

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

California Energy Commission

DOCKETED
11-AFC-02

TN # 69576

FEB. 19 2013

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE HIDDEN HILLS SOLAR
ELECTRIC GENERATING SYSTEM
(SEGS)

DOCKET NO. 11-AFC-2

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

February 19, 2013
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The Center provides this Prehearing Conference Statement as required by the Committee Order. Center Attorney Lisa Belenky will attend the Prehearing Conference on February 26, 2013 via telephone.

a) The subject areas that are complete and ready to proceed to Evidentiary Hearing;

The Center is preparing to proceed to hearing on the following topics: Project Description, Project Alternatives, Biological Resources, Soil & Water Resources, Land Use, and Socioeconomic (growth inducing impacts). However, the Center does not view these topics as complete and ready for final hearing given the lack of adequate identification and analysis of the impacts of the proposed project provided in the Final Staff Assessment (“FSA”). The Center is particularly concerned with the inadequacies in the identification and analysis of impacts to biological resources, inadequacies in the water resources analysis (particularly as to cumulative impacts), inadequacies in the alternatives analysis, inadequacies in the growth inducing impacts analysis, and lack of adequate mitigation measures for the impacts of the project.

b) The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefore;

The Center believes that there remain fundamental unresolved issues in many areas including Project Description (including Purpose and Need), Project Alternatives, Biological Resources, Soil and Water Resources, Land Use, and Socioeconomic (Growth Inducing Impacts). As noted above, the Center does not view these topics as complete and ready for final hearing given the lack of adequate identification and analysis of the impacts of the proposed project provided in the FSA. The Center is particularly concerned with inadequacies in the identification and analysis of impacts to biological resources, inadequacies in the identification and analysis of impacts to water resources,

lack of adequate identification of specific, enforceable mitigation measures and plans, and the lack of robust alternatives analysis. Given these inadequacies in the FSA, it is impossible to evaluate at this time whether the project will fully comply with relevant federal and state laws.

While the Center is well aware that the Commission proceeds under a certified regulatory program that is intended to be the CEQA equivalent and which provides some flexibility to the Commission (*see* § 21080.5; CEQA Guidelines § 15251(j).), that program does not allow the Commission to shift the Commission's duty to provide for adequate CEQA review, including identification and analysis of environmental impacts and alternatives, onto other parties or members of the public. It is the Commission's duty to comply with CEQA's substantive and procedural mandates. Cal. Pub. Res. Code §§ 21000, 21002; *Sierra Club v. Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236; *Joy Road Area Forest and Watershed Association v. Cal. Dept. of Forestry and Fire Protection* (2006) 142 Cal.App.4th 656, 667-68. Because the Center believes that the environmental review to date is fundamentally inadequate in many respects, the Center does not believe that factual development should be cut short at this stage or that this matter is ready for evidentiary hearings.

c) The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each subject area;

The topic areas that the Center disputes and which require adjudication include, but are not limited to: **Project Description, Project Alternatives, Biological Resources Land Use, and Soil & Water Resources, Socioeconomic (Growth Inducing Impacts).** The Center has provided testimony that details some of the disputed issues for Project Alternatives, Biological Resources, and Socioeconomic (Growth Inducing Impacts). Project Description is an integral issue that frames Project Alternatives and is disputed. The Center disputes the accuracy of the description of the project as too narrowly framed

such that it eliminates proper evaluation of alternatives. As to Land Use, the Center disputes statements regarding the current allowable uses of the project site and intends to seek clarification in this regard from the County at hearing. The Center disputes the adequacy of the analysis of water resource impacts and the adequacy of proposed conditions of certification for mitigation and monitoring. The Center's concerns are with the direct, indirect and cumulative impacts to water resources and thereby to biological resources. Some of the issues regarding water resources that the Center has identified are similar to those raised by the Amargosa Conservancy.

