

**STATE OF CALIFORNIA**

**Energy Resources and Conservation and Development Commission**

**In re the Matter of:** )  
 )  
**APPLICATION FOR CERTIFICATION FOR** )  
**THE HIDDEN HILLS SOLAR ENERGY** )  
**GENERATION PROJECT** )  
\_\_\_\_\_ )

DOCKET NO. 11-AFC-2

**PREHEARING CONFERENCE STATEMENT**  
**INTERVENOR AMARGOSA LAND TRUST d/b/a**  
**AMARGOSA CONSERVANCY**

February 21, 2013

DONNA LAMM, Executive Director

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**PREHEARING CONFERENCE STATEMENT  
INTERVENOR AMARGOSA CONSERVANCY**

Intervenor, Amargosa Land Trust d/b/a Amargosa Conservancy (“Conservancy”, or “AC”) hereby submits this Prehearing Conference Statement.

**I.**

**SUBJECT AREAS COMPLETED AND RIPE FOR HEARING**

The Amargosa Conservancy is prepared to proceed with respect to the subject areas addressed in its comments and testimony. These areas include Biological Resources/Water Supply, Cumulative Impacts, Visual, and Socioeconomics.

**II.**

**SUBJECT AREAS NOT RIPE FOR HEARING**

Amargosa Conservancy is prepared to proceed with the above subject areas on which it has offered comments and testimony. The Conservancy questions, however, whether the Commission can proceed to decide whether all significant impacts of the project, including cumulative impacts and water supply issues have been mitigated to a less than significant level in the absence of knowledge of even the draft content, proposed in the pending federal Environmental Impact Statement for the natural gas pipeline and electrical transmission line in Nevada without which the project will not be constructed and operated.

### III.

#### SUBJECT AREAS IN DISPUTE

Based on the Final Staff Assessment (FSA), Opening and Rebuttal Testimony filed in this matter, the subject areas that the Conservancy continues to dispute are as follows:

- A. **Water dependent Biological Resources/ Water Supply**—The Conservancy concurs with the basic structure and content of the FSA-staff proposed conditions related to the protection of water dependent biological and groundwater resources, with the exception that we disagree that effects on the Amargosa River system cannot be discounted given existing information and that additional monitoring wells and trigger conditions need to be imposed to protect the Wild and Scenic Amargosa River and its tributaries.

Further, we believe that compensatory mitigation for groundwater use should be required in the form of retirement of actively used water rights in the Pahrump Basin, in multiples of projected project use, to offset the loss of basin storage caused by long term project pumping from this overdrawn basin.

Lastly, we oppose each of the Applicant's proposed changes to the Biological Resources and Water Supply conditions of certification. We disagree with Applicant's interpretation of hydrological data and studies and conclusions regarding their pump tests. It is most critical, in our view, that the FSA's clearly stated .5 foot trigger conditions for project pumping reduction/cessation be retained.

**B. Cumulative Impacts**—We do not believe that the FSA’s consideration of cumulative impacts is adequate. There appear to be several additional solar plants listed on the BLM Nevada website that have active files (Plans of Operations).

See:

[http://www.blm.gov/nv/st/en/fo/lvfo/blm\\_programs/energy/southern\\_nevada\\_reco.html](http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/southern_nevada_reco.html)

In addition, the probable collateral regional development impacts of constructing a major natural gas pipeline and electrical transmission line to service the HHSEGS facilities are not adequately analyzed. The FSA apparently relies primarily on the BLM’s pending EIS process in Nevada to disclose and deal with these effects. The Conservancy believes that a description of the potential significant impacts of the construction and operation of these essential facilities for the project and the mitigation measures and alternatives to avoid or lessen such impacts is necessary for the Commission to be fully aware of and consider all of the project’s impacts at the time of the CEC’s deliberations over the approval of the HHSEGS.

**C. Visual and Socioeconomics**—The Conservancy believes that the cultural, visual and socioeconomic impacts of locating the HHSEGS facility in this area will have immitigable effects on the local, low income communities as well as the ecological and visual values so important to this area.

#### **IV. WITNESSES**

The Amargosa Conservancy intends to offer the following witnesses as convenient for the Commission during the hearings and as necessary to supplement or rebut the testimony of other participants:

- A. **Andrew Zdon**, on water supply issues. Zdon's testimony will be based upon the views expressed on his written reports and previously filed written testimony.
- B. **Brian Brown**, on visual, socioeconomics and cumulative impacts. Brown's testimony will be based on the views expressed in his written testimony and his long residence and business activities in the area.

**V.**

**CROSS EXAMINATION**

The Amargosa Conservancy does not intend to cross examine witnesses, but would like the opportunity to participate in panel discussions or offer comments on the testimony offered by others.

**VI.**

**EVIDENCE**

The Amargosa Conservancy intends to rely on reports, letters and written testimony previously filed and mentioned in its testimony, and, to the extent appropriate, on oral views elicited during the live hearings.

**VIII.**

**SCHEDULING ISSUES**

Given the importance of this matter to the local community, we believe that all hearings should take place in the Shoshone/Tecopa area.

Dated: February 21, 2013

Respectfully Submitted,

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