

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	202815
<b>Document Title:</b>	Intervenor CRIT Request to Clarify
<b>Description:</b>	N/A
<b>Filer:</b>	Winter King
<b>Organization:</b>	Shute, Mihaly & Weinberger LLP
<b>Submitter Role:</b>	Intervenor
<b>Submission Date:</b>	7/25/2014 2:04:09 PM
<b>Docketed Date:</b>	7/25/2014

**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

**INTERVENOR COLORADO RIVER INDIAN TRIBES**  
**REQUEST TO CLARIFY CEC CULTURAL RESOURCES OPENING STATEMENT  
AND CEC STAFF PREHEARING CONFERENCE STATEMENT**

REBECCA LOUDBEAR (Wisc. State Bar No. 1036107)  
NANCY 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

On July 21, 2014, California Energy Commission Staff filed its Prehearing Conference Statement and Exhibit List (TN# 202775). On July 23, 2014, CEC Staff filed its Evidentiary Hearings California Energy Commission Cultural Resources Opening Statement (TN# 202785). Both documents attempt to characterize the position of the Colorado River Indian Tribes (“CRIT”) regarding proposed mitigation measure CUL-1. As CEC Staff erroneously characterizes this position, CRIT requests that CEC Staff revise these documents in advance of the evidentiary hearing next week.

*Prehearing Conference Statement*

CEC Staff’s Prehearing Conference Statement includes the following language: “CRIT supports the funding amount included in Staff’s proposed CUL-1, but has concerns with the Native American Advisory Group. (Ex. 8036).” Statement at 3. This language severely overstates Exhibit 8036. Councilwoman Amanda Barrera indicated she supported *further increases* to CUL-1B for the additional reasons identified in Staff’s Supplemental Testimony (CEC Staff Supplemental Testimony at 28-29), but she did not indicate any support for the funding amount included in Staff’s proposed CUL-1. As CRIT representatives have repeatedly stated, no amount of monetary compensation is sufficient to reduce the cultural resource impacts of the Palen Project.

*Cultural Resources Opening Statement*

Similarly, the powerpoint slides indicate a “CRIT Position” that CUL-1A should be set at \$3,203,273 and that CUL-1B should be set at \$2,110,000. Powerpoint at 9. As described above, CRIT has not taken this position or otherwise indicated that Staff’s proposed figures are adequate. While CRIT appreciates that CEC Staff is attempting to synthesize the various positions of the parties for the benefit of the Commission, CRIT respectfully requests that CEC Staff allow CRIT to present its own positions during the evidentiary hearings, rather than have CEC Staff first present their interpretation of those positions.

DATED: July 25, 2014

COLORADO RIVER INDIAN TRIBES

By:           /s/ Rebecca Loudbear            
REBECCA LOUDBEAR  
NANCY JASCULCA

Attorneys for Intervenor Colorado River Indian  
Tribes

DATED: July 25, 2014

SHUTE, MIHALY & WEINBERGER LLP

By:           /s/ Sara A. Clark            
WINTER KING  
SARA A. CLARK

Attorneys for Intervenor Colorado River Indian  
Tribes

610608.1