

## DOCKETED

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**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE PALEN SOLAR POWER  
PROJECT

DOCKET NO. 09-AFC-7C

**CENTER FOR BIOLOGICAL DIVERSITY  
OPENING TESTIMONY FOR REOPENED HEARINGS  
AND UPDATED EXHIBIT LIST**

**Exhibit 3092**

June 23, 2014

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# **I. INTRODUCTION AND INCORPORATION OF EVIDENCE FROM THE ORIGINAL PROCEEDING AND ALL SUBSEQUENT PROCEEDINGS**

## **A. Introduction**

Intervenor Center for Biological Diversity (the “Center”) timely provides this Opening Testimony for the Reopened Hearings regarding the application for certification of the proposed amended Palen Solar Power Project.

All of the testimony presented herein was prepared by the person testifying, a signed declaration and resume has also been provided for each person.

Center Attorney Lisa T. Belenky and Public Lands Desert Director Ileene Anderson assisted in compiling this testimony and the documents submitted. All exhibits referenced in the opening testimony for the Reopened Hearings are filed concurrently with this testimony or are CEC documents for which official notice is proper and requested. A complete, updated Exhibit List will be provided with the Center’s Pre-hearing Conference Statement scheduled to be submitted on July 21, 2013.

The Center for Biological Diversity reserves the right to supplement and/or revise this testimony at any time up to and including the close of the Reopened evidentiary hearings. Moreover, many of the factual issues discussed in this Opening Testimony involve both legal and factual questions while others are predominately legal issues. Therefore, the Center respectfully reserves the right to address all disputed issues identified at the Reopened hearings or at any point in this process through testimony, rebuttal, cross-examination, or at later stages of this process Reopening the hearings on the amended application including in briefing following the evidentiary hearing.

## **B. Incorporation of All Testimony and Exhibits from Original Proceeding and Earlier Hearings**

The Center for Biological Diversity also reserves the right to rely on all exhibits and Testimony filed for the earlier hearings in this matter.

- Opening Testimony submitted October 6, 2010

Exhibits #600-639, 669-670 (Testimony of Bill Powers, P.E., Regarding Alternatives and Exhibits)

Exhibits #640-668 (Testimony of Ileene Anderson Re: Impacts to Sensitive Plants and Wildlife, and Exhibits)

- Additional Documents Cited in Testimony: Official Noticed

Energy Action Plan I: [http://www.energy.ca.gov/energy\\_action\\_plan/2003-05-08\\_ACTION\\_PLAN.PDF](http://www.energy.ca.gov/energy_action_plan/2003-05-08_ACTION_PLAN.PDF)

Energy Action Plan II: [http://www.energy.ca.gov/energy\\_action\\_plan/2005-09-21\\_EAP2\\_FINAL.PDF](http://www.energy.ca.gov/energy_action_plan/2005-09-21_EAP2_FINAL.PDF)

CEC, *2009 Integrated Energy Policy Report (IEPR) – Final Committee Report*, December 2009. <http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF>

CEC, *2007 Integrated Energy Policy Report*, December 2007  
<http://www.energy.ca.gov/2007publications/CEC-100-2007-008/CEC-100-2007-008-CMF.PDF>

CEC, Large Solar Energy Projects webpage:  
<http://www.energy.ca.gov/siting/solar/index.html>

CALIFORNIA ROOFTOP PHOTOVOLTAIC (PV) RESOURCE  
 ASSESSMENT AND GROWTH POTENTIAL BY COUNTY, Navigant for  
 CEC, September 2007 CEC-500-2007-048  
<http://www.energy.ca.gov/2007publications/CEC-500-2007-048/CEC-500-2007-048.PDF>

RETI, *Phase 1A Final Report*, August 2008, Appendix B,  
<http://www.energy.ca.gov/2008publications/RETI-1000-2008-002/RETI-1000-2008-002-F.PDF>

Renewable Energy Transmission Initiative, *RETI Phase 1B Final Report*, January 2009, <http://www.energy.ca.gov/2008publications/RETI-1000-2008-003/RETI-1000-2008-003-F.PDF>

RETI, *Phase 2B Final Report*, May 2010,  
<http://www.energy.ca.gov/2010publications/RETI-1000-2010-002/RETI-1000-2010-002-F.PDF>

