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Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	220308
Document Title:	Applicant's Prehearing Conference Statement (July 26-28, 2017 Evidentiary Hearings)
Description:	N/A
Filer:	Paul Kihm
Organization:	Latham & Watkins LLP
Submitter Role:	Applicant Representative
Submission Date:	7/21/2017 4:09:44 PM
Docketed Date:	7/21/2017

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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: APPLICATION FOR CERTIFICATION FOR THE PUENTE POWER PROJECT	)))))))	Docket No. 15-AFC-01 APPLICANT'S PREHEARING CONFERENCE STATEMENT (JULY 26-28, 2017 EVIDENTIARY HEARINGS)

Pursuant to the July 10, 2017 "Notice of Evidentiary Hearing and Related Orders" (TN #220100-1) (the "July 10 Orders") issued by the Committee in connection with its review of the Puente Power Project (the "Project"), Applicant hereby submits its Prehearing Conference Statement. The July 10 Orders require the parties' Prehearing Conference Statements to include the information specified in the numbered headings 1-5 below.

1. <u>The subject areas and issues in dispute that require adjudication, limited to those subjects described on page 2, above, [of the July 10 Orders] and the precise nature of the dispute for each issue.</u>

As specified in the July 10 Orders, and the March 10, 2017 "Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings" (TN #216505) (the "March 10 Orders"), the relevant topics for the upcoming hearings are: i) coastal flooding; ii) biological resources; iii) effects of smaller turbine(s) on aviation at alternative sites; and iv) the proposed Project's eventual closure.

Coastal Flooding

Applicant concurs with the analysis and conclusions of the CEC Staff as set forth in its Soil and Water Resources Supplemental Testimony contained in the June 13, 2017 "Staff's Supplemental Testimony Filed In Response To The Committee's March 10, 2017 Order For The Puente Power Project" (TN #218274), in which CEC Staff concludes:

> *Staff determined that the best approach to supplement the assessment of coastal flooding risk is utilizing CoSMoS 3.0 Phase*

2, which is consistent with the state guidance for sea-level rise (using the most recent and best available science, considering timeframe and risk tolerance, considering storms and other extreme events, and changing shorelines). Model results show that projected flooding for the 100-year event with 2.0 feet of sea level rise does not reach the project site. Analysis of flood risks identified in FEMA maps, adjusted to account for two feet of sea level rise, is consistent with flooding as projected by CoSMoS. Staff also evaluated CoSMoS model results for two more conservative sea level rise scenarios (4.9 feet and 6.6 feet) which indicate that projected water elevations would not cause Puente to cease operations. Therefore, based on CoSMoS 3.0 Phase 2 model results, staff concludes that mitigation for maintaining Puente reliability against flooding is not warranted, but continues to recommend SOIL&WATER-6 to monitor shoreline conditions and ensure no permanent flood control structures are implemented.[1]

Applicant also concurs with the analysis of the United States Geological Survey ("USGS"), as set forth in its presentation at the March 28, 2017 Staff Workshop on coastal flooding (TN #217282), in which USGS explains the following aspects of its CoSMoS Model:

- Explicit, high-resolution, dynamic modeling of waves, current, storm surge, flooding and beach change
- Considers the future evolution of storm patterns based on the latest Global Climate Models
- Uses state-of-the-art projections of (dynamically-downscaled) winds and waves to calculate surge and seas
- Extensively tested, calibrated, and validated with local, historic data on waves, water levels and coastal change
- Flood projections are based on dynamic wave set-up, i.e., any area that is wet for at least 1 minute during a storm scenario
- Flooding is determined by the dynamic interaction of the evolving profile and ocean conditions during the storm event, including dune erosion and overtopping, and also the preceding long-term evolution of the coast
- Coastal change projections are based on a series of strenuously tested, peer-reviewed models, and calibrated by the local behavior of the coast

[1] TN #218274 pdf p. 8 of 102.

