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Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	206018
Document Title:	Colorado River Indians Tribes' Supplemental Response to Petition to Extend -
Description:	Commencement of Construction
Filer:	Winter King
Organization:	Shute, Mihaly & Weinberger LLP
Submitter Role:	Intervenor
Submission Date:	9/8/2015 2:02:23 PM
Docketed Date:	9/8/2015

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
SUPPLEMENTAL RESPONSE TO PETITION
TO EXTEND COMMENCEMENT OF CONSTRUCTION

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On August 4, 2015, Abengoa SP Holdings LLC filed a petition to extend the existing deadline to begin construction on the Palen Solar Power Project. TN# 205632. Intervenor Colorado River Indian Tribes (CRIT or the Tribes) filed a response on August 19, 2015 opposing the petition based on the lack of good cause, the significant adverse impacts to public participation stemming from the sprawling docket and out-of-date information, and the ongoing likelihood of significant cultural resource impacts, including cumulative impacts. TN# 205778.

On August 27, 2015, Abengoa SP Holdings LLC filed a Response Letter containing a significant “clarification.” TN# 205854. Instead of pursuing a tower project with storage as discussed in the media and hinted at in the petition, the letter stated that Abengoa will now pursue a solar trough project with storage. It is unclear why Abengoa did not provide this information with its initial petition given the significant public interest in the project and the potential changes to technology. CRIT concurs with the Center for Biological Diversity that this new information should be re-noticed and subject to a new public comment period. *See* TN# 205970.

Moreover, this proposed change amplifies CRIT’s concerns about the project. Construction of solar trough projects requires significantly more grading than other renewable energy projects, as the project developers require flat surfaces on which to construct the parabolic troughs. In the event of an unanticipated cultural resource find, solar trough projects also offer far less flexibility to avoid important sites. As the Commission is aware, it is exactly this type of technology that resulted in the unearthing of thousands of artifacts during the construction of the Genesis Solar Energy Project when project developers claimed they were unable to modify the project footprint after an initial discovery occurred.

Abengoa previously acknowledged the significantly increased cultural resource impacts likely to result from the use of solar trough technology. *E.g.*, TN# 68910; *see also* TN# 200442 (Final Staff Assessment acknowledges that the parabolic trough technology would “increase the lateral extent and the depth of physical ground disturbance on the facility site due to the extensive earthwork that would be required” thereby increasing the potential for direct cultural resource impacts). Abengoa also relied on the lack of grading work to distinguish their project from Genesis and to claim that the discovery at that site presented no significant new information for the Commission to consider. TN# 200969 at 7. From CRIT’s perspective, this proposed modification represents a step backward toward a more destructive project. As a result, CRIT urges the Commission to deny the petition to extend project deadlines and instead require a complete and up-to-date environmental analysis of the proposed solar trough technology.

DATED: September 8, 2015

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