TWENTY-NINE PALMS BAND OF MISSION INDIANS
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October 13, 2023

Stephen Dopudja, P.E., President
Dopudja & Wells Consulting
6789 Qual Hill Parkway, #421
Irvine, California 92603

**RE: Twenty-Nine Palms Band of Mission Indians' Comment Letter on Alternative Governance and Electricity Services Study**

Dear Mr. Dopudja,

On behalf of the Twenty-Nine Palms Band of Mission Indians ("Tribe"), I thank the Riverside and Imperial County Local Agency Formation Commissions ("LAFCO") for their efforts to prepare the Alternative Governance and Electricity Services Study, dated March 2023 and as supplemented on September 19, 2023 (collectively "LAFCO Study"). Moreover, we thank you for LAFCO's willingness to extend the comment period to October 15, 2023, and for supplementing the Study with responses to the initial round of comment letters. The Tribe submits these comments as both a major stakeholder and as a sovereign government with a critical need to supply reliable and affordable electricity services to support its economic development activities and government operations. As a result, the Tribe is committed to ensuring that the future of electric utility services to the Coachella Valley reflects these values.

## BACKGROUND OF THE TRIBE

To understand the Tribe's comments, it is important to understand at least some of our history. The Twenty-Nine Palms Band of Mission Indians is a federally recognized Native American tribe headquartered on its Reservation lands in the Coachella Valley. We are descendants of the Chemehuevi people, a peaceful and nomadic Tribe whose territory once covered parts of California, Utah, Arizona, and Southern Nevada. Our Reservation lands were first established by the Executive Order of 1895 in Twentynine Palms, San Bernardino County, and an additional Reservation was patented in 1910 in Coachella, Riverside County, where our current governmental operations are located. However, our ties to this and the surrounding land go back much further.

The Tribe began as hunter and gatherers, initially inhabiting a vast region, whose territory once spanned four states. As experienced by most Indian tribes, eventually the Tribe was forced to cease their hunting and gathering and forced away from our lands and traditional practices. Small groups of the Chemehuevi lived throughout the Mojave Desert between the Colorado River and

the contemporary town of Twentynine Palms before settling at the Oasis of Mara in Twentynine Palms in the 1860s. However, in 1875, the State of California filed a claim on the entire Oasis, ignoring the aboriginal rights of the Chemehuevi to their homelands. Shortly afterward, the State of California sold the Oasis of Mara to the Southern Pacific Railroad, all without the permission or knowledge of our people.

While the government permitted the Tribe to stay near the Oasis for a number of years, in approximately 1909, the Tribe moved to the Coachella Valley, where we had a close association with the area and people of the area. Indeed, members of the Tribe had worked on ranches in the eastern side of the Coachella Valley for many years prior as a source of income for the Tribe.

Following this move to Coachella, the United States issued a trust patent jointly to the Tribe and the Cabazon Band of Mission Indians for this Reservation. In the 1970s, the Reservation was divided between the Tribe and the Cabazon Band, with Twenty-Nine Palms Band of Mission Indians taking control of approximately 210 acres. The Tribe petitioned Congress to create the Twenty-Nine Palms Reservation from the 210 acres, which was completed in 1975.

Today, the Tribe has established business enterprises and governmental operations on its sovereign lands, with Spotlight 29 Casino and the Tribal Government Offices headquartered in the city of Coachella, and Tortoise Rock Casino near the town of Twentynine Palms. The Tribe provides employment to over 700 people, contributes to the community through charitable contributions, and maintains a strong government-to-government relationship with neighboring cities, counties, the State of California and the federal government.

## COMMENTS TO LAFCO STUDY

### I. Consider Additional Information on Tribal Participation in Energy Provision

The Tribe submits the following general comments to the LAFCO Study and its need to include the participation of Indian tribes as a critical component of governance and energy provision:

#### A. Incorporate additional analysis and recommendations related to the ability of a tribal government to participate in the proposed governance structures.

The LAFCO Study takes an unnecessary and limited view of the ability of Indian tribes to participate in a governing body. For instance, Option 1.D – "Coachella Valley Parties Establish a Joint Powers Authority with IID" – states that "California Indian Tribal governments can join JPA's with legislative permission" but does not provide any information regarding what type of legislative permission is required or the likelihood of receiving such permission, among other things.

#### B. Incorporate additional analysis and recommendations related to the benefits and impacts that each governance structure would have on tribes.

There is little to no information in the study that addresses how Indian tribes would or could be impacted. Indian tribes are major community stakeholders and energy users. Tribes maintain

strong government-to-government relationship with neighboring cities, counties, the State of California and the federal government and, in many cases, consultation with Indian tribes is a requirement of state and federal law.