CEC, Chula Vista Energy Upgrade Project - Application for Certification (07-AFC-4)  
 San Diego County, *Final Commission Decision*, June 2009.  
<http://www.energy.ca.gov/2009publications/CEC-800-2009-001/CEC-800-2009-001-CMF.PDF>

CEC, *Strategic Transmission Investment Plan*, November 2005,  
<http://www.energy.ca.gov/2005publications/CEC-100-2005-006/CEC-100-2005-006-CTD.PDF>

- All Testimony sponsored by the Center at Hearings for the initial application on October 13 & 27, 2010.
- Opening and Rebuttal Testimony, and all Exhibits Submitted by the Center in 2013 for hearings including (but not limited to): (1) Testimony of Ileene Anderson Re: Impacts to Sensitive Plants and Wildlife, from the Proposed Palen Solar Power Project, Identification of Fenceline, and Testimony Re: Air Quality, Declaration, and Resume and Exhibits 3001-3036, 3051, 3052-3060, 3062-3063, 3065, 3066-3090; (2) Testimony of Pat Flanagan, Declaration and CV and Exhibits 3037-3049; and (3) Opening and Rebuttal Testimony of Alan Muth, Declaration and CV and Exhibits 3050, 3061, 3064 (photo).

- Additional Documents Cited in 2013 Testimony: Official Notice Requested Was In 2013

Kit Fox Den Activity Map:

[http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200466\\_20130913T104933\\_Kit\\_Fox\\_Den\\_Activity\\_Map\\_September\\_2013.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200466_20130913T104933_Kit_Fox_Den_Activity_Map_September_2013.pdf)

Email from Jaime Rudd re: Palen Updated Map:

[http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200467\\_20130913T104933\\_Email\\_from\\_Jaime\\_Rudd\\_re\\_Palen\\_Updated\\_Map.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200467_20130913T104933_Email_from_Jaime_Rudd_re_Palen_Updated_Map.pdf)

CEC 2010. California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development. <http://www.energy.ca.gov/2007publications/CEC-700-2007-008/CEC-700-2007-008-CMF.PDF>

CEC Record of Conversation:

[http://www.energy.ca.gov/sitingcases/palen/compliance/2013-07-08\\_Record\\_of\\_Conversation-REAT\\_Number\\_10\\_TN-71593.pdf](http://www.energy.ca.gov/sitingcases/palen/compliance/2013-07-08_Record_of_Conversation-REAT_Number_10_TN-71593.pdf)

Due Diligence Request for Information to Palen Solar Holdings from US Department of the Interior, Bureau of Land Management

[http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200531\\_20130919T112340\\_Notice\\_to\\_Charles\\_TurlinskiPSH\\_LLC\\_re\\_Due\\_Diligence\\_Request\\_for.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200531_20130919T112340_Notice_to_Charles_TurlinskiPSH_LLC_re_Due_Diligence_Request_for.pdf)

USFWS email to Pete Bloom in re: Palen Helo GOEA Nest Survey Flights

[http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200106\\_20130801T113723\\_USFWS\\_email\\_to\\_Pete\\_Bloom\\_in\\_re\\_Palen\\_Helo\\_GOEA\\_Nest\\_Survey\\_Fli.pdf](http://docketpublic.energy.ca.gov/PublicDocuments/09-AFC-07C/TN200106_20130801T113723_USFWS_email_to_Pete_Bloom_in_re_Palen_Helo_GOEA_Nest_Survey_Fli.pdf)

Avian Mortality Report. [http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-05C/TN200642\\_20130930T090221\\_Avian\\_Mortality\\_Report\\_912013.xlsx](http://docketpublic.energy.ca.gov/PublicDocuments/07-AFC-05C/TN200642_20130930T090221_Avian_Mortality_Report_912013.xlsx)

CEC 2010. Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California.

<http://www.dfg.ca.gov/wildlife/nongame/docs/SwainsonsHawkProtocol6-2-10.pdf>

HHSEGS FSA

<http://docketpublic.energy.ca.gov/PublicDocuments/Regulatory/11-AFC->

- All testimony sponsored by the Center at Hearings in 2013.

The Center reincorporates all documents and earlier testimony in this matter as though fully set forth herein.

## II. OPENING TESTIMONY SUBMITTED FOR REOPENED HEARINGS IN 2014

The Center is sponsoring testimony from the following experts. Opening testimony is being provided on June 23, 2014, along with exhibits via the e-filing system.