- Predicts the horizontal and vertical evolution of the entire beach profile through time.[2]

Applicant concurs with the conclusion of the USGS based on its analysis of the Project site using the CoSMoS Model, including flooding projections for the 100-year storm event with and without coastal change, shoreline projections for the year 2050, tsunami risk, and the effects of sea level rise on the foregoing:

> *All phases of CoSMoS results show no significant risk of flooding to the project site for the 100 yr storm event at ~2050 (50 cm SLR) or for decades after.*[3]

As set forth in the July 14, 2017 "Expert Declaration of Phillip Mineart in Response to Supplemental Testimony of Dr. Revell" (TN #220215), and the June 15, 2017 "Expert Declaration of Phillip Mineart in Response to March 10, 2017 Committee Orders" (TN #218900), Applicant disagrees with significant aspects of intervener City of Oxnard's analysis and conclusions regarding costal hazards, as set forth in the June 15, 2017 "Supplemental Testimony of Dr. Revell" (TN #218873-1) and the July 14, 2017 "Closing Testimony of David Revell Phd on Proposed Puente Site" (TN #220221).

Biological Resources

Applicant concurs with the conclusions of the CEC Staff as set forth in its July 14, 2017 "Biological Resources Supplemental Testimony of Carol Watson and John Hilliard" (TN #220168), in which CEC Staff finds that "[t]he results of the applicant's focused surveys do not change staff's opinion with respect to the significance of the impacts of the project [as contained in the Final Staff Assessment]" and ". . . concludes that the project site does not constitute an Environmentally Sensitive Habitat Area, as no sensitive species were detected on the project site."[4]

Applicant has some questions related to the CEC Staff's proposed changes to proposed Condition of Certification BIO-10, which it intends to raise with Staff during the evidentiary hearings.

Applicant disagrees with significant aspects of intervener Environmental Defense Center's analysis and conclusions regarding biological resources, as set forth in the July 14, 2017 "Lawrence Hunt Supplemental Testimony" (TN #220216).

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[2] TN #217282 pdf p. 4 of 31.

[3] TN #217282 pdf p. 31 of 31.

[4] TN #220168 pdf p. 11 of 14.

Effects of Smaller Turbine(s) on Aviation at Alternative Sites

Applicant concurs with the analysis and conclusions of the CEC Staff, as set forth in its Traffic and Transportation Supplemental Testimony contained in the June 13, 2017 "Staff's Supplemental Testimony Filed In Response To The Committee's March 10, 2017 Order For The Puente Power Project" (TN #218274), in which CEC Staff concludes:

> *Energy Commission staff evaluated the use of alternative combustion turbine generator (CTG) designs at the two off-site alternatives for the Puente Power Project (Puente or project): the Del Norte/Fifth Street Off-site Alternative and the Ormond Beach Area Offsite Alternative. Staff determined that with the use of the alternative CTG designs (LM6000 and LMS100) at the alternative sites, the significance conclusions for impacts to aviation from thermal plumes would remain the same as for Puente [meaning the Project as designed located on the alternative site]at the alternative sites. For both CTG design alternatives, plume impacts to aviation at the Del Norte/Fifth Street Off-site Alternative would be significant and unmitigable, as with Puente. At the Ormond Beach Area Off-site Alternative, plume impacts from both alternative CTG designs would be potentially significant but less than significant with mitigation, as with Puente [same].*[5]

CEC Staff's analysis and conclusions are generally consistent with those of Applicant, as set forth in the June 15, 2017 "Expert Declaration of Gary Rubenstein in Response to March 10, 2017 Committee Orders" (TN #218887), in which Mr. Rubenstein concludes:

> *Therefore, Applicant concludes that use of multiple, smaller turbines at the two sites would not reduce or eliminate the previously identified potential impacts on aviation at either the Del Norte/Fifth Street or Ormond Beach Area Off-Site Alternative.*[6]

Intervener Environmental Defense Center's July 14, 2017 "Supplemental Testimony of Dr. H. Andrew Gray" (TN #220217) contends that the "Spillane Approach" utilized by CEC Staff to analyze thermal plumes is overly conservative and results in over-stating of the potential impacts to aviation. Without taking a position one way or another on Dr. Gray's critique, Applicant notes that use of less conservative methodologies or assumptions to analyze thermal plumes would result in reduced estimated impacts from all of the analyzed technologies at all of the analyzed sites, including the proposed GE7HA turbine proposed for the Project at the proposed location within the Mandalay Generating Station. Thus, the analysis does not alter the conclusions of CEC Staff and Applicant with respect to the relative impacts of the Project as proposed and the analyzed alternatives.