### C. Consider tribal participation in energy generation and delivery.

Indian Tribes are valuable partners, not only on governance matters, but on opportunities for energy generation to service the Coachella Valley. Tribes benefit from unique opportunities, including dedicated lending from the Department of Energy, as well as permitting and regulatory opportunities that are not available to non-tribal entities.

## II. Comments to Each Governance Alternative

The Tribe submits the following comments specific to each governance alternative identified in the LAFCO Study:

### A. Governance Option 1.A (at p. 46) – "Maintain status quo"

Without question, the Tribe opposes any path forward that puts the Imperial Irrigation District ("IID") in direct and predominant charge of delivering power to the Coachella Valley. As you know, IID has historically opposed any form of local representation on its Board of Directors and, as a result, the Coachella Valley and Indian tribes remain its lowest priority. This option maintains the existing service and governing structure controlled by IID. It relegates Coachella Valley stakeholders to a limited advisement capacity to the IID Board, without actual representation or governance input. Moreover, funding for upgrades to the Coachella Valley service area would be provided directly by the stakeholders, including Tribes, without addressing their lack of representation.

As a major Coachella Valley stakeholder, under the status quo, the Tribe would continue to be excluded from direct governance in, or representation on, or participation in the provision of electrical service. In short, Option 1. A does not respect tribal sovereignty and does not ensure adequate representation of tribal governments nor open the door to possible tribal participation. The Coachella Valley would be better served by a locally represented cooperative utility and the Tribe can and should be a critical partner on long-term planning for how power is delivered to the eastern Coachella Valley.

The Tribe strongly submits that this is not a viable option.

### B. Governance Option 1.B – "Annex Coachella Valley service territory into IID"

Although this option has the potential to address representation of Coachella Valley stakeholders, it has been aggressively opposed by IID historically and currently in response to the LAFCO Study. Expanding IID's influence and territory under this option would likely continue the adversarial nature between IID and the Coachella Valley stakeholders. Moreover, it does not create sufficient room for tribal representation or involvement, as the Tribe would likely be subsumed within the redistricting allowed under this option.

### C. Governance Option 1.C – "Create IID sub-Board of Directors to provide oversight on all electrical service provisions related to Coachella Valley, and establish an electrical service jurisdictional boundary for IID's Coachella Valley service territory"

This option raises the same concerns as Options 1.A and 1.B. The Tribe would still lack direct governance control, or representation in, or participation in the provision of electrical service to its lands, particularly because the sub-Board would still answer to IID, who has opposed any local input in its governance.

### D. Governance Option 1.D – "Coachella Valley Parties Establish a Joint Powers Authority with IID"

Although this option presents certain aspects that would ensure local representation, IID and the Coachella Valley Parties' interests remain largely at odds, which could severely curtail the opportunities for consensus on decision-making and accountability to ratepayers.

### E. Governance Option 2.A – "Dissolution and merger with an Investor-Owned Utility"

The Tribe strongly opposes consideration of merger with an Investor-Owned Utility, as it would exclude local participation in utility elections. Critically, this option would substantially increase utility rates and fees, and capital investments to improve electrical facilities would be uncertain and within the Investor-Owned Utility's control.

### F. Governance Options 2.B, 2.C, and 2.D. – New Public Utility District, Vertically Integrated Public Utility District, Community Choice Aggregation

For purpose of this comment letter, the Tribe generally supports further exploration of these options, as they each provide stakeholder representation and independence from IID. As discussed below, the Tribe requests that LAFCO incorporate additional information and analysis on these options, as they create substantial financial considerations and long-term planning. Additionally, the Tribe requests that each of these options explicitly include participation by shareholder Tribes.

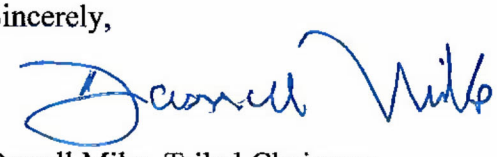
## III. Comment Regarding the Lack of Financial Analysis

The lack of financial information as it relates to IID's assets and capital improvements to the Coachella Valley service territory disheartens the Tribe. Such information is critical to evaluate each stakeholder's analysis and comment on the available alternatives. Withholding such information and analysis will only support a status quo approach and undermine further exploration of alternative Governance Options. The Tribe requests LAFCO to continue to pursue and develop such information without further delay.

**CONCLUSION**

On behalf of my Tribe, I thank you for your consideration of our comments on the LAFCO Study, and once again, thank you for your efforts thus far. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Darrell Mike, Tribal Chairman
Twenty-Nine Palms Band of Mission Indians