

Protests over Valley solar projects called a ploy

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A statewide labor group accused of fighting power plants on environmental grounds just to win job contracts has set its sights on the Valley's young solar industry.

California Unions for Reliable Energy is scrutinizing dozens of solar-project proposals between Bakersfield and Fresno and, in partnership with a handful of local residents, recently submitted challenges to three ventures in Fresno County.

The group claims that the Fresno County projects don't live up to state environmental standards, potentially ruining wildlife habitat and bringing traffic and air pollution.

But county officials, solar advocates and even other labor organizations say the objections are merely a ploy to gain leverage and negotiate high-paying work for members.

"It's extortion," said Fresno County Planning Commissioner Barbara Ferguson, who believes the group will drop its environmental protests once its labor demands are met. "Their agenda is simply to get these projects manned by union folks."

The group denies the charges.

"Our clients don't have an underlying motive," said Ellen Trescott, an attorney whose Sacramento firm represents both CURE and Fresno County Citizens for Responsible Solar, the coalition it registered the local protest with. "We've been around for a long time and we've made a lot of significant environmental advancements."

Critics worry that CURE's opposition, whatever its intention, could have a chilling effect on the scores of solar projects proposed in the region. The protest can drive up costs and delay construction, critics say, all at a time when jobs and renewable energy are in high demand.

"Developers will learn that coming to Fresno, you're going to get an automatic challenge," said Steve Geil, recently retired president of the Economic Development Corporation serving Fresno County. "They're not going to come here. They're going to find a place to go where it's easier."

Solar developers already face a share of hurdles in the Valley, from local policymakers skeptical of the new technology to others worried about productive farmland being used for solar arrays.

The Fresno County Planning Commission so far has dismissed CURE's environmental objections. The commission approved two of the projects that the group contested, although CURE and its

partners have since filed appeals. The Board of Supervisors has yet to hear the appeals.

Both of the disputed projects are on the county's rural west side, where nearly three dozen solar plants are proposed.

The third project challenged by CURE has not been taken up by the Planning Commission.

CURE's interest in the Valley, its representatives say, is getting in on the ground floor of the growing solar industry.

The group wants to make sure new projects are environmentally responsible so that local union workers have healthy communities to reside in, Trescott said. "We're living and working around these project sites."

Critics call the concern disingenuous, however. They say CURE has a history of forgetting its environmental objections once it secures agreements for construction jobs for its member unions.

CURE is affiliated with the State Building and Construction Trades Council of California, which represents some 200 labor unions and councils made up of electricians, iron workers and cement masons. Among CURE's members is the International Brotherhood of Electrical Workers.

The local chapter of IBEW, working with CURE's attorneys, fought an energy project at Fresno Yosemite International Airport five years ago, citing environmental issues. The chapter was accused of "greenmailing" to get union jobs, a charge that the union denied.

Jan Smutny-Jones, executive director of the trade group Independent Energy Producers Association in Sacramento, has advised energy developers who have faced environmental challenges from CURE.

"You can sign a project labor agreement with CURE and get your project through quickly or not sign one and your project will take another year," said Smutny-Jones. For many of the developers, he noted, "time is money and time is really what's at issue."

Smutny-Jones said CURE has proved successful at leveraging environmental law to win labor agreements, particularly at solar thermal plants. These projects, which have been built in the deserts of Southern California, require approval from the state.

The photovoltaic projects proposed in the Valley -- which make electricity directly, in contrast to thermal plants, which create heat to run generators -- require county or city approval. This, Smutny-Jones said, is forcing CURE to take its protest to local policymakers, where the group's track record is less proven.

The two developers in Fresno County whose projects have been appealed by CURE declined to comment on the labor group. So did other developers with solar proposals in the Valley, saying they did not want to risk their relationship with local unions.

The companies facing appeal, San Francisco-based Silverado Power and Santa Monica-based Solar Reserve, both said they had taken extensive measures to comply with state environmental

law.

Both projects also are supported by Defenders of Wildlife, a group that, like CURE, has raised environmental objections with Valley proposals.

"We went above and beyond our obligations for the project," said Joel Link, a vice president for Solar Reserve, which is proposing a plant 12 miles west of Firebaugh.

CURE's appeal to Link's project, which entails roughly 700 pages of environmental concerns -- from potential harm to water supplies to inadequate study of ecological risks -- was scheduled to be heard by the Board of Supervisors earlier this year. Shortly before the hearing, however, both sides agreed to meet privately and work out their differences.

Link declined to discuss the negotiations.

Trescott, representing CURE, couldn't discuss details. She said the group will advocate for good-paying jobs when it meets with developers, but it keeps labor negotiations separate from environmental negotiations.

The group, she said, won't drop an environmental objection in exchange for labor concessions and, in the past, only backed off environmental challenges when developers addressed the environmental problems.

The second appeal from CURE was submitted Friday, and the group and the developer haven't spoken, the developer said. The project at issue is near San Joaquin.

CURE is examining other solar projects in Fresno County as well as Kings and Kern counties, where planning offices have confirmed dozens of information requests from the group.

"A lot of times, you can expect the power project to get backed up," said Nicole Goehring, government affairs director with the trade group Associated Builders and Contractors of Northern California, "unless you give in to extortion."