1. **Testimony Gordon Pratt, PhD, CV and Declaration (Exhibit 3093)**
2. **Testimony of Bill Powers Testimony, CV, Declaration (Exhibit 3113)**
3. **Testimony of Ileene Anderson, Declaration (Exhibit 3126)**
4. **Testimony of Shawn Smallwood Ph.D., Declaration and CV (Exhibit 3128)**

### EXHIBIT LIST

#### Intervenor Center for Biological Diversity's Exhibits No. 3000-3139

Exhibit	Docket Transaction Number	Title of Document from Docket Log	Subject Areas
3000	200905	Exhibit 3000: Center Opening Testimony and Exhibit List	Biological Resources and Alternatives
3001	200853	Anderson Testimony, Declaration & CV	Biological Resources and Alternatives
3002	200854	Journal Article re Wildlife Conservation	Biological Resources
3003	200858	Journal Article-How much compensation is enough	Biological Resources
3004	200857	Journal Article-Biodiversity offsets	Biological Resources
3005	200856	Preparing for any Action that may occur within the Range of the Mojave Desert Tortoise	Biological Resources
3006	200855	2007 Annual Report re Range-Wide Monitoring of the Mojave Population of	Biological Resources

		the Desert Tortoise	
3007	200861	2012 DRAFT Rangewide Mojave Desert Tortoise Monitoring	Biological Resources
3008	200860	The Health Status of Translocated Desert Tortoises 2009 Report	Biological Resources
3009	200859	Recommendations of Independent Science Advisors for the California DRECP	Biological Resources
3010	200864	ISEGS DT near or on Stateline project site.	Biological Resources
3011	200929	Exh. 3011. Esque etal. 2010 Effects of subsidized predators & translocation	Biological Resources
3012	200862	BLM 2012 Solar Apps and Auths	Biological Resources
3013	200867	BLM Wind Apps & Auths July 2012	Biological Resources
3014	200866	Kern County wind projects	Biological Resources
3015	200865	McCoy Solar Energy Project PA-FEIS Vol. 1	Biological Resources
3016	200868	Desert Kit Fox Distemper outbreak	Biological Resources
3017	200869	5-Year Review Yuma clapper rail	Biological Resources
3018	200871	Yuma clapper rail recovery plan	Biological Resources
3019	200870	EBird Lake Tamarisk hotspot checklist 10-15-13	Biological Resources
3020	200874	Journal Article-Golden Eagle Population Trends in the Western United States: 1968–2010	Biological Resources
3021	200873	Golden Eagles in US-Canada - status trends	Biological Resources
3022	200872	FINAL Report_Joshua Tree National Park_GE Survey 2011	Biological Resources
3023	200876	Appendix C.7 Desert Harvest DEIS Golden Eagle Winter Survey Report	Biological Resources
3024	200875	Southern California Edison Notice to Proceed Request for the Red Bluff Substation Project Distribution Line	Biological Resources
3025	200878	Bald Eagle and Golden Eagle Mortalities at Wind Energy Facilities in the Contiguous United States	Biological Resources
3026	200877	Avian Mortality at Solar Energy Plant. (McCrary)	Biological Resources
3027	200931	Exh. 3027. Manning 2009. BUOW Pop Size in Imp Valley CA	Biological Resources
3028	200880	Staff Report on Burrowing Owl Mitigation	Biological Resources
3029	200879	USFWS 2003 Burrowing Owl FWS Status-Assessment	Biological Resources
3030	200883	Modern Insect Extinctions	Biological Resources
3031	200882	USFWS final listing Casey's June Beetle	Biological Resources
3032	200885	Wildlife Interactions at Solar 1 Facility.	Biological Resources