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[5] TN #218274 pdf p. 38 of 102.

[6] TN #218887 pdf p. 6 of 34.

Proposed Project's Eventual Closure

Applicant concurs with the analysis and conclusions of the CEC Staff, as set forth in its Compliance and Closure Testimony contained in the June 13, 2017 "Staff's Supplemental Testimony Filed In Response To The Committee's March 10, 2017 Order For The Puente Power Project" (TN #218274), which is generally consistent with the June 15, 2017 "Expert Declaration of Anne Connell in Response to March 10, 2017 Committee Orders" submitted by Applicant (TN #218891).

2. <u>The subject areas upon which the party proposes to introduce testimony in writing rather than through oral testimony.</u>

As directed in the March 10 Orders, Applicant filed supplemental written testimony on June 15, June 23, and July 14, 2017. The previously filed written testimony is identified in Table A below.

Table A
<u>Applicant's Written Testimony in Response to March 10 Orders</u>

Proposed Exhibit No.	Transaction No.	Title of Document	Subject Area	Filing Date
1155	218900	Expert Declaration of Phillip Mineart in Response to March 10, 2017 Committee Orders	Coastal Flooding	June 15, 2017
1156	218891	Expert Declaration of Anne Connell in Response to March 10, 2017 Committee Orders	Proposed Project's Eventual Closure	June 15, 2017
1157	218887	Expert Declaration of Gary Rubenstein in Response to March 10, 2017 Committee Orders	Effects of Smaller Turbine(s) on Aviation at Alternative Sites	June 15, 2017
1158	219898	Expert Declaration of Julie Love in Response to March 10, 2017 Committee Orders	Biological Resources	June 23, 2017

Proposed Exhibit No.	Transaction No.	Title of Document	Subject Area	Filing Date
1159	219886	Expert Declaration of Ivan Parr in Response to March 10, 2017 Committee Orders	Biological Resources	June 23, 2017
1160	220215	Expert Declaration of Phillip Mineart in Response to Supplemental Testimony of Dr. Revell	Coastal Flooding	July 14, 2017

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.

Table B below identifies the witnesses Applicant intends to sponsor at the evidentiary hearings, the subject area and format of their testimony, a brief summary of their testimony, and the estimated time for oral testimony. With the exception of Mr. Vandever, whose curriculum vitae is attached hereto as Attachment A, witnesses' qualifications were previously filed with written testimony. None of Applicant's witnesses will participate telephonically.

Table B
Applicant Sponsored Witnesses for Evidentiary Hearings

Witness	Subject Area	Format	Summary	Time Required for Oral Testimony
Phillip Mineart	Coastal Flooding	Written (see Table A above) and Oral	The CoSMoS 3.0 Model is the most advanced coastal hazard model available, and was used with appropriate local conditions by the CEC Staff and USGS to evaluate the Project site. The Nature Conservancy (TNC) model, which is the City of Oxnard's preferred model for predicting coastal impacts to P3, is overly conservative and provides unrealistic results. The beach fronting the P3 site has been historically accretional. This trend is expected to continue over the life of the Project and beyond. No data have been found to substantiate claims of dune erosion by the City's expert. The likelihood of multiple storm events large enough to impact the dunes occurring over the life of the Project is considered negligible. The predicted two feet of sea level rise by 2050 that CEC Staff used in its analysis is considered a conservative estimate (less than 0.5 percent of occurrence). Recent studies on potential tsunami hazards show that inundation of the Project site would be unlikely.	10 minutes for opening statement 30 minutes reserved for questions

