

## DOCKETED

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**STATE OF CALIFORNIA**

**Energy Resources Conservation and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION  
OF THE PUENTE POWER PROJECT

DOCKET NO. 15-AFC-01

Center for Biological Diversity's  
Second Pre-Hearing Conference  
Statement with Exhibit List

**CENTER FOR BIOLOGICAL DIVERSITY'S SECOND  
PREHEARING CONFERENCE STATEMENT**

**EXHIBIT 7033**

July 21, 2017

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**Center for Biological Diversity  
Second Prehearing Conference Statement**

The following prehearing conference statement is timely submitted for the Committee hearings scheduled to be held on July 26, 27 and 28 in Oxnard, California.

**1. The subject areas and issues in dispute that require adjudication, limited to those subjects described on page 2, above, and the precise nature of the dispute for each issue;**

Of the subjects described on page 2 that will be the focus of the July 2017 hearings,<sup>1</sup> the Center asserts that the subject areas and subtopics related to biological resources, coastal flooding, the effects of smaller turbine(s) on aviation at alternative sites, and the Proposed Project's eventual closure all remain in dispute.

For biological resources: the presence of various species and biological resources on site, in buffer areas, or on alternatives sites, the presence of ESHA, and the impacts to these resources all remain in dispute.

For coastal flooding: the modeling and other evidence showing the likelihood of flooding affecting the proposed project site and potential hazards from any such flooding remain in dispute.

For the use of smaller turbines at alternative sites: the effects on aviation remain in dispute.

For eventual closure of the proposed project if built, the impacts of demolition and removal of the proposed project at the time of its eventual closure in comparison to demolition and removal of the existing MGS 1 and during construction including whether this issue is properly framed to capture and address all potentially significant impacts.

**2. The subject areas upon which the party proposes to introduce testimony in writing rather than through oral testimony;**

The Center has not submitted any new written testimony for the July 2017 hearings.

**3. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically;**

The Center is not sponsoring any witnesses for the July 2017 hearings.

**4. Subject areas upon which the party desires to question the other parties'**

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<sup>1</sup> The Center respectfully reserves the right to address any and all disputed issues at later stages of this process, including but not limited to, during briefing and in response to any PMPD.

witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to specify the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.); and

The Center desires to question witnesses regarding many of the subtopics at this hearing.

If informal process is used the Center anticipates:

Questions regarding biological resources to the panel regarding new survey information and analysis will take approximately 20 minutes.

Questions regarding soil and water/coastal flooding to the panel regarding modeling and potential impacts will take approximately 10 minutes.

Questions regarding the impacts of closure to the panel regarding the assumptions in the analysis will take approximately 10 minutes.

If formal process is used the Center anticipates questions as follows:

<b>Subject Area</b>	<b>Witness</b>	<b>Scope of Questions</b>	<b>Time estimate:</b>
<u>Biological Resources</u>	Staff: Carol Watson and/or Jon Hilliard	<ul style="list-style-type: none"> <li>• Results of surveys</li> <li>• Wetlands and ESHA at proposed site and alternatives sites</li> <li>• Proposed conditions of certification and minimization and mitigation measures and plans</li> </ul>	5-10 min
	Applicant: Julie Love (and Ivan Parr)	<ul style="list-style-type: none"> <li>• Conduct of new surveys</li> <li>• results of surveys</li> <li>• assumptions and analysis regarding presence of wetlands and ESHA</li> </ul>	5-10 min
	EDC: Lawrence Hunt	Regarding conduct and results of surveys and indicators of wetlands and ESHA on and near the project site	5-10 min
<u>Soil and Water/Coastal Flooding</u>	Staff: Marylou Taylor and Mike Conway	Assessment of flooding and potential risks; modeling limitations and conclusions	5 min
	Applicant: Phillip Mineart	Assessment of flooding and potential risks; modeling limitations and conclusions	5 min
	City of Oxnard:	Assessment of flooding and potential risks; modeling limitations	5 min

	David Revell	and conclusions	
<u>Eventual Closure of Proposed Project</u>	Staff: (various)	Comparison of demolition and removal of proposed Puente project to demolition and removal of MGS 1 and 2, no consideration of 30 years of ongoing additional impacts to visual resources and other resources	5 min
	Applicant: Anne Connell	same	5 min.

**5. A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing. Do not list exhibits previously identified in connection with the February 7-10, 2017 Evidentiary Hearings.**

The Center does not intend to offer new evidence at the July 2017 hearings.

Dated: July 21, 2017

Respectfully submitted,

/s/ Lisa T. Belenky  
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