3033	200884	Potential Roles of Biological Soil Crusts	Biological Resources
3034	200886	Biological Soil Crusts and Wind Erosion	Biological Resources
3035	200887	Disturbance and Recovery of Biological Soil Crusts	Biological Resources
3036	200930	Exh. 3036. Impact Minimization Alternative (MFTL&RP)	Alternatives, Biological Resources
3037	200892	Pat Flanagan testimony, declaration & resume.	Biological Resources
3038	200891	Birds Banded at the Salton Sea	Biological Resources
3039	200890	Priority Areas for Breeding Birds within the Planning Area of DRECP	Biological Resources
3040	200900	A Linkage Network For The California Deserts	Biological Resources
3041	200889	Journal Article-Use of Land Facets to Plan for Climate Change: Conserving the Arenas, Not the Actors	Biological Resources
3042	200888	Journal Article-Use of land facets to design linkages for climate change	Biological Resources
3043	200897	Fig. 23. Mojave Preserve-Stepladder- Turtle Mtns Land Facet	Biological Resources
3044	200896	Fig. 24. Stepladder – Palen Mc Coy Mtns. Land Facet	Biological Resources
3045	200895	Fig. 25. Palen McCoy – Whipple Mtns. Land Facet	Biological Resources
3046	200894	Fig. 26. JTNP – Palen McCoy Mtns. Land Facet	Biological Resources
3047	200893	Fig. 28. Palen McCoy – Chocolate Mtns. Land Facet	Biological Resources
3048	200899	Fig. 9. Desert Tortoise LCU	Biological Resources
3049	200898	Fig. 32. Land Facets CA Desert Map 32	Biological Resources
3050	200904	Testimony of Allan Muth	Biological Resources
3051	200910	California's Famous "duck chart" is outdated, experts say	Alternatives
3052	200467	Email from Jaime Rudd re: Palen Updated Map:	Biological Resources
3053	200466	Kit Fox Den Activity Map –September 2013	Biological Resources
3054	200531	Due Diligence Request for Information to Palen Solar Holdings from US Department of the Interior, Bureau of Land Management	Biological Resources
3055	200106	USFWS email to Pete Bloom in re: Palen Helo GOEA Nest Survey Flights	Biological Resources
3056	71593	CEC Record of Conversation: REAT #10	Biological Resources
3057	200962	Avian Mortality Report 9-1-2013 (ISEGS)	Biological Resources
3058	200966	(Exh. 3058a.) HHSEGS FSA Part 1	Biological Resources
3059	200961	Monthly Compliance Report August 2013 (Genesis)	Biological Resources



3060	200963	ISEGS September 2013 Monthly Compliance Report	Biological Resources
3061	200964	Muth Rebuttal Testimony	Biological Resources
3062	200065	CBD's Comments on SA Final - Attachment 9 Helix 2013. DPV2 MFTL Monitoring Summary 071113	Biological Resources
3063	200965	(Exh. 3058b.) HHSEGS FSA Part 2	Biological Resources
3064	201075	Chain Link Sand Fence Photo	Biological Resources
3065	201102	Identification of changes in fence line	Alternatives, Biological Resources
3066	201261	National Park Service Comments on PSA	Air Quality, Alternatives, Biological Resources
3067	201284	Air Quality Testimony	Air Quality, Biological Resources
3068	201279	Desert Sunlight Air Quality Monitoring Report March 2012	Air Quality
3069	201283	Desert Sunlight Air Quality Monitoring Report April 2012	Air Quality
3070	201282	Desert Sunlight Air Quality Monitoring Report May 2012	Air Quality
3071	201281	Desert Sunlight Air Quality Monitoring Report June 2012	Air Quality
3072	201280	Desert Sunlight Air Quality Monitoring Report July 2012	Air Quality
3073	201286	Desert Sunlight Air Quality Monitoring Report August 2012	Air Quality
3074	201285	Desert Sunlight Air Quality Monitoring Report Sept. 2012	Air Quality
3075	201289	Desert Sunlight Air Quality Monitoring Report Oct. 2012	Air Quality
3076	201288	Desert Sunlight Air Quality Monitoring Report Nov. 2012	Air Quality
3077	201287	Desert Sunlight Air Quality Monitoring Report Dec. 2012	Air Quality
3078	201290	Desert Sunlight Air Quality Monitoring Report Jan 2013	Air Quality
3079	201292	Desert Sunlight Air Quality Monitoring Report Feb 2013	Air Quality
3080	201291	Desert Sunlight Air Quality Monitoring Report March 2013	Air Quality