Justin Vandever	Coastal Flooding	Oral	Analysis of flood risks identified in FEMA maps, adjusted to account for two feet of sea level rise, is consistent with flooding as projected by the CoSMoS 3.0 Model.	3 minutes for opening statement 10 minutes reserved for questions
Anne Connell	Proposed Project's Eventual Closure	Written (see Table A above) and Oral	Impacts associated with the demolition of the Project at the end of its useful life would be similar in nature but generally less significant than those associated with the demolition of MGS Units 1 and 2.	3 minutes for opening statement 10 minutes reserved for questions
George Piantka	Proposed Project's Eventual Closure	Oral	Same as above (testifying as panel).	10 minutes reserved for questions
Gary Rubenstein	Effects of Smaller Turbine(s) on Aviation at Alternative Sites	Written (see Table A above) and Oral	Use of multiple, smaller turbines at the two sites would not reduce or eliminate the previously identified potential impacts on aviation at either the Del Norte/Fifth Street or Ormond Beach Area Off-Site Alternatives.	3 minutes for opening statement 10 minutes reserved for questions

Julie Love	Biological Resources	Written (see Table A above) and Oral	Focused biological surveys were conducted in accordance with the Final Survey Methodology, to determine the likelihood for presence of 14 target special-status species, including three plant species, one invertebrate, three reptiles, and seven birds. Only one target species, the globose dune beetle, was identified in the BSA. This species was detected during both focused transect surveys and pitfall trap surveys in habitats consisting of loose sandy soils and low-growing ground cover plant species in the Outfall Area, along the Access Road and buffer area, and in the Project Site buffer area, but not on the Project Site.	10 minutes for opening statement 30 minutes reserved for questions
Ivan Parr	Biological Resources	Written (see Table A above) and Oral	Same as above (testifying as panel).	30 minutes reserved for questions

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

Table C below identifies the witnesses Applicant intends to question, a summary of the scope of the questions and the issues to which the questions will pertain, and the estimated time for questioning.

Table C
Applicant's Intended Questioning of Other Parties' Witnesses

Witness	Scope and Issues to be Covered	Time Required for Questioning
David Revell	Basis of analysis and conclusions pertaining to the appropriate methodology for assessing the potential for coastal flooding at the Project site, and the relevancy and validity of the analysis performed by the witness.	60 minutes
Chris Williamson	Unknown, as it is unclear what the filed testimony of this witness pertains to.	Unknown
Chris Campbell	Unknown, as it is unclear what the filed testimony of this witness pertains to.	Unknown
James Caldwell	In the event this witness' filed testimony is not excluded pursuant to the Motion to Strike filed by the CEC Staff (TN #220297), in which the Applicant concurs, Applicant intends to question this witness regarding the basis of his conclusions pertaining to the CAISO study, which is yet to be concluded.	30 minutes
Andrew Gray	Basis of position that the CEC Staff's assessment of potential impacts from thermal plumes is overly conservative.	10 minutes
Lawrence Hunt	Basis of conclusions pertaining to the results of the supplemental biological resources surveys.	60 minutes
Marylou Taylor	Basis of conclusions pertaining to the absence of coastal flooding risk at the Project site.	10 minutes
Paul Marshall	Basis of conclusions pertaining to the absence of coastal flooding risk at the Project site.	5 minutes

Witness	Scope and Issues to be Covered	Time Required for Questioning
Jonathan Fong	Basis of conclusions pertaining to aviation hazards at alternative site locations.	10 minutes
Andrea Koch	Basis of conclusions pertaining to aviation hazards at alternative site locations.	5 minutes
Carol Watson	Basis of conclusions pertaining to the supplemental biological resources surveys, and proposed modifications to BIO-10.	10 minutes
John Hilliard	Basis of conclusions pertaining to the supplemental biological resources surveys, and proposed modifications to BIO-10.	5 minutes

5. <u>A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing.</u>

Applicant's Supplemental Exhibit List is attached hereto as Attachment B.

DATED: July 21, 2017

Respectfully submitted,

/s/ Michael J. Carroll

Michael J. Carroll
LATHAM & WATKINS LLP

ATTACHMENT A

Justin Vandever, PE

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AECOM

Education
MS, Marine Science, Virginia Institute of Marine Science, College of William and Mary, 2007

