved.
- Some suggestions for mitigating tribal interests are:
 - National Register nominations of other landscapes important to the affected tribes or,
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Staff would like to initiate a focused consultation concerning CUL-1 with interested affiliated tribes. In the up-coming months, a public workshop will likely be convened to discuss this matter in a public forum.

Should you request, Energy Commission staff will arrange for a separate meeting to discuss issues that you may wish to hold in confidence from the general public.

The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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January 30, 2014

Preston J. Arrow-weed
Ah-Mut-Pipa Foundation
PO Box 160
Bard, CA 92222

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Preston J. Arrow-weed,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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January 30, 2014

Doug Bonamici
Dept. of Justice Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Doug Bonamici,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

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January 30, 2014

Honorable Sherry Cordova, Chairperson
Cocopah Indian Tribe
14515 S. Veterans Drive
Somerton, AZ 85350

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Sherry Cordova, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sherry Cordova, Chairperson

January 30, 2014

Page 2

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

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SACRAMENTO, CA 95814-5512
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January 30, 2014

Keeny Escalanti, Sr., President
Fort Yuma Quechan Indian Nation
PO Box 1899
Yuma, CA 85366

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Keeny Escalanti, Sr., President,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Wilene Fisher-Holt
Colorado River Indian Tribes
26600 Mohave Road
Parker, AZ 85344

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Wilene Fisher-Holt,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
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Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Patricia Garcia, THPO
Agua Caliente Band of Cahuilla Indians THPO
5401 Dinah Shore Drive
Palm Springs, CA 92264

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Patricia Garcia, THPO,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

John Gomez Jr.
Ramona Band Cultural Resources Mission Indians
56310 HWY 371, Suite B
Anza, CA 92539

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear John Gomez Jr.,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

The Palen Solar Electric Generating System (PSEGS) PMPD was issued on December 13, 2013 (http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201434_20131213T150623_Presiding_Member's_Proposed_Decision.pdf). Section 6 provides the Committee's proposed decision regarding cultural resources. Section 8 reviews the project issues that would require the committee to propose over-riding considerations. The project as proposed was denied on the grounds that the project record does not justify the overrides of adverse un-mitigable impacts. However, the PMPD left open the possibility, should the petitioner so choose, to submit additional information that may bring the Committee to reconsider its decision to deny the project as currently proposed. On December 23, 2013, the petitioner requested that a final decision of the full Commission be delayed so that the petitioner might submit additional information. The request for delay was granted.

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Commissioner Douglas' opening statement regarding Condition of Certification CUL-1 can be summarized as follows.

- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
- Two interests to consider when weighing cultural resources impacts and related conditions are the public/state interests and Native American interests.
- CUL-1 only mitigates for the state interest and staff submitted a mitigation cost cap during briefing.
- More could be done to mitigate for tribal interests in direct consultation with tribes prior to certification or staff and petitioner could frame the condition in such a way as to allow discussions with tribes after certification should the project be approved.
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Staff would like to initiate a focused consultation concerning CUL-1 with interested affiliated tribes. In the up-coming months, a public workshop will likely be convened to discuss this matter in a public forum.

Should you request, Energy Commission staff will arrange for a separate meeting to discuss issues that you may wish to hold in confidence from the general public.

The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Mary Ann Green, Chairperson
Augustine Band of Cahuilla Mission Indians
P.O. Box 846
Coachella, CA 92236

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Mary Ann Green, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Mary Ann Green, Chairperson

January 30, 2014

Page 2

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Jeff Grubbe, Chairperson
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92262

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Jeff Grubbe, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Joseph Hamilton, Chairman
Ramona Band of Mission Indians
P.O.Box 391372
Anza, CA 92539

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Joseph Hamilton, Chairman,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Arlene Kingery, THPO
Quechan Indian Nation
PO Box 1899
Yuma, AZ 85366

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Arlene Kingery, THPO,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Mathew Krystall, Cultural Resources Manager
Torres-Martinez Desert Cahuilla Indians
PO Box 1160
Thermal, CA 92274

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Mathew Krystall, Cultural Resources Manager,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

William Madrigal Jr., Cultural Heritage Program Coordinator
Morongo Band of Mission Indians
12700 Pumarra Rd.
Banning, CA 92220

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear William Madrigal Jr., Cultural Heritage Program Coordinator,

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Anthony Madrigal Jr., Cultural Director
Twenty-Nine Palms Band of Mission Indians
47250 Dillon Road
Coachella , CA 92236

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Anthony Madrigal Jr., Cultural Director,

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- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
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The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Robert Martin, Chairperson
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Robert Martin, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

The Palen Solar Electric Generating System (PSEGS) PMPD was issued on December 13, 2013 (http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201434_20131213T150623_Presiding_Member's_Proposed_Decision.pdf). Section 6 provides the Committee's proposed decision regarding cultural resources. Section 8 reviews the project issues that would require the committee to propose over-riding considerations. The project as proposed was denied on the grounds that the project record does not justify the overrides of adverse un-mitigable impacts. However, the PMPD left open the possibility, should the petitioner so choose, to submit additional information that may bring the Committee to reconsider its decision to deny the project as currently proposed. On December 23, 2013, the petitioner requested that a final decision of the full Commission be delayed so that the petitioner might submit additional information. The request for delay was granted.

