

## DOCKETED

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**STATE OF CALIFORNIA**  
**Energy Resources**  
**Conservation and Development Commission**

In the matter of:

SONORAN ENERGY PROJECT  
Amendment (formerly BLYTHE  
ENERGY PROJECT PHASE II)

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DOCKET NO. 02-AFC-01C

**PETITION TO INTERVENE BY THE  
COLORADO RIVER INDIAN TRIBES**

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## PETITION TO INTERVENE

The Colorado River Indian Tribes (“CRIT” or “Tribes”) hereby petitions the California Energy Commission to intervene in the proceedings for Sonoran Energy Project (formerly Blythe Energy Project Phase II) (“Sonoran Project”), pursuant to Public Resources Code section 25214 and the California Code of Regulations, title 20, section 1211.7. Under applicable regulations, any person or group has the right to file a petition to intervene in any California Energy Commission proceeding. 20 C.C.R. § 1211.7(a).

CRIT is a federally recognized Indian tribe comprised of over 4,200 members from four distinct tribes—the Mohave, Chemehuevi, Hopi, and Navajo. The approximately 300,000-acre Colorado River Indian Reservation sits astride the Colorado River between Parker, Arizona and Blythe, California. The ancestral homelands of the Colorado River Indian Tribes’ members, however, extend far beyond the Reservation boundaries. Significant portions of public and private lands in California, Arizona, and Nevada were occupied by the ancestors of the Colorado River Indian Tribes’ Mohave and Chemehuevi members since time immemorial. These landscapes remain imbued with substantial cultural, spiritual, and religious significance for the Tribe’s current members and future generations. For this reason, we have a strong interest in ensuring adequate CEC review of energy projects proposed in the Blythe area, including the Sonoran Project.

As CRIT has previously explained, the Tribes also have water rights to the Colorado River. The Sonoran Project Amendment, which proposes reliance on “groundwater,” is located in the alluvial flood plain of the Colorado River. Any water that is underground at this location is likely either seepage from the Colorado River or return flow from agriculture lands; indeed, the Project proponent has not provided technical data to indicate that it will be relying on groundwater that is hydrologically distinct from water connected to the River. As the water

supply for the Project is key to determining whether the Commission should require dry cooling as part of the proposed amendment, the Project proponent's water supply must be clearly identified and legally established prior to Commission approval. CRIT's participation will provide Commission with a more comprehensive understanding of the significance of the Project's potential water use impacts, especially in light of tribal cultural and legal interests. To this end, CRIT has met with California Energy Commission staff, and provided comments on the Preliminary Staff Assessment for the Sonoran Project Amendment.

CRIT now requests Intervenor status in this proceeding to better protect its water and cultural resources, including archaeological resources, trails, sacred places, plants and wildlife, and the visual landscape, from adverse impacts. As indicated by the Staff Assessment, the Sonoran Project has the potential to result in adverse and unmitigated impacts to water resources and many of the existing cultural resource mitigation measures need to be reexamined in light of new information. CRIT has a distinct and unique interest in the protection of cultural and water resources, an interest that is currently underrepresented in the proceedings. Consequently, such participation will provide the California Energy Commission with relevant information related to cultural resource and water use impacts during its consideration of the project application, in order to ensure that both the Commission's consideration of the Sonoran Project application, and any potential construction or operation, comply with applicable law.

At this time, CRIT intends to fully participate as a party in the proceedings, if this Petition is granted by the California Energy Commission.

Under the California Energy Commission regulations, a petition to intervene must be filed by the pre-hearing conference *or* 30 days prior to the evidentiary hearings, whichever is earlier. 20 C.C.R. § 1211.7(b). This Petition is filed more than thirty days prior to the evidentiary

hearing, which has not yet been scheduled. The Notice of Availability of the Final Staff Assessment Part A explained that “[a]n Energy Commission Committee assigned to the petition will hold evidentiary hearings on the FSA Parts A and B,” but a new Committee Scheduling Order has not been issued. CRIT understands that Staff currently are waiting for the Affected System Impact Study from Southern California Edison in order to complete the Transmission System Engineering analysis for FSA Part B. *See* Notice of Availability of the Final Staff Assessment for the Sonoran Energy Project Amendment (August 11, 2016, TN# 212735); *see also* Committee Scheduling Order (August 5, 2016, TN# 212638); Sonoran Energy Project – Status Report – No. 11 – 20160930 (September 30, 2016, TN# 213861).

CRIT will be represented in this proceeding by the counsel identified below. All filings should be served on CRIT’s counsel (email service is preferred):

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CRIT respectfully requests that the California Energy Commission grant its Petition to Intervene in this proceeding and allow CRIT to participate as a party.

DATED: October 4, 2016

SHUTE, MIHALY & WEINBERGER LLP

By:           s/ Sara A. Clark          

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