

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	200990
Document Title:	Basin and Range Watch Prehearing Conference Statement
Description:	N/A
Filer:	Kevin Emmerich
Organization:	Basin and Range Watch
Submitter Role:	Intervenor
Submission Date:	10/22/2013 1:34:52 PM
Docketed Date:	10/22/2013

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM

DOCKET NO. 09-AFC-07C

**PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND
RANGE WATCH**

October 22, 2013

Kevin Emmerich
Laura Cunningham
Basin and Range Watch
PO Box 70
Beatty NV 89003
(775)553-2806
atomicoadranch@netzero.net
bluerockiguana@hughes.net

TITLE

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM

DOCKET NO. 09-AFC-07C

**PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND
RANGE WATCH**

1. The subject areas that are complete and ready to proceed to evidentiary hearing:

Basin and Range Watch is prepared to proceed to evidentiary hearing in all subject areas.

**2. The subject areas that are not complete and not yet ready to proceed to
evidentiary hearing, and the reasons therefore:**

Basin and Range Watch is prepared to proceed to evidentiary hearing in all subject areas.

**3. The subject areas that remain disputed and require adjudication, and the precise
nature of the dispute for each topic:**

Visual Resources: Basin and Range Watch understands that further information concerning the significant impacts, including cumulative impacts, to surrounding recreational areas need to be entered into the record, particularly how the project is viewed from popular local Wilderness Areas and Joshua Tree National Park. New information and photographs of the Ivanpah Solar Electric Generating System being tested show further how the glare, glint of mirrors, and intense visual distraction of the receiver would impact surrounding

landscapes.

Biological Resources: Areas of dispute include the impacts to desert tortoise and tortoise genetic connectivity in the region; local breeding bird habitats and migratory routes, and how these might be impacted by project design such as solar flux and lake-effect attractants of the solar field; and how Mojave fringe-toed lizards will be impacted by blockage of sand flow and habitat removal.

Cultural Resources: How the project impacts the cultural landscape as described by Staff and the Colorado River tribes.

4. Witnesses, Topic Areas, Testimony and Exhibits:

Basin and Range Watch will not have witnesses, and will submit a photographic database as Exhibit 4000 containing Basin and Range Watch photographs of views of the project from various angles, Biological Resources, and photos of solar flux from Ivanpah Solar Electric Generating System.

5. Subject areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination:

Basin and Range Watch reserves the right and opportunity for brief cross examination of the following topics:

Alternatives – Questions to Staff (Jeanine Hinde) on why off-site alternatives cannot be reviewed and why a photovoltaic alternative is not prioritized. 5 minutes.

Greenhouse Gas Emissions – A question about NOx formation on the superheated receiver surface. 5 minutes.

Biological Resources – We would like to ask questions to Staff (Ann Crisp, Carol Watson, and Chris Huntley) on the Avian Enhancement and Conservation Plan, desert

tortoise compensatory mitigation and critical habitat, phreatphytic woodland impacts and mitigation, solar flux impacts to birds, and MFTL mitigation and impacts. 30 minutes. Questions to Applicant (Alice Karl) on desert tortoise connectivity and MFTL sand transport and habitat. 30 minutes.

Cultural Resources –Questions to Staff (Matthew Braun, Thomas Gates, Melissa E. Mourkas², and Michael D McGuirt) clarifying the types of mitigation to cultural landscapes. 5 minutes.

Visual Resources-- Questions to Staff (William Kanemoto and Gregg Irvin Ph.D.) on glare events from heliostats, and how they might affect traffic, and how they might be mitigated. 10 minutes.

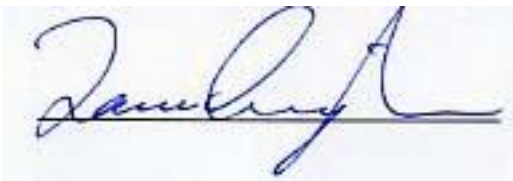
6. Exhibits. Exhibit 4000 – Photographic Impacts to Visual Resources from the Palen Solar Power Project.

7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters:

Given the volume of resource issues in this case and their significance, Basin and Range Watch requests that the opening briefs following the evidentiary hearings not be due any earlier than three weeks after the close of the evidentiary hearings.

Dated: October 22, 2013

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Laura Cunningham", written over a horizontal line.

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box 70
Beatty NV 89003
(775) 553-2806
atomicoadranch@netzero.net
bluerockiguana@hughes.net