Many of the disputed issues identified by the Center involve both legal and factual disputes while others are predominantly legal issues. The Center therefore respectfully reserves the right to address each disputed issue, and any other disputed issues identified at the prehearing conference during the evidentiary hearings and at later stages of this process including in briefing following the evidentiary hearing. The Center also reserves the right to dispute any changes to the proposed project or conditions of certification as the process proceeds.

d) The identity of each witness sponsored by each party; the subject area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;

Ileene Anderson: Biologist, Testimony on Biological Resources, Alternatives, and Growth Inducing Impacts. Ms Anderson's testimony on Biological Resources addresses both terrestrial and avian species, her testimony on Alternatives addresses a both reduced footprint alternative to avoid impacts to tortoise and other terrestrial biological resources and a photovoltaic alternative to reduce impacts to avian species, and her testimony on Growth Inducing Impacts concerns the direct and indirect impacts to the environment from the many additional projects that the new transmission line and gas line for the

project will facilitate siting in the project area. She will testify in person and presentation of her direct testimony on Biological Resources will likely require approximately 20 minutes, on Alternative would likely require 10 minutes, and on Growth Inducing Impacts will likely require 10 minutes.

Bill Powers, P.E.: Testimony on Alternatives. Mr. Powers' testimony on alternatives focuses on the feasibility of a distributed solar alternative. Mr. Powers will testify telephonically and his direct testimony will take approximately 30 minutes. Due to other previously schedule commitments Mr. Powers is only available to testify on March 14 (preferably in the afternoon), or on March 15.

e) Subject areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), the issue(s) to which the cross examination pertains, and the time desired for each such cross-examination (Note: A party who fails to provide the scope, relevance and time for cross examination with specificity risks preclusion from cross examining on that subject area);

The Center intends to cross-examine as detailed below:

Project Description & Project Alternatives:

Staff witness: Jeanine Hinde: regarding the rejection of a distributed PV alternative from detailed consideration and regarding the decision not to evaluate a reduced footprint alternative to avoid impacts to desert tortoise.

Time: Approximately 15 minutes.

Biological Resources:

Staff witnesses Carol Watson, Chris Huntley, Carolyn Chainey-Davis; Rick Tyler, Geoff Lesh, Alvin Greenberg, William Haas: regarding analysis of impacts to desert tortoise/habitat; burrowing owl; cryptobiotic soils; desert kit fox, rare plants, avian impacts including solar flux; mitigation ratios; groundwater dependent vegetation.

Time: approximately 10 minutes per witness/sub-topic.

Applicant: Dave Phillips (Avian, Bat, Wildlife), Amy Hiss (Rare Plants), Kathy Rose and/or Mike Klinefelter (State Waters), Gary Santolo (Avian Flux Issues), Sönke Johnsen (Solar Flux Modeling); Dr. Ivan Schwab (Avian Ocular Impacts), Alice Karl (Desert Tortoise), Dr. W. Geoffrey Spaulding (Groundwater Dependant Vegetation), Gary Rubenstein (Burrowing owl, cryptobiotic soils), Larry Carreto (Solar flux)

Time: approximately 10 minutes per witness per subtopic= 100 minutes.

Cindy McDonald's expert: Kevin Emmerich regarding observations of birds, terrestrial wildlife, and plant communities in the project area.

Time: approximately 10 minutes

Soil & Water Resources:

Staff: Marylou Taylor (soils and surface water), Mike Conway, John Fio, Gus Yates, and Paul Marshall (water supply)

Time: approximately 20 minutes.

Applicant: Michael Rojansky (surface water) and Matt Franck (surface water and water supply); Kathy Rose (Waters of the United States/Waters of the State), Steve Long (soils), Tim Thompson, Dr. John Jansen, Michael Rojansky, Dr. Geof Spaulding (water supply)

Time: 20 minutes

Amargosa Conservancy:

Andy Zdon: Water resource impacts and estimates and details of various modeling approaches. Potential cumulative impacts to water resources from the growth induced by the project new transmission line and gas line.

Time: approximately 20 minutes

Brian Brown: Water resource issues: History of conservation investments and restoration efforts related to water resources and riparian resource restoration in the Amargosa Basin. Potential impacts to past and ongoing conservation investments in

water resources from the growth induced by the project new transmission line and gas line.

