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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 8036: Rebuttal Testimony of Councilwoman Amanda Barrera

Regarding Proposed Modifications to CUL-1

REBECCA LOUDBEAR (Wisc. State Bar No. 1036107)
NANCY H. JASCULCA (State Bar No. 236350)
COLORADO RIVER INDIAN TRIBES
Office of the Attorney General
26600 Mohave Road
Parker, AZ 85344
Telephone: (928) 699-1271
Facsimile: (928) 669-1269
Rloubbear@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

STATEMENT

I have reviewed the supplemental cultural resources testimony prepared by California Energy Commission Staff and Consultants Michael McGuirt, Thomas Gates, and Lorey Cachora (TN# 202480) and offer the following rebuttal testimony:

1. While I reiterate that no amount of monetary compensation is sufficient to reduce the cultural resource impacts of this Project to a less-than-significant level, I must look to the future generations of our people and their inherited rights. Consequently, I concur that further increases to CUL-1B are justified based on greater-than-anticipated glint and glare impacts, necessary increases to CUL-1A, the involvement of 15 tribes, the potential impacts from avian deterrence measures, and the costs associated with staffing any Native American Advisory Group. *See* CEC Staff Supplemental Testimony at 28-29.

2. In response to CRIT's concerns about the functionality of the Genesis Tribal Working Group, CEC Staff offered their opinion on the feasibility of making funding disbursements to individual tribes. In particular, CEC Staff is concerned that it would be difficult to determine an equitable disbursement of funding and doing so would make it difficult to ensure that the mitigation funding would be used for projects that "preserve the nexus between impacts and mitigations." CEC Staff Supplemental Testimony at 31. Individual tribes, however, are in the best position to determine how to compensate for the specific harms caused by the Project, and should not be required to persuade other tribes to "vote" for their specific suggestions. Moreover, CEC Staff could require that tribes demonstrate that the money is spent or will be spent on cultural resource mitigation projects if the funding is individually allocated. In sum, CEC staff proposals on funding disbursements and engaging with tribes through a working group continue to ignore the fact that tribes are "nations within a nation." Tribes are sovereign governments and subject to their own governing laws and procedures. When engaging with tribes, CEC must recognize that tribes are not municipalities or agencies within the State of California, but instead, tribes are independent, sovereign nations.

3. CEC Staff also suggests the following "improvements" to the Tribal Working Group model: (a) requiring each tribe to identify a tribal representative and proxy representative, and (b) implementing "parliamentary procedures for deliberating, particularly when the group must vote on an agenda item." CEC Staff Supplemental Testimony at 31-32. As CRIT recently informed the Genesis Working Group facilitators, under CRIT's own laws and procedures, all significant decisions regarding preservation of the Tribe's cultural resources must be made by the Tribal Council; they cannot be delegated. The suggested "improvements" are inconsistent with this decision-making structure. For CRIT to participate in the Native American Advisory Group, CRIT must be permitted to send representatives solely to gather information for the CRIT Tribal Council to consider and act upon.


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: July 17th, 2014
AT: Parker, AZ


Amanda Barrera

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