3081	201293	Desert Sunlight Air Quality Monitoring Report April 2013	Air Quality
3082	201296	Desert Sunlight Air Quality Monitoring Report May 2013	Air Quality
3083	201295	Desert Sunlight Air Quality Monitoring Report June 2013	Air Quality
3084	201294	Desert Sunlight Air Quality Monitoring Report July 2013	Air Quality
3085	201297	Desert Sunlight Air Quality Monitoring Report August 2013	Air Quality
3086	201300	Desert Sunlight Air Quality Monitoring Report Sept. 2013	Air Quality
3087	201299	Solar threatens biofuels	Alternatives
3088	201298	Funnel Effect Discussion	Biological Resources
3089	201302	Ivanpah Solar Electric Generating System Oct 2013 Monthly Compliance Report	Biological Resources
3090	201301	Ivanpah Solar Plants May be Attracting Birds	Biological Resources
3091	201307	Palen Solar Project Site and Private Parcels Map	Project Description, Alternatives, Biological Resources
3092		Center Opening Testimony Intro. for July 2014 reopened hearings with exhibit list	
3093		Testimony Gordon Pratt, PhD, CV and Declaration	
3094		Ballmer 1995.	
3095		Table 1. Plants and food plants for butterflies	
3096		Figure 1 – Pygmy blue butterfly (photo)	
3097		Figure 2 – Gray hairstreak butterfly (photo)	
3098		Figure 3 – Palmer’s metalmark butterfly (photo)	
3099		Figure 4 – Monarch butterfly (photo)	
3100		Figure 5 – Queen butterfly (photo)	
3101		Figure 6 – Buckeye butterfly (photo)	
3102		Figure 7 – Painted lady butterfly (photo)	
3103		Figure 8 – Checkered white butterfly (photo)	
3104		Figure 9 – Funeral duskywing butterfly (photo)	
3105		Pratt 1998. Edwards AFB surveys 1996	
3106		Pratt 2000. Edwards AFB surveys 1996-98.	

3107		Kagan et al. 2014. Avian mortality report.	
3108		Andrews et. al. 1975. Coleopterus fauna of CA sand dunes.	
3109		Tinkham 1975. Neararctic Desert Sand Dunes Orthoptera	
3110		Figure 10. Spaniacris deserticola & Xeracris snowii (photo)	
3111		Strohecker et al. 1968. CA Grasshopper key	
3112		Figure 11. Philotiella speciosa (photo)	
3113		Bill Powers Testimony, CV, Declaration	
3114		CPUC webpage, About the California Solar Initiative, last modified January 31, 2014: <a href="http://www.cpuc.ca.gov/PUC/energy/Solar/about_solar.htm">http://www.cpuc.ca.gov/PUC/energy/Solar/about_solar.htm</a>	
3115		Assembly Bill No. 327 (Cal. 2013) <a href="https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB327">https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB327</a>	
3116		CPUC Decision 11-01-025 Rulemaking on RPS See: <a href="http://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/129517.pdf">http://docs.cpuc.ca.gov/word_pdf/FINAL_DECISION/129517.pdf</a>	
3117		CAISO, California ISO Peak Load History 1998 through 2013, January 2, 2014. See: <a href="http://www.caiso.com/Documents/CaliforniaISO_PeakLoadHistory.pdf">http://www.caiso.com/Documents/CaliforniaISO_PeakLoadHistory.pdf</a> .	
3118		M. Charles – CPUC, California’s Energy Storage Mandate: Oregon Energy Storage Workshop, March 19, 2014, p. 12. See: <a href="http://www.oregon.gov/energy/docs/Melicia%20Charles_CalPUC.pdf">http://www.oregon.gov/energy/docs/Melicia%20Charles_CalPUC.pdf</a>	
3119		CPUC Decision D.13-10-040, Conclusion of Law	
3120		CPUC press release, CPUC Acts to Ensure Energy Reliability in Southern California, March 13, 2014: <a href="http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M088/K989/88989943.PDF">http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M088/K989/88989943.PDF</a>	
3121		ICF Jones & Stokes, Electric Grid Reliability Impacts for Regulation of Once-Through Cooling in California, April 2008, Figure 1.	
3122		Energy Prospects West, PNM to Build Four Solar Projects Next Year, June 10, 2014.	
3123		Energy Prospects West, Large-Scale Solar Prices Plummet in the West, April 1, 2014	

