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**PREHEARING CONFERENCE STATEMENT
AND EXHIBIT LIST
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

The California Department of Fish and Wildlife (CDFW) has requested Intervenor Party status for the limited purpose of presenting evidence regarding the potential impact of the use of one hundred percent recycled water on the water balance in the area, and the resulting potential impact on nearby biological resources. CDFW has no opinion regarding other subject areas and whether or not those other subject areas are ready to proceed to Evidentiary Hearing.

Subject Area Upon Which CDFW Proposes to Introduce Testimony in Writing Rather than Through Oral Testimony

On February 29, 2016, CDFW submitted Answers to Committee Questions 1a and 1b. The CDFW staff person who prepared those answers signed a declaration as to accuracy with that submission. CDFW proposes that it not present oral testimony in support of those written answers and declaration. In the alternative, Alisa Ellsworth, the CDFW witness regarding those answers can participate in the hearing on March 15, 2016 by telephone.

Subject Areas that Remain Disputed and Require Adjudication and the Precise Nature of the Dispute.

CDFW written testimony indicates that the use of one hundred percent recycled water at the HDPP could significantly negatively impact the water balance in the subarea where it is located, and thus negatively impact biological resources in that same area. CEC staff have concluded that transitioning the HDPP to one hundred percent recycled water would mitigate the otherwise potentially significant impact of HDPP pumping groundwater from that subarea for its operations. CDFW has not seen a hydrogeological analysis done by the CEC to support that conclusion or such an analysis to support a conclusion that a transition to one hundred percent recycled water would not otherwise itself cause a significant impact to the water balance in the area or to the biological resources in the area.

CDFW Witness and Subject Area

At the Evidentiary Hearing, CDFW plans to have its witness, Kit Custis, available to briefly summarize his testimony and answer any questions the California Energy Commission may have. Mr. Custis will appear in person, not telephonically. Mr. Custis is a registered geologist and certified hydrogeologist, and will testify regarding the potential impacts to the water balance of the subarea if HDPP were to be required to use one hundred percent recycled water. As stated above, CDFW Witness Alisa Ellsworth is available to briefly summarize her responses to Questions 1a and 1b or answer questions the Commission or parties may have.

Subject Areas Which CDFW Intends to Question Other Parties

CDFW does not at this time know if it will desire to ask questions of any Party, and requests that it be allowed to reserve the right to ask questions after seeing the Rebuttal Testimony submitted and oral testimony of other parties.

CDFW Respectfully Requests Intervenor Status

As described in the March 1, 2016 submittal to the CEC, CDFW has in the past fully participated in hearings regarding HDPP before the CEC. CDFW has also participated in the litigation that resulted in the Mojave River Judgment and is active in the implementation of that Judgment. HDPP is located in the Alto Subarea, as described in the Mojave River Judgment. CDFW is also the state agency that holds the fish and wildlife resources of the state in trust for the people of the state (Fish and Game Code §711.7) and is interested in participating in this proceeding to better protect such resources.

CDFW Exhibit List

Proposed Exhibit Number	TN	Title	Subject Area
3000	210554	CDFW Answers to Committee Questions 1a and 1b	Biological Resources
3001	210565	CDFW Opening Testimony	Water Resources/ Biological Resources