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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

Exhibit 8030: Testimony of Councilwoman Amanda Barrera

Regarding Proposed Modifications to CUL-1

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QUALIFICATIONS

Amanda Barrera serves as a Tribal Council Member of the Colorado River Indian Tribes (“CRIT”). CRIT consists of four tribes, Mohave, Chemehuevi, Hopi, and Navajo. The CRIT Reservation lies within the States of Arizona and California and encompasses the boundaries of three counties, La Paz County in Arizona and Riverside and San Bernardino Counties in California. In addition, the CRIT Reservation includes approximately 90 miles of riverfront property on the Colorado River.

Councilmember Barrera is a Chemehuevi Indian, daughter, mother, grandmother, and great grandmother. She attended Parker High School in Parker, Arizona and obtained a Bachelor of Arts in Human Services from Ottawa University. During her younger years, Councilmember Barrera grew up in the area of the Pahrump Valley just outside of Las Vegas, Nevada. When she was a preteen, she came to live on the Colorado River Indian Reservation, although she continued to spend her free time in the Pahrump area where she was taught her ancestral history from her grandparents and her great grandmother Libby Scott, a descendant of Chief Tecopa.

Councilmember Barrera is very honored as a Chemehuevi tribal member of CRIT to be welcomed to assist the Mohave Elders Group in regards to the impacts of solar energy projects on the ancestral lands of the Mohave people of CRIT. As a tribal council member, she strives to represent the voice of the people who have elected her as one of their council members. Through the years, she has learned about the history of the four tribes which make up CRIT, including learning and listening to the history of the Mohave people from the Mohave Elders in both English and Mohave, which has been handed down for generations. She has learned from the Mohave Elders that development of Mohave ancestral lands for solar energy projects threatens the footprint of the Mohave people.

STATEMENT

To date, I have attended the following Genesis Tribal Working Group Meetings:

- (1) February 6, 2014, Fantasy Springs Resort Casino;
- (2) March 28, 2014, Avi Resort Casino; and
- (3) May 15, 2014, Agua Caliente Casino Resort Spa

In addition, there is a Genesis Tribal Working Group Meeting scheduled for June 25, 2014 at Nuwuvi Park at the Chemehuevi Indian Reservation, which I plan to attend.

Based upon my personal experiences in attending the aforementioned Genesis Tribal Working Group Meetings, I am highly critical of the concept of a working group to make decisions as to how to spend mitigation funds. I base my opinion on the following:

- (1) The idea of a “pot” of money to be equally divided amongst CRIT and other area tribes does not begin to address the impact of the Genesis project’s removal of the footprint of the Mohave people on the land. Also, my understanding of Chemehuevi history is that we are

nomadic people, but we understood that the land associated with the Genesis project was Mohave land. During times of war and peace, we were present in the subject area. Therefore, given the significance of the land in terms of the footprint of the Mohave people and teachings of the Chemehuevi people, there has to be a better model than the present working group in terms of recognition and compensation for CRIT. In other words, the present working group model, which lumps all participating tribes into one group to fight over a small pot of money, does not address CRIT's significant concerns regarding the harms caused by the Genesis project or CRIT's unique ties to the land.

(2) There are still a lot of unknowns and uncertainties with the decision-making policies and procedures of the Genesis tribal working group. For example, I do not believe there was an option for discussion regarding the decision to dedicate the scholarship component of the mitigation funds for "STEM" disciplines (Science, Technology, Engineering and Mathematics) or studies supporting STEM disciplines. Why is the scholarship not open to students who want to pursue the study of trades such as electrical and plumbing? These are trades involved in the construction of large scale utility projects. Who was authorized to make such a value judgment over funds which are supposed to benefit tribal members? Also, I have objected to the deadline for students to apply for the scholarship program, however, the project owner appears to be pushing its own agenda for timing of the scholarship program. Finally, I do not understand why the participating tribes cannot simply receive funding for educational opportunities without the rules being imposed on us. This would also allow money which is being spent on a third party scholarship administrator to be distributed to the participating tribes for additional funding for educational opportunities.

All of the above examples point to my larger concern regarding the working group model: each participating tribe is a sovereign nation and therefore, governs and conducts business in its own way.

(3) The CEC and BLM staff who attend the Genesis working group meetings "play it" as though they have no oversight on behalf of the tribes. For example, we receive the meeting agendas for the working group meetings from a representative on behalf of the project owner, not CEC or BLM. Further, the CEC and BLM staff who attend the working group meetings act as though decisions regarding how to spend funds are not subject to agency review until after the fact. Their attitude is hard to believe because the document which I understands governs the implementation of the Genesis mitigation plan is known as "Appendix B(-) *Agency Oversight of Genesis Solar's Implementation of the Unit 1 Buried Resource Mitigation Program*". (Emphasis added.) In other words, the document itself gives oversight responsibility over the implementation of the mitigation program to the CEC and the BLM. Regarding the scholarship component of the mitigation plan, Appendix B provides, "(t)he Energy Commission CPM and the BLM Palm Springs Field Office Archaeologist shall have final decision-making power in the (scholarship) committee."¹ In sum, CEC and BLM staff "play both sides of the coin" but treat tribal concerns as though they are "words in the wind".

¹ See *Appendix B Agency Oversight of Genesis Solar's Implementation of the Unit 1 Buried Resource Mitigation Program*, B-14.

(4) Finally, there is presently a dispute regarding whether the project owner is allowed to use mitigation funds to pay for outside consultants and working group meeting expenses. To date, it does not appear that CEC and BLM have prevented the project owner from doing so, forcing the participating tribes to object to the use of mitigation funds for such purposes.

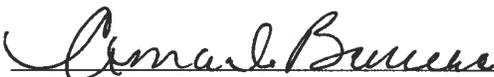
Testimony of Councilwoman Amanda Barrera

I, Amanda Barrera, declare as follows:

- 1) I am presently serving as a Tribal Council Member 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) I submit this testimony in support of CRIT's opposition to the proposed Amendment to the Palen Solar Electric Generating System.
- 5) It is my professional opinion that the attached testimony is true and accurate with respect to the issues that are addressed.
- 6) 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: June 25, 2014
AT: Parker, AZ


Amanda Barrera