Time: Approximately 15 minutes

Land Use:

County witness: Joshua Hart, Inyo County Planning Department: regarding requirements for well permits and water impacts studies, current land use designation and limitations that comprise the baseline; also regarding the status of any pending zoning or planning amendments.

Time: Approximately 15 minutes

Socioeconomic (Growth Inducing Impacts):

Staff: Jim Adams – Growth-Inducing Impacts analysis and current information on potential additional projects in the area that would utilize gas line or transmission lines being proposed for the project.

Time: approximately 15 minutes

f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical subject areas to which they apply (as explained in the section on “Format for Presenting Evidence”).

| INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY'S EXHIBITS 500 – 563: | | Technical Subject area |
|---|--|--|
| Exhibit 500: | Testimony of Ileene Anderson Re: Impacts to Sensitive Plants and Wildlife from the Proposed Hidden Hills Solar Electric Generating System, Declaration, and Resume | Biological Resources/Alternatives/ Socioeconomic (growth inducing impacts) |
| Exhibit 501: | Moilanen, A., A.J.A. van Teeffelen, Y. Ben-Haim and S. Ferrier. 2009. How much compensation is enough? A framework for incorporating uncertainty and time discounting when calculating offset ratios for impacted habitat. Restoration Ecology 17(4): 470-478. | Biological Resources |
| Exhibit 502: | Norton, D.A. 2009. Biodiversity offsets: two New Zealand case studies and an assessment framework. Environmental Management 43(4):698-706 | Biological Resources |
| Exhibit 503: | U.S. Fish and Wildlife Service (USFWS) 2009. Range- | Biological Resources |

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| | <p>wide monitoring of the Mojave population of the Desert Tortoise: 2007 Annual Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. Pgs. 77</p> <p>http://www.fws.gov/nevada/desert_tortoise/documents/reports/2007_Rangewide_Desert_Tortoise_Population_Monitoring.pdf</p> | |
| Exhibit 504: | <p>U.S. Fish and Wildlife Service. 2012. Range-wide Monitoring of the Mojave Desert Tortoise (<i>Gopherus agassizii</i>): 2008 and 2009 Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. Pgs. 71.</p> <p>http://www.fws.gov/nevada/desert_tortoise/documents/reports/2012/200809_Rangewide_Mojave_DT_Monitoring_20120928.pdf</p> | Biological Resources |
| Exhibit 505: | <p>U.S. Fish and Wildlife Service. 2012. Range-wide Monitoring of the Mojave Desert Tortoise (<i>Gopherus agassizii</i>): 2010 Annual Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. Pgs. 50.</p> <p>http://www.fws.gov/nevada/desert_tortoise/documents/reports/2012/2010_Rangewide_Mojave_DT_Monitoring_20120930.pdf</p> | Biological Resources |
| Exhibit 506: | <p>U.S. Fish and Wildlife Service. 2012. DRAFT Range-wide Monitoring of the Mojave Desert Tortoise (<i>Gopherus agassizii</i>): 2012 Annual Report. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. Pgs. 54.</p> <p>http://www.fws.gov/nevada/desert_tortoise/documents/reports/2012/2012_DRAFT_Rangewide_Mojave_Desert_Tortoise_Monitoring.pdf</p> | Biological Resources |
| Exhibit 507: | <p>Gowan, T. and K.H. Berry. 2009. Progress Report for 2009: The Health Status of Translocated Desert Tortoises (<i>Gopherus agassizii</i>) in the Fort Irwin Translocation Area and Surrounding Release Plots, San Bernardino County, California: Year 2. for National Training Center Fort Irwin. Pgs. 27.</p> | Biological Resources |
| Exhibit 508: | <p>Independent Science Advisors (ISA) 2010. Recommendations of Independent Science Advisors for the California Desert Renewable Energy Conservation Plan (DRECP). Prepared For Renewable Energy Action Team. Prepared By The DRECP Independent Science Advisors. DRECP-1000-2010-008-F. October 2010. Pgs. 192</p> <p>http://www.energy.ca.gov/2010publications/DRECP-1000-2010-008/DRECP-1000-2010-008-F.PDF</p> | Biological Resources |

