

## 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**

**PREHEARING CONFERENCE STATEMENT FOR REOPENED HEARINGS**

**AND UPDATED EXHIBIT LIST**

**Exhibit 3150**

July 21, 2014

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## INTRODUCTION

Pursuant to the June 2, 2014, REVISED NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING, SCHEDULING ORDER, AND FURTHER ORDERS, Intervenor Center for Biological Diversity (the “Center”) provides this Prehearing Conference Statement for Re-opened Evidentiary Hearings Scheduled for July 29-31, 2014 in Blythe, California (and possibly continued to August 4, 2014, in Sacramento, California).

The recently filed opening and rebuttal raised additional issues that were not on the list of issues in the prehearing order, specifically, **Project Description**, which is addressed by both Staff and Petitioner in their testimony. Because Intervenor were unaware that new testimony was being taken on Project Description and, therefore, have not had a full opportunity to address the topic area of **Project Description**, the Center reserves the right to provide additional testimony on this topic at any time up to and including at the evidentiary hearings.

The Center has filed opening testimony and rebuttal testimony for the re-opened hearings and reserves the right to provide additional testimony and documentary evidence along with written rebuttal up to and including at any evidentiary hearings on this matter and expressly to provide additional on Project Description or regarding any new information that arise.

## PREHEARING CONFERENCE STATEMENT

### **1) The topic areas that are complete and ready to proceed to evidentiary hearing;**

The Center is preparing to proceed in the re-opened hearings on the following topics identified by the Committee: “a. Avian impacts; b. Flying invertebrate species (insects); c. Curtailment provision; d. Avian deterrent strategies; e. Visual Resources

(glint and glare); f. Alternatives (PPA milestone status and economic feasibility); g. Overriding considerations; h. Natural gas consumption; i. Cultural Resources mitigation (Condition of Certification CUL-1).” In addition, the Center will be prepared to proceed on the topic of Project Description raised by the Staff and Petitioner in testimony. However, the Center remains concerned with the inadequacies in the identification and analysis of impacts to biological resources (direct, indirect and cumulative impacts), inadequacies in the alternatives analysis, and lack of adequate identification and analysis of minimization and mitigation measures for the impacts of the project— that is, the Commission has failed to date to fully comply with their duties under CEQA on the newly raised topics which renders these evidentiary hearings premature.

**2) The issues 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, but not limited to: Project Description; Avian baseline and impacts; Flying invertebrate species (insects) baseline and impacts; Curtailment provisions description and analysis; Avian deterrent strategies description and analysis; Alternatives (PPA milestone status/terms and economic feasibility); and Overriding considerations. As noted above, the Center does not view these topics as complete and ready for evidentiary hearings given the lack of adequate identification and analysis of the impacts of the proposed project amendment provided to date by the Commission. Looking only at the topics the Committee agreed to for the re-opened hearings, the Center is particularly concerned with inadequacies in the identification and analysis of impacts to avian species and insects, lack of adequate identification of specific and enforceable minimization and mitigation measures and plans, and the lack of robust alternatives analysis.

Also of concern to the Center is the proposal to defer critical minimization and mitigation measures and plans to a later time which fails to comply with the requirements of CEQA and which would undermine review and comment by the public and parties in this matter. As the Committee is well aware, CEQA requires that environmental review must also analyze any proposed mitigation measures and their likely efficacy. CEQA Guidelines § 15126.4(a)(1)(D) (“If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measures *shall* be discussed . . .” emphasis added); *Save Our Peninsula Comm. v. Monterey Board of Supervisors* (2001) 87 Cal.App.4th 99, 130 (“An EIR is required to discuss the impacts of mitigation measures.”).

In addition, the proposals to leave these critical decisions regarding minimization and mitigation measures to a Technical Advisory Committee which would not be fully transparent to the public and allow for public input and review is of great concern.

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, minimization and mitigation measures, and alternatives, or to defer any of the required CEQA review or delegate it to some other entity. 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.

**3) The issues that remain disputed and require adjudication, and the precise nature of the dispute for each issue;**

The issues that the Center disputes and which require adjudication include, but are not limited to: **Avian impacts** (baseline and analysis); **Flying invertebrate species (insects)** (baseline and analysis); **Curtailment provision** (descriptions, specific proposals, and analysis); **Avian deterrent strategies** (description, specific proposals, and analysis); **Alternatives; Overriding considerations** (factors, basis and metrics for balancing by the Commission; and factors, basis and metrics for considering “feasibility” of alternatives by the Commission); **Cultural Resources mitigation (Condition of Certification CUL-1)** (whether any of the mitigation for cultural resources is proposed to overlap with or “nest” with other mitigation including biological resources); **and Project Description.**

Many of the disputed issues identified by the Center involve both legal and factual disputes while others are predominantly legal issues (including, but not limited to, adequacy of CEQA review of resource areas, feasibility, alternatives, overriding considerations, mitigation and minimization measures analysis and adequacy, and whether if the existing permitted project is now considered “infeasible” the petition should have been evaluated against a baseline of the current environmental setting, not the existing permit). The Center therefore respectfully reserves the right to address each disputed issue, and any other disputed issues identified at the prehearing conference at later stages of this process including in briefing following the evidentiary hearing.

**4) 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;**

The Center intends to present or rely on expert witnesses on the following topics. The Center requests that if necessary expert witnesses be allowed to testify by telephone.

While in-person testimony is preferred and at this time the Center's witnesses are all available to testify in person in Blythe, California it is possible that their schedules will change before times for each of the topics at the hearings are set. Dr. Smallwood is available on Tuesday, July 29 or Thursday, July 31. Therefore, the Center reserves the right to have experts testify by telephone if necessary.

