

## DOCKETED

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<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	202225
<b>Document Title:</b>	Supplemental Response to Motion to Reopen Evidentiary Record
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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

**SUPPLEMENTAL RESPONSE OF INTERVENOR COLORADO RIVER INDIAN  
TRIBES TO PETITIONERS' MOTION TO REOPEN EVIDENTIARY RECORD**

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On March 21, 2014, Palen Solar Holdings, LLC filed a Motion to Reopen Evidentiary Record and Scheduling Order (TN # 201900). On April 7, 2014, Intervenor Colorado River Indian Tribes (CRIT or the Tribes) filed a response to PSH's Motion (TN # 201973). In response to a request from CEC Staff, Hearing Officer Celli provided an additional opportunity for the Parties to respond to Petitioner's Motion (TN # 201995). CRIT supplements its earlier response—which requested that the Commission deny Petitioners' Motion—as follows:

1. Representatives from CRIT, including members of the CRIT Tribal Council and the CRIT Mohave Elders Committee, attended the CEC Staff workshop on April 7, 2014 to discuss proposed revisions to CUL-1. Tribes, including CRIT, were asked to comment on whether the compensatory mitigation measures proposed by both CEC Staff and PSH were sufficient to mitigate the Project's cultural resource impacts. As CRIT commented during the workshop, they are not; no amount of money can offset the cultural harm caused by this Project. Moreover, to the extent the Commission is asking affected tribes to recommend or provide their assent to mitigation measures *in order to allow the proposed amendment to be approved*, CRIT is not willing to do so. CRIT is firmly opposed to the proposed amendment and therefore cannot provide such recommendations or assent.

CRIT also notes that, under the revisions to CUL-1, both CEC Staff and PSH propose to distribute compensatory mitigation funding through a committee of tribal representatives required to choose projects by consensus. CRIT appreciates this movement toward greater tribal control over funds aimed at mitigating cultural resource impacts. However, this type of committee process comes with its own set of difficulties, as CRIT knows from its involvement with a similar committee associated with the Genesis Solar Energy Project. In practice, the "mitigation committee" process tends to force tribes—each of which has a unique cultural and spiritual connection to the area—to stake claims against each other for their share of the limited resources designated to mitigate momentous cultural harm. Before going down this path, the Commission should, at the very least, investigate the issues that have arisen with the Genesis mitigation committee and attempt to avoid similar problems here.

2. CRIT representatives also attended the workshop on Biological Resources, Alternatives, and Project Benefits. From CRIT's perspective, CEC Staff and PSH appear to agree that they do not have sufficient data, at this time, to determine with any level of certainty whether the proposed technology has a more detrimental effect on avian species than other technology. The data submitted by PSH provides only a preliminary, and potentially misleading, look at relative impacts. Given the lack of accurate and complete information, CRIT strongly urges the Commission to deny PSH's Motion.

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DATED: April 23, 2014

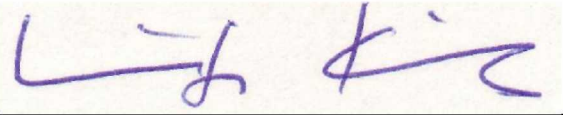
COLORADO RIVER INDIAN TRIBES

By:           /s/ Rebecca Loudbear            
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DATED: April 23, 2014

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