3124		GreenTech Media, Update: Ivanpah Gets Approval; Construction May Begin Soon. <a href="https://www.greentechmedia.com/articles/read/brightsource-eagerly-awaits-final-decision-from-the-california-energy-commi">https://www.greentechmedia.com/articles/read/brightsource-eagerly-awaits-final-decision-from-the-california-energy-commi</a>	
3125		Natural Gas & Electricity Journal, Federal Government Betting on the Wrong Solar Horse, December 2010.	
3126		Testimony of Ileene Anderson, Declaration	Biological Resources
3127		Flanagan, P. 2014. The Impacts Of Energy Projects On Migratory Birds. Desert Report June 2014. at pg. 16 of PDF <a href="http://www.desertreport.org/wp-content/uploads/2014/05/DR_Summer_2014.pdf">http://www.desertreport.org/wp-content/uploads/2014/05/DR_Summer_2014.pdf</a>	
3128		Testimony of Shawn Smallwood, Ph.D., Declaration, and CV	
3129		Smallwood, K. S., L. Neher, and D. A. Bell. 2009b. Map-based repowering and reorganization of a wind resource area to minimize burrowing owl and other bird fatalities. Energies 2009(2):915-943. <a href="http://www.mdpi.com/1996-1073/2/4/915">http://www.mdpi.com/1996-1073/2/4/915</a>	
3130		Smallwood, K.S., A. Gonzales, T. Smith, E. West, C. Hawkins, E. Stitt, C. Keckler, C. Bailey, and K. Brown. 2001. Suggested standards for science applied to conservation issues. Transactions of the Western Section of the Wildlife Society 36:40-49.	
3131		Smallwood, K. S. 2007. Estimating wind turbine-caused bird mortality. Journal of Wildlife Management 71:2781-2791.	
3132		Smallwood, K.S. 2013. Comparing bird and bat fatality-rate estimates among North American wind-energy projects. Wildlife Society Bulletin 37: 19-33.	
3133		Horvitz, D. G. and D. J. Thompson. 1952. A generalization of sampling without replacement from a finite universe. Journal of American Statistical Association 47:663-685.	
3134		Smallwood, K. S., D. A. Bell, B. Karas, and S. A. Snyder. 2013. Response to Huso and Erickson Comments on Novel Scavenger Removal Trials. Journal of Wildlife Management 77: 216-225.	

3135		Smallwood, K. S., L. Rugge, and M. L. Morrison. 2009a. Influence of Behavior on Bird Mortality in Wind Energy Developments: The Altamont Pass Wind Resource Area, California. <i>Journal of Wildlife Management</i> 73:1082-1098.	
3136		Smallwood, K. S. 2009. Methods manual for assessing wind farm impacts to birds. <i>Bird Conservation Series 26</i> , Wild Bird Society of Japan, Tokyo. T. Ura, ed., in English with Japanese translation by T. Kurosawa.	
3137		Smallwood, K. S. and B. Karas. 2009. Avian and Bat Fatality Rates at Old-Generation and Repowered Wind Turbines in California. <i>Journal of Wildlife Management</i> 73:1062-1071.	
3138		Smallwood, K. S. 2008. Wind power company compliance with mitigation plans in the Altamont Pass Wind Resource Area. <i>Environmental &amp; Energy Law Policy Journal</i> 2(2):229-285.	
3139		Smallwood, K. S., D. A. Bell, S. A. Snyder, and J. E. DiDonato. 2010. Novel scavenger removal trials increase estimates of wind turbine-caused avian fatality rates. <i>Journal of Wildlife Management</i> 74: 1089-1097 + Online Supplemental Material.	

**OFFICIAL NOTICE REQUESTED**

The Center requests that the Committee take Official Notice of the Following additional CEC and CAISO Documents Cited in June 23, 2014 Testimony:

CEC-300-2013-005-ED7-CMF-REV (California Energy Commission’s April 2013 “Renewables Portfolio Standard Eligibility Guidebook,” seventh edition). <a href="http://www.energy.ca.gov/2013publications/CEC-300-2013-005/CEC-300-2013-005-ED7-CMF.pdf">http://www.energy.ca.gov/2013publications/CEC-300-2013-005/CEC-300-2013-005-ED7-CMF.pdf</a>
CEC, California Energy Demand 2014-2024 Final Forecast LSE and Balancing Authority Forecasts, Form 1.1c, April 15, 2014. See: <a href="http://www.energy.ca.gov/2013_energypolicy/documents/demand-forecast_CMF/LSE_and_Balancing_Authority_Forecasts/">http://www.energy.ca.gov/2013_energypolicy/documents/demand-forecast_CMF/LSE_and_Balancing_Authority_Forecasts/</a> .
CAISO OASIS “System Load” database, 2006 – 2013. See: <a href="http://oasis.caiso.com/mrioasis/logon.do;jsessionid=8C0E842B1B72BE47597C4D0DB2DD1FDC">http://oasis.caiso.com/mrioasis/logon.do;jsessionid=8C0E842B1B72BE47597C4D0DB2DD1FDC</a> .

Respectfully submitted,

Date: June 23, 2014



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