BS, Civil and Environmental Engineering, Cornell University, 2004

Coastal Engineering Certificate, Old Dominion University, 2012

Registrations
Professional Engineer (Civil), California

Memberships
American Society of Civil Engineers

American Shore and Beach Preservation Association

American Geophysical Union

Years
10

Mr. Vandever is a coastal engineer with ten years of consulting experience in coastal science, engineering, and climate change adaptation. His project experience includes climate change vulnerability and risk assessments, sea level rise inundation mapping, coastal processes and flooding, design of coastal estuarine restoration and monitoring projects, and response of coastal and estuarine environments to sea level rise. Mr. Vandever has served as a quality reviewer and technical advisor on numerous coastal flooding and climate change-related projects. He has co-authored numerous technical articles related to climate change vulnerability, including sea level rise impacts in San Francisco Bay, effects of coastal erosion on the California coast, and mitigating climate change through coastal wetland restoration and has presented at regional, nationwide, and international coastal conferences. Mr. Vandever is an AECOM project manager, and was selected as one of the American Society of Civil Engineers' New Faces of Civil Engineering in 2013.

Experience

Federal Emergency Management Agency - Region IX, Risk Map Program - Coastal Hazard Analysis and Mapping, Pacific Coast and Sea Level Rise Pilot Study, California. Technical lead on a team conducting tide frequency analysis, nearshore wave modeling, wave runup and overtopping, and coastal flood mapping for central and southern California. Technical lead on sea level rise pilot study in City and County of San Francisco developing methodology to include effects of sea level rise and shoreline change in FEMA mapping products. Developed comparison of mapping products between FEMA and USGS.

San Francisco International Airport (SFO) Shoreline Protection Program Conceptual Design Development, San Francisco, California. Sea Level Rise and Coastal Engineering Technical Lead. AECOM, in collaboration with Telamon Engineering, is assisting SFO with an engineering alternatives analysis and conceptual engineering design to develop an integrated shoreline protection program to protect SFO from coastal flooding under existing and future conditions with sea level rise.

San Diego County Planning Department, Local Coastal Program Update, San Diego, California. Coastal Engineer. Supported the County of San Diego in a Land Use Plan update to incorporate consideration of sea level rise hazards into countywide planning efforts. Conducted a high level sea level rise and shoreline change vulnerability and risk assessment for resources and assets located within the county's unincorporated coastal zone.

Port of Long Beach, Climate Adaptation and Coastal Resiliency Strategy, Long Beach, California. Coastal Engineer. Climate change and coastal hazards are anticipated to cause direct or indirect consequences to the port's infrastructure and operations in the future. A climate adaptation and coastal resiliency plan was prepared for the port to enhance its infrastructure and operations. Provided coastal engineering expertise in support

of an evaluation of climate change impacts, assessment of risks to the port, and preparation and implementation of a climate resiliency plan, including an evaluation of breakwater performance in response to sea level rise.

San Francisco Local Coastal Program Update. City and County of San Francisco. Coastal lead. This amendment to the existing (1986) Local Coastal Program will incorporate sea level rise and climate change impacts within the coastal zone along the Pacific Coast shoreline and will incorporate many of the recommendations of the Ocean Beach Master Plan. AECOM performed relevant sea level rise analyses and work with CCSF, interagency groups, and the public to support a policy document amendment which addresses sea level impacts within the coastal zone.

Ocean Protection Council, Impact of Sea-Level Rise on the California Coast, Various Locations, California. Staff engineer that assisted in the detailed technical analysis for determination of erosion hazard zones for dune and bluff-backed shorelines, including calculation of wave runup, total water level, and projections of future erosion rates for northern California coast. Coastal analysis supported a broader assessment of the impacts of sea level rise on the California coast.

Orange County Public Works Department, Coastal Hazards Assessment, Edinger Ave Bridge at Bolsa Chica Channel – Huntington Beach, California. Technical Lead on coastal hazards assessment for a bridge replacement project at Edinger Avenue over Bolsa Chica Channel, in Huntington Harbour. AECOM assessed riverine and coastal flood risk to the proposed bridge design in consideration of future sea level rise. The coastal hazards assessment was completed in support of a Coastal Development Permit submitted to the California Coastal Commission (CCC) and followed the CCC's draft sea level rise guidance.

Los Angeles Department of Public Works Bureau of Engineering, Paseo del Mar White Point Landslide Restoration Geotechnical TO 14, Los Angeles, California. Coastal Engineer. Conducted coastal wave runup study for existing and future conditions at site of bluff failure to inform development of conceptual design alternatives to stabilize the bluff and restore transportation infrastructure along the bluff top.