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| Exhibit 509: | Berry, K.H., L. Lyren and T. Bailey 2012. A comparison of desert tortoise populations and habitat on three types of managed lands in the western Mojave desert in Spring 2011: the Rand Mountains/Fremont Valley, Desert Tortoise Research Natural Area, and Private Parcels. Final Report. Pgs 1. | Biological Resources |
| Exhibit 510: | Nussear, K.E., Esque, T.C., Inman, R.D., Gass, Leila, Thomas, K.A., Wallace, C.S.A., Blainey, J.B., Miller, D.M., and Webb, R.H., 2009, Modeling habitat of the desert tortoise (<i>Gopherus agassizii</i>) in the Mojave and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona: U.S. Geological Survey Open-File Report 2009-1102, 18 p. http://pubs.usgs.gov/of/2009/1102/ | Biological Resources |
| Exhibit 511: | DRECP 2012. Section 2 – Description of Alternatives. Pgs. 146 http://www.drecp.org/documents/docs/alternatives_eval/Section_2_Description_of_Alternatives.pdf ((The Center requests official notice of this exhibit which is too large to email, was published by the California Energy Commission, and is available on the Commission’s DRECP website.) | Biological Resources |
| Exhibit 512: | California Department of Fish and Game (CDFG) 2010. Natural Communities List and Ranking. Pgs. 72. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=24716&inline=1 | Biological Resources |
| Exhibit 513: | Danelski, D. 2012. Mojave Desert: \$20 million tortoise habitat deal in the works. Press Enterprise, July 20, 2012. 3 pgs. http://www.pe.com/local-news/topics/topics-environment-headlines/20120720-mojave-desert-20-million-tortoise-habitat-deal-in-the-works.ece | Biological Resources |
| Exhibit 514: | Esque, T.C., K.E. Nussear, K.K. Drake, A.D. Walde, K.H. Berry, R.C. Averill-Murray, A. Peter Woodman, W.I. Boarman, P.A. Medica, J. Mack and J.S. Heaton. 2010. Effects of subsidized predators, resource variability and human population density on the desert tortoise populations in the Mojave desert, USA. Endangered Species Research 12: 167-177. | Biological Resources |
| Exhibit 515: | McCrary, M.D., R.L. McKernan, R.W. Schreiber, W.D. Wagner and T.C. Sciarrotta. 1986. Avian Mortality at a Solar Energy Power Plant. Journal of Field Ornithology 57(2): 135-141 | Biological Resources |
| Exhibit 516: | Map of Audubon’s Important Bird Areas and the HHSEGS proposed project | Biological Resources |
| Exhibit 517 | Manning, J.A. 2009. Burrowing owl population size in the Imperial Valley, California: survey and sampling methodologies for estimation. Final report to the Imperial | Biological Resources |

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| | Irrigation District, Imperial, California, USA, April 15, 2009. Pgs 193. | |
| Exhibit 518 | California Department of Fish and Game (CDFG) 2012. Staff Report on Burrowing Owl Mitigation. State of California-Natural Resources Agency, Department of Fish and Game. March 7, 2012. Pgs. 36 http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf | Biological Resources |
| Exhibit 519: | USFWS 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. Biological Technical Publication BTP-R6001-2003. Pgs 120. | Biological Resources |
| Exhibit 520 | Bureau of Land Management 2012. Solar Applications and Authorizations. Pgs. 4. http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/solar.Par.84447.File.dat/BLM%20Solar%20Apps%20and%20Auths.pdf | Biological Resources |
| Exhibit 521 | Bureau of Land Management 2012. Wind Applications and Authorizations. Pgs. 7. http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy.Par.5556.File.dat/BLM%20Solar%20Apps%20&%20Auths%20July%202012.pdf | Biological Resources |
| Exhibit 522 | County of Kern 2012. Wind Applications and Authorizations. Pgs. 3. http://www.co.kern.ca.us/planning/pdfs/renewable/wind_projects.pdf | Biological Resources |
| Exhibit 523 | BLM. 2012. McCoy Solar Energy Project, Proposed Plan Amendment and Final Environmental Impact Statement, Volume 1 or 2, December 2012 CACA #048728 DOI Control #: DES 12-21 Publication Index #: BLM/CA/ES-2013-008+1793. Pgs.793. http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/palm_springs/Solar.Par.89379.File.dat/Vol1_McCoy%20PA-FEIS.pdf | Biological Resources |
| Exhibit 524 | CEC 2012. Notice of Receipt. Petition to amend the Energy Commission Decision for the Ivanpah Solar Electric Generating System (07-AFC-5C) http://www.energy.ca.gov/sitingcases/ivanpah/compliance/2012-07-12 Notice of Receipt Petition to Amend TN-68801.pdf | Biological Resources |
| Exhibit 525: | Belnap, J. 2006. The potential roles of biological soil crusts in dryland hydrologic cycles. Hydrologic Processes 20: 3159-3178. | Biological Resources |
| Exhibit 526: | Belnap, J. 2001. Biological Soil Crusts and Wind | Biological Resources |