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Robert Martin, Chairperson

January 30, 2014

Page 2

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

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SACRAMENTO, CA 95814-5512
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January 30, 2014

Daniel McCarthy, Director
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Daniel McCarthy, Director,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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January 30, 2014

H. Jill McCormick, Tribal Archaeologist
Cocopah Indian Reservation
14515 South Veterans Drive County 15th & Avenue G
Somerton, AZ 85350

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear H. Jill McCormick, Tribal Archaeologist,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

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SACRAMENTO, CA 95814-5512
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January 30, 2014

Nora McDowell
AhaMaKav Cultural Society Fort Mojave Indian Tribe
PO Box 5990
Needles, CA 92363

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Nora McDowell,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Rosemary Morillo, Chairwoman
Sobba Band of Luiseno Indians
PO Box 487
San Jacinto, CA 92581

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Rosemary Morillo, Chairwoman,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Joseph Ontiveros, Cultural Resources Dept.
Sobba Band of Luiseno Indians
PO Box 487
San Jacinto, CA 92581

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Joseph Ontiveros, Cultural Resources Dept.,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Linda Otero, Director
Fort Mojave Indian Tribe
PO Box 5990
Mohave Valley, AZ 86440

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Linda Otero, Director ,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
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Energy Commission Tribal Liaison

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Mary Resvaloso, Chairperson
Torres-Martinez Desert Cahuilla Indians
PO Box 1160
Thermal, CA 92274

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Mary Resvaloso, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

The Palen Solar Electric Generating System (PSEGS) PMPD was issued on December 13, 2013 (http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201434_20131213T150623_Presiding_Member's_Proposed_Decision.pdf). Section 6 provides the Committee's proposed decision regarding cultural resources. Section 8 reviews the project issues that would require the committee to propose over-riding considerations. The project as proposed was denied on the grounds that the project record does not justify the overrides of adverse un-mitigable impacts. However, the PMPD left open the possibility, should the petitioner so choose, to submit additional information that may bring the Committee to reconsider its decision to deny the project as currently proposed. On December 23, 2013, the petitioner requested that a final decision of the full Commission be delayed so that the petitioner might submit additional information. The request for delay was granted.

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Mary Resvaloso, Chairwoman

January 30, 2014

Page 2

Commissioner Douglas' opening statement regarding Condition of Certification CUL-1 can be summarized as follows.

- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
- Two interests to consider when weighing cultural resources impacts and related conditions are the public/state interests and Native American interests.
- CUL-1 only mitigates for the state interest and staff submitted a mitigation cost cap during briefing.
- More could be done to mitigate for tribal interests in direct consultation with tribes prior to certification or staff and petitioner could frame the condition in such a way as to allow discussions with tribes after certification should the project be approved.
- Some suggestions for mitigating tribal interests are:
 - National Register nominations of other landscapes important to the affected tribes or,
 - Acquisition of other culturally significant lands.

Staff would like to initiate a focused consultation concerning CUL-1 with interested affiliated tribes. In the up-coming months, a public workshop will likely be convened to discuss this matter in a public forum.

Should you request, Energy Commission staff will arrange for a separate meeting to discuss issues that you may wish to hold in confidence from the general public.

The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Carla Rodriguez, Chairwoman
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Carla Rodriguez, Chairwoman,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Carla Rodriguez, Chairwoman

January 30, 2014

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The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable David Roosevelt, Chairman
Cabazon Band of Mission Indians
84-245 Indio Springs Pkwy
Indio, CA 92203

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable David Roosevelt, Chairman,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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David Roosevelt, Chairman

January 30, 2014

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- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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January 30, 2014

David Saldivar
Environmental Department Augustine Band of Cahuilla Indians
84-001 Avenue 54
Coachella, CA 92236

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear David Saldivar,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Luther Salgado Jr., Chairperson
Cahuilla Band of Indians
PO Box 391760
Anza, CA 92539

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Luther Salgado Jr., Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Luther Salgado, Jr., Chairperson