University of California - Davis, Highway 37 Sea Level Rise Study, Oakland, California. Deputy project manager. AECOM provided technical services to Caltrans to develop a sea level rise vulnerability study of California Highway 37 in north San Francisco Bay. AECOM is developing sea level rise inundation maps, a shoreline vulnerability assessment, and conceptual design and cost estimates as part of a climate change adaptation study. Led inundation mapping and vulnerability and risk assessment tasks.

Urban Sustainability Directors Network (USDN) Climate Change Training Toolkit. Project Manager. AECOM is assisting the USDN in developing climate change training materials for local municipalities to train their own staff in climate change resilience and preparedness. The focus of the training is on climate-driven changes to coastal, riverine, and urban flooding and their impact on municipal infrastructure, services, ecosystems, and vulnerable populations. AECOM is preparing the training materials and will conduct a training workshop for municipal staff to teach them how to deliver the training to their coworkers.

San Francisco Public Utilities Commission, Sewer System Improvement Program, San Francisco, California. Technical Reviewer and Advisor. Supported inundation mapping and GIS raster files that account for sea level rise, storm surge, and wave impacts along the entire San Francisco shoreline. The work included coordination with the Federal Emergency Management Agency's San Francisco Bay Area coastal hazard analysis, and the US Geological Survey's Our Coast Our Future coastal modeling efforts. These efforts will be used to update the SFPUC's sea level rise design guidance, as well as informed vulnerability and risk assessment, and development of adaptation strategies.

Metropolitan Transportation Commission and San Francisco Bay Conservation and Development Commission, Adapting to Rising Tides Pilot Project, Alameda County, California. Sea level rise modeling advisor. Collaborated with US Geological Survey and National Oceanic and Atmospheric Administration scientists to analyze results of a 100-year hydrodynamic model simulation of future bay conditions to estimate daily tide and storm inundation levels for various sea level rise scenarios. The results were used to produce state of the art inundation maps to assess the risk to transportation assets in the study area. The pilot study in San Francisco Bay assisted regional and local transportation and planning agencies to better understand the risk of sea level rise to transportation infrastructure.

Capital Regional District, Coastal Sea Level Rise Risk Assessment, Victoria, British Columbia. Technical advisor and reviewer responsible for supporting the water level analysis and inundation mapping tasks associated with development of model bylaws that consider the impacts of climate change. The project involved the development of sea level rise inundation maps that considered sea level rise at 2050, 2100, and 2200, as well as inundation associated with a 500-year coastal storm surge event.

ATTACHMENT B

APPLICANT'S SUPPLEMENTAL EXHIBIT LIST

PUENTE POWER PROJECT
Docket No. 15-AFC-01

Proposed Exhibit No.	Transaction No.	Title of Document	Subject Area(s)
1141	216716	Applicant's Biological Resources Survey Methodology	Biological Resources
1142	216784	Applicant's March 28, 2017 CEC Workshop Presentation	Soil and Water Resources – Coastal Flooding Analysis
1143	217282	Presentation - Coastal Vulnerability in Ventura County using CoSMoS (USGS Presentation at March 28, 2017, Staff Workshop)	Soil and Water Resources – Coastal Flooding Analysis
1144	216937	Responses to Comments on Proposed Biological Resources Survey Methodology and Final Biological Resources Survey Methodology	Biological Resources
1145	218900	Expert Declaration of Phillip Mineart in Response to March 10, 2017 Committee Orders	Soil and Water Resources – Coastal Flooding Analysis
1146	218891	Expert Declaration of Anne Connell in Response to March 10, 2017 Committee Orders	Compliance and Closure
1147	218887	Expert Declaration of Gary Rubenstein in Response to March 10, 2017 Committee Orders	Alternatives
1148	219898	Expert Declaration of Julie Love in Response to March 10, 2017 Committee Orders	Biological Resources
1149	219886	Expert Declaration of Ivan Parr in Response to March 10, 2017 Committee Orders	Biological Resources
1150	220215	Expert Declaration of Phillip Mineart in Response to Supplemental Testimony of Dr. Revell	Soil and Water Resources – Coastal Flooding Analysis