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| | Erosion. Chapter 25 in Ecological Studies Vol. 150. J. Belnap and O.L. Lange (eds.) Biological soil crusts: structure, function and Management. Springer-Verlag, Berlin Heidelberg. Pgs. 9. | |
| Exhibit 527: | Belnap, J. and D. Eldridge 2001. Disturbance and Recovery of Biological Soil Crusts. Chapter 27 in Ecological Studies Vol. 150. J. Belnap and O.L. Lange (eds.) Biological soil crusts: structure, function and Management. Springer-Verlag, Berlin Heidelberg. Pgs. 21. | Biological Resources |
| Exhibit 528: | Brown, D.E. and R.A. Minnich. 1986. Fire and Changes in Creosote Bush Scrub of the Western Sonoran Desert, CA. American Midland Naturalist 116(2): 411-422. | Biological Resources |
| Exhibit 529: | Lovich, J. E. and D. Bainbridge 1999. Anthropogenic Degradation of the Southern California Desert Ecosystem and Prospects for Natural Recovery and Restoration. Environmental Management 24(3): 309-326. | Biological Resources |
| Exhibit 530: | Brooks, M.L. 2000. Competition Between Alien Annual Grasses and Native Annual Plants in the Mojave Desert. American Midland Naturalist 144: 92-108. | Biological Resources |
| Exhibit 531: | Brooks, M. L. and J. V. Draper. 2006. Fire effects on seed banks and vegetation in the Eastern Mojave Desert: implications for post-fire management, extended abstract, U.S. Geological Survey, Western Ecological Research Center, Henderson, Nevada, 3 p. | Biological Resources |
| Exhibit 532: | Brooks, M.L. and R.A. Minnich. 2007. Fire in the Southeastern Deserts Bioregion. Chp 16 in: Sugihara, N.G., J.W. van Wagtendonk, J. Fites-Kaufman, K.E. Shaffer, and A.E. Thode (eds.). Fire in California Ecosystems. University of California Press, Berkeley. | Biological Resources |
| Exhibit 533: | Dutcher, K. E. 2009. The effects of wildfire on reptile populations in the Mojave National Preserve, California. Final Report to the National Park Service, California State University, Long Beach. Pgs 28. | Biological Resources |
| Exhibit 534 | Wohlfahrt, G., L.F. Fenstermaker, J.A. Arone III. 2008. Large annual net ecosystem CO ₂ uptake of a Mojave Desert ecosystem. Global Change Biology 14: 1475–1487. | Biological Resources |
| Exhibit 535 | Initial Application of Pahrump Valley Solar LLC for Permit to Construct Solar Facilities under the Utility Environmental Protection Act (2012). Filed with the Nevada Public Utilities Commission. December 26, 2012. Pgs. 38. http://pucweb1.state.nv.us/PDF/AxImages/DOCKETS_2010_THRU_PRESENT/2012-12/22388.pdf | Socioeconomic (growth inducing) |
| Exhibit 536 | Testimony of Bill Powers, P.E., Regarding Alternatives, | Alternatives |