January 30, 2014

Page 2

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Edward Smith, Chairperson
Chemehuevi Indian Tribe
PO Box 1976
Havasu Lake, CA 92363

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Edward Smith, Chairperson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Edward Smith, Chairperson

January 30, 2014

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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Judy Stapp, Cultural Affairs Director
Cabazon Band of Mission Indians
84-245 Indio Springs Parkway
Indio, CA 92203

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Judy Stapp, Cultural Affairs Director,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Judy Stapp, Director

January 30, 2014

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/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Honorable Timothy Williams, Chairman
Fort Mojave Indian Tribe
500 Merriman Avenue
Needles, CA 92363

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Honorable Timothy Williams, Chairman,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

The Palen Solar Electric Generating System (PSEGS) PMPD was issued on December 13, 2013 (http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201434_20131213T150623_Presiding_Member's_Proposed_Decision.pdf). Section 6 provides the Committee's proposed decision regarding cultural resources. Section 8 reviews the project issues that would require the committee to propose over-riding considerations. The project as proposed was denied on the grounds that the project record does not justify the overrides of adverse un-mitigable impacts. However, the PMPD left open the possibility, should the petitioner so choose, to submit additional information that may bring the Committee to reconsider its decision to deny the project as currently proposed. On December 23, 2013, the petitioner requested that a final decision of the full Commission be delayed so that the petitioner might submit additional information. The request for delay was granted.

On January 7, 2014 the Committee held a conference where the delay was discussed among the parties. Transcripts of that meeting are available on line at:

http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN201546_20140113T121419_Transcript_of_the_Committee_Conference_held_January_7_2013.pdf

Commissioner Douglas' opening statement regarding Condition of Certification CUL-1 can be summarized as follows.

- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
- Two interests to consider when weighing cultural resources impacts and related conditions are the public/state interests and Native American interests.
- CUL-1 only mitigates for the state interest and staff submitted a mitigation cost cap during briefing.
- More could be done to mitigate for tribal interests in direct consultation with tribes prior to certification or staff and petitioner could frame the condition in such a way as to allow discussions with tribes after certification should the project be approved.
- Some suggestions for mitigating tribal interests are:
 - National Register nominations of other landscapes important to the affected tribes or,
 - Acquisition of other culturally significant lands.

Staff would like to initiate a focused consultation concerning CUL-1 with interested affiliated tribes. In the up-coming months, a public workshop will likely be convened to discuss this matter in a public forum.

Should you request, Energy Commission staff will arrange for a separate meeting to discuss issues that you may wish to hold in confidence from the general public.

The Energy Commission staff welcomes your participation. Please contact Thomas Gates at (916) 654-5008; Fax: (916) 651-8868; or thomas.gates@energy.ca.gov to coordinate tribal consultation efforts.

Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



January 30, 2014

Mike Jackson
Environmental Department Cabazon Band of Mission Indians
84-245 Indio Springs Pkwy
Indio, CA 92203

RE: Palen Solar Electric Generating System (09-AFC-07C) - Invitation to Participate in California Energy Commission / Tribal Consultation

Dear Mike Jackson,

A year ago your name was provided to the California Energy Commission (Energy Commission) by the Native American Heritage Commission, as a representative of a Native American entity who might be interested in a petition to change the design of the Palen Solar Power Project and related generation tie-line located in Riverside County. The project is proposed to be located on 3,794 acres of Bureau of Land Management (BLM) property approximately ¼ mile north of Interstate 10 near the Corn Springs exit, ten miles east of Desert Center. Since the January 25, 2013 letter was sent inviting you to participate in project consultation, numerous Energy Commission/tribal meetings have occurred: staff has worked with tribes to document a cultural landscape that encompasses significant portions of the Chuckwalla Valley; parties to the project proceedings have participated in evidentiary hearings; and the presiding member of the hearing committee has issued a Presiding Member's Proposed Decision (PMPD). This letter provides a project update and informs you of Energy Commission staff intent to initiate focused Energy Commission tribal consultations.

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Mike Jackson
January 30, 2014
Page 2

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- Approval of the project would have a severe visual impact to a landscape that would affect Native Americans abilities to perpetuate their cultures.
- Tribes and their related cultural values are to be respected and valued by the Energy Commission as the Commission mindfully goes about its business of attending to the state's renewable energy portfolio.
- Proposed CUL-1 was never resolved in light of petitioner's assertion that CUL-1 is burdensome, open-ended, and has insufficient nexus to the impacts.
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Sincerely,

/E-Signature/

Roger E. Johnson
Deputy Director
Siting, Transmission
and Environmental Protection Division

Energy Commission Tribal Liaison