

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	202778
Document Title:	Prehearing Conference Statement
Description:	N/A
Filer:	Kevin Emmerich
Organization:	Basin and Range Watch
Submitter Role:	Intervenor
Submission Date:	7/21/2014 11:17:16 PM
Docketed Date:	7/22/2014

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION)	DOCKET NO. 09-AFC-7C
FOR THE PALEN SOLAR ELECTRIC)	
GENERATING SYSTEM)	
_____)	

PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND RANGE WATCH

July 21st, 2014

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box70,
Beatty, NV, 89003
Phone: 775-553-2806
atomictoadranch@netzero.net
bluerockiguana@hughes.net

PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND RANGE WATCH

Complete Subject Areas:

Basin and Range Watch is prepared to proceed to evidentiary hearing in the following subject areas: Avian threats from solar flux and polarized glare, impacts to flying insects, curtailment, alternatives, overriding considerations, cultural resources, and glint/glare, visual resources.

Incomplete subject areas, areas that remain disputed and require adjudication, and the reasons therefore:

The issues Basin and Range Watch disputes and believe require adjudication are:

1. Threats to avian species by the solar flux and polarized glare. There is not enough baseline information from the Ivanpah Solar Electric Generating System (ISEGS) to proceed with this project yet. Focused carcass surveys at Ivanpah have not even taken place for a year yet.
2. Impacts to flying insects are poorly understood, but have been recognized as a strong impact from the ISEGS project.
3. Curtailment mitigation for weekly to monthly periods has not been discussed enough. Because there are no actual proven mitigations for avian solar flux kills, curtailment may be the only mitigation that will prevent avian and insect kills. Curtailment could also mitigate threats to pilots who may have complaints about strong glare.
4. Alternatives: The CEC has not yet provided a satisfactory reason for rejecting an off-site photovoltaic alternative that would eliminate a need for the Palen Solar Project in its location and the impacts associated with it.
5. Overriding Considerations: Overriding impacts to cultural, visual and biological resources would result in impacts that could never be mitigated. The impacts outweigh the benefits.
6. Cultural Resources: The Palen Solar Project will directly destroy archeological sites and have unmitigable impacts on the Cultural Landscape. The requests of the Colorado River Tribes should be respected. The project is not appropriate in this location.
7. Glint, Glare, Visual Resources: Recent complaints by pilots flying over the ISEGS project have raised serious concerns over safety. So far, there are no complete plans to mitigate this problem and the actual safety of the public is in question. Ground based glare events from rogue heliostats are common on the site and can be painful to the eyes of the viewer.

The identity of each witness the party intends to sponsor, the subject area(s) about which the witness(es) will testify, 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;

Basin and Range Watch will provide two witnesses for the hearing.

Kevin Emmerich, Basin and Range Watch: Visual Resources/Glint and Glare. Will testify in person and take no more than 15 minutes.

Laura Cunningham, Basin and Range Watch: Biological Resources. Will testify in person and take no more than 15 minutes.

See opening testimony and rebuttal testimony for qualifications.

Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness.:

1. Avian Impacts, 15 minutes
2. Impacts to flying invertebrate species, 15 minutes
3. Curtailment, 15 minutes
4. Alternatives, 10 minutes
5. Overriding Considerations, 10 minutes
6. Cultural Resources, 15 minutes
7. Glint/Glare, Visual, 15 minutes.

We would also like to request to have 5 available minutes each with intervener Center for Biological Diversity's witnesses, Gordon Pratt, Shawn Smallwood, Bill Powers and Ileene Anderson.

A list identifying exhibits with TN numbers that the party intends to offer into evidence and the technical subject areas to which they apply;

Exhibit 4001, TN # 202579, Visual Resources/Glint and Glare
Exhibit 4002, TN # 202575, Visual Resources/Glint and Glare
Exhibit 4003, TN # 202576, Visual Resources/Glint and Glare
Exhibit 4004, TN # 202577, Visual Resources/Glint and Glare
Exhibit 4005, TN # 202573, Visual Resources/Glint and Glare
Exhibit 4006, TN# 202574, Visual Resources/Glint and Glare
Exhibit 4007, TN# 202760, Biological Resources
Exhibit 4008, TN # 202759, Biological Resources

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

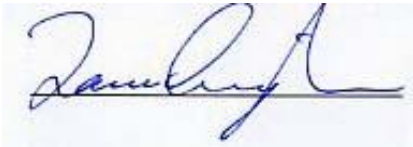
Basin and Range Watch would like to concur with Center for Biological Diversity's proposal for opening briefs to be due by August 26, 2014 and reply briefs be due September 9, 2014.

A description of any proposed modifications to the conditions of certification for the limited issues listed above. 4

Basin and Range Watch has not completely looked at any new proposed conditions of certification due to the high volume of information that has pouring in to this proceeding. More time is needed.

Submitted July 21st, 2014

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box70,
Beatty, NV, 89003
Phone: 775-553-2806
atomictoadranch@netzero.net
bluerockiguana@hughes.net

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