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| | Declaration, Resume. | |
| Exhibit 537 | Comments to California Public Utilities Commission from Sierra Club and Vote Solar Initiative on Resources Adequacy and Flexible Capacity Procurement, December 26, 2012 | Alternatives |
| Exhibit 538 | Bay Area Smart Energy 2020 Report | Alternatives |
| Exhibit 539 | More Distributed Solar Means Fewer New Combustion Turbines, September 2012, Natural Gas & Electricity | Alternatives |
| Exhibit 540 | SCE Application A.08-03-015 Solar Photovoltaic (PV) Program Application, March 27 2008. | Alternatives |
| Exhibit 541 | SCE Application A.08-03-015 Solar Photovoltaic (PV) Program Testimony March 27,2008 | Alternatives |
| Exhibit 542 | CPUC PR- Docket A.08-03-015, CPUC Approves Edison Solar Roof Program June 18, 2009 | Alternatives |
| Exhibit 543 | CPUC PR- Docket A.09-02-019, CPUC Approves Solar PV Program for PG&E, April 22, 2010 | Alternatives |
| Exhibit 544 | CPUC's Energy Action Plan II http://docs.cpuc.ca.gov/published//REPORT/51604.htm | Alternatives |
| Exhibit 545 | CEC's 2009 Integrated Energy Policy Report (IEPR) http://www.energy.ca.gov/2009publications/CEC-100-2009-003/CEC-100-2009-003-CMF.PDF | Alternatives |
| Exhibit 546 | CEC's California Energy Demand 2010-2020 Adopted Forecast. http://www.energy.ca.gov/2009publications/CEC-200-2009-012/CEC-200-2009-012-CMF.PDF | Alternatives |
| Exhibit 547 | CPUC's California Energy Efficiency Strategic Plan, January 2011. http://www.cpuc.ca.gov/NR/rdonlyres/A54B59C2-D571-440D-9477-3363726F573A/0/CAEnergyEfficiencyStrategicPlan_Jan2011.pdf | Alternatives |
| Exhibit 548 | CPUC Rulemaking R.08-08-009 – CA RPS Program, Administrative Law Judge's Ruling on Additional Commission Consideration of a Feed-In Tariff, Attachment A – Energy Division FIT Staff Proposal March 27, 2009. | Alternatives |
| Exhibit 549 | CEC's 2007 Integrated Energy Policy Report (IEPR) http://www.energy.ca.gov/2007publications/CEC-100-2007-008/CEC-100-2007-008-CMF.PDF | Alternatives |
| Exhibit 550 | CPUC's Renewable Portfolio Standard Quarterly Report, 4 th Quarter 2011. http://www.cpuc.ca.gov/NR/rdonlyres/3B3FE98B-D833-428A-B606-47C9B64B7A89/0/O4RPSReporttotheLegislatureFINAL3.pdf | Alternatives |

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| Exhibit 551 | Craig Lewis – Clean Coalition, Making Clean Local Energy Accessible Now, Power Point Presentation December 8-9, 2011 pg. 8 | Alternatives |
| Exhibit 552 | City of Palo Alto CLEAN Program webpage http://www.cityofpaloalto.org/gov/depts/utl/business/sustainability/clean.asp | Alternatives |
| Exhibit 553 | Greentech Media – March 6, 2012. Its Official: Palo Alto California has a Feed-In Tariff for PV http://www.greentechmedia.com/articles/read/Its-Official-Palo-Alto-Calif.-Has-a-Feed-In-Tariff-for-PV- | Alternatives |
| Exhibit 554 | CEC's California Rooftop Photovoltaic (PV) Resource Assessment and Growth by Potential County 2007. http://www.energy.ca.gov/2007publications/CEC-500-2007-048/CEC-500-2007-048.PDF | Alternatives |
| Exhibit 555 | RETI Phase 1B Final Report January 2009 http://www.energy.ca.gov/2008publications/RETI-1000-2008-003/RETI-1000-2008-003-F.PDF | Alternatives |
| Exhibit 556 | PG&E Application A.09-02-019, Application of PG&E to Implement Its Photovoltaic Program, February 24, 2009. | Alternatives |
| Exhibit 557 | Summary of PV Potential Assessment in RETI and the 33% Implementation Analysis December 9, 2009. E3 and Black & Veatch. http://www.cpuc.ca.gov/NR/rdonlyres/FBB0837D-5FFF-4101-9014-AF92228B9497/0/ReDECWorkshopPresentation1ExistingAnalyses.ppt | Alternatives |
| Exhibit 558 | Navigant, PV Grid Connected Market Potential under a Cost Breakthrough Scenario, Prepared for the Energy Foundation, September 2004. Pgs. 83. | Alternatives |
| Exhibit 559 | NREL, Solar Radiation Data Manual for Flat-Plate and Concentrating Collections: California http://rredc.nrel.gov/solar/pubs/redbook/PDFs/CA.PDF | Alternatives |
| Exhibit 560 | Email communication between Don Kondoleon, manager- CEC Transmission Evaluation Program and Bill Powers of Powers Engineering. January 30, 2008 | Alternatives |
| Exhibit 561 | CEC Final Decision Chula Vista Energy Upgrade Project, June 2009 http://www.energy.ca.gov/2009publications/CEC-800-2009-001/CEC-800-2009-001-CMF.PDF | Alternatives |
| Exhibit 562 | CPUC R. 10-5-006. Planning Standards for Renewable Resources http://docs.cpuc.ca.gov/efile/RULINGS/130670.PDF | Alternatives |
| Exhibit 563 | Rebuttal Testimony | Biological Resources |
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g) Subject areas for which the Applicant will seek either a Commission override due to public necessity and convenience pursuant to Public Resources Code section 25525 or a specific finding that overriding economic, legal, social, technical or other benefits outweigh the significant effects on the environment pursuant to Public Resources Code section 21081(b);

Because there is a feasible alternative that will avoid many of the project impacts that was fully analyzed, a PV alternative, the Commission should not consider or approve any override for this project. In addition, no override should be considered because the environmental review to date has failed to adequately analyze a reasonable range of alternatives that would avoid impacts to desert tortoise, including a reduced acreage alternative that would avoid impacts to desert tortoise.

h) Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters;

Due to a vacation scheduled many months ago (in November 2012) for Center attorney Lisa Belenky from April 3-16, the Center seeks additional time for the reply briefing of at least 10 days until the end of the day (5 p.m.) on April 24, 2013.

i) For all subject areas, a description of any proposed modifications to the proposed conditions of certification listed in the Final Staff Assessment (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

To date the Center has had insufficient time to review all of the proposed conditions of certification in order to propose modifications and, moreover, the Staff has continued to modify those conditions after the FSA was issued. For example, the Staff recently proposed in Rebuttal Testimony to modify several conditions of certification including Water Supply-4 without providing a red-line version of the texts. The Center reserves the right to provide proposed modifications to the conditions of certification and to cross-examine staff on the basis for the proposed conditions and any changes to the proposed conditions at the hearings as well as in response to the PMPD.

As a general matter, the Center asserts that the Conditions of Certification are inadequate to provide all of the needed mitigation and monitoring. For example, the mitigation requirements for impacts to avian species are inadequate and the monitoring regime for avian species is too short—it should persist for the life of the project. Moreover, there is insufficient attention to impacts to and monitoring for impact to invertebrates. The Center will provide specific language on these and other Conditions of Certification as soon as possible.

Dated: February 19, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa T. Belenky". The signature is fluid and cursive, with a long horizontal stroke at the end.

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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1-800-822-6228 – WWW.ENERGY.CA.GOV**

***APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

Docket No. 11-AFC-02

**PROOF OF SERVICE
(Revised 2/15/13)**

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*DAVID R. HOCHSCHILD
Commissioner and Associate
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Ken Celli
Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
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TBD
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Lisa Belenky, declare that on February 19, 2013, I served and filed copies of the attached Prehearing Conference Statement, dated February 19, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- ☒ I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- ☐ Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.



Dated: February 19, 2013