All experts listed below have submitted testimony and their qualifications. The Center reserves the right to submit additional on any late-filed information or otherwise before the evidentiary hearing for each topic. Below the Center provides a summary of the topic areas and time estimates for the witnesses already identified.

- **Gordon Pratt, Ph.D.: Flying invertebrate species (insects):** Dr. Pratt's direct testimony is estimated to take no more than 45 minutes.

- **Bill Powers: Alternatives and Project Description:** Mr. Powers' direct testimony is estimated to take no more than 30 minutes.

- **Ileene Anderson: Avian impacts; Flying invertebrate species (insects); and Alternatives:** Ms. Anderson's direct testimony for the reopened hearings is estimated to take no more than 40 minutes with approximately 20 minutes for avian impacts, 10 minutes for flying invertebrate species, and 10 minutes for Alternatives.

- **Shawn Smallwood Ph.D.: Avian impacts, Curtailment provision, Avian deterrent strategies, Alternatives:** Dr. Smallwood's opening testimony is estimated to take no more than 1.5 hours these topics.

**5) 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.;**

Because the Committee has indicated it will use Informal Hearing Procedures, the Center is unable to estimate precisely how much time cross-examination/questioning will

take. As with earlier hearings, the Center will endeavor to ensure that any questions asked are not repetitive with those previously asked by other parties or the committee of the panel of experts. However, the Center reserves the right to cross-examine/question all witnesses and to ensure that the experts sponsored by the Center have had an opportunity to provide testimony and responses on all relevant topics.

**Avian impacts:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding avian impacts including baseline and analysis. The Center estimates that questioning will take approximately 1 hour and that the scope will include baseline assessment of avian resources in the project area, potential for attraction to the project, analysis of impacts to avian species from both solar flux and collisions; comparison of impacts estimates from various technologies and project types (including distributed solar); and proposed conditions of certification.

**Flying invertebrate species (insects):** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding flying invertebrate species (insects) impacts including baseline and analysis. The Center estimates that questioning will take 30 minutes and that the scope will include baseline assessment of invertebrate resources in the project area, potential for attraction to the project, analysis of impacts to invertebrate species from solar flux; comparison of impacts estimates from various technologies and project types (including distributed solar); and proposed conditions of certification.

**Curtailed provision:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding identification and analysis of potential curtailment provisions. The Center estimates that questioning will take 30 minutes and that the scope will include timing and length of potential curtailment provisions, likely impact of curtailment provisions; feasibility of curtailment provisions; comparison of



impacts estimates from various technologies and project types (including distributed solar) to the proposed project with proposed curtailment provisions; and proposed conditions of certification.

**Avian deterrent strategies:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding proposed avian deterrent strategies, impacts and analysis. The Center estimates that questioning will take 45 minutes and that the scope will include analysis of impacts to species from deterrent strategies, likelihood of effectiveness, comparison of impacts estimates from various technologies and project types (including distributed solar); and proposed conditions of certification.

**Visual Resources:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding visual resources and lack of baseline information or analysis of impacts of glint and glare on biological resources. The Center estimates that questioning will take 15 minutes and that the scope will include analysis of impacts to species, likelihood of effectiveness of proposed mitigations, comparison of impacts estimates from various technologies and project types (including distributed solar); and proposed conditions of certification.

**Alternatives:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding alternatives including PPA milestones, other terms of the PPA, and economic feasibility of the proposed project as compared to alternatives. The Center estimates that questioning will take 45 minutes and that the scope will include alternatives including PPA milestones, other terms of the PPA, and economic feasibility of the proposed project as compared to various alternative technologies and project types (including distributed solar); and proposed conditions of certification.

**Overriding Considerations:** CEC Staff, Petitioner's witnesses, and witnesses presented by other Intervenors regarding overriding considerations. The Center estimates

that questioning will take 45 minutes and that the scope will include factors, basis and metrics for balancing by the Commission, and factors, basis and metrics for considering “economic feasibility” of the proposed project by the Commission, and economic feasibility of the proposed project as compared to various alternative technologies and project types (including distributed solar); and proposed conditions of certification.

**Natural Gas Consumption:** CEC Staff, Petitioner’s witnesses, and witnesses presented by other Intervenors regarding natural gas consumption. The Center estimates that questioning will take 10 minutes and that the scope will include how estimates were derived particularly regarding the percent of production attributable to natural gas and proposed conditions of certification.

**Cultural Resources mitigation:** CEC Staff, Petitioner’s witnesses, and witnesses presented by other Intervenors regarding cultural resources mitigation. The Center estimates that questioning will take 10 minutes and that the scope will include whether any of the proposed mitigation for cultural resources is proposed to overlap with or “nest” with other mitigation including biological resources; and the terms of the proposed conditions of certification.

**Project Description:** CEC Staff, Petitioner’s witnesses, and any witnesses presented by other Intervenors regarding the Project Description. The Center estimates that questioning will take no more than 20 minutes regarding the completeness, accuracy and appropriateness of the project description.

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

The Center has filed and identified in the record all exhibits relied on and attaches a list of exhibits hereto in the format required. The Center reserves the right, if necessary, to provide additional exhibits up to and through the end of all of the

evidentiary hearings in this matter.

**7) Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters; and**

As explained above, the Center does not believe that the CEQA review for this proposed project has been adequately completed by the Commission and, therefore, briefing is also premature. However, the Center understands that the Committee intends to move forward at this time with incomplete information. In light of that, and reserving all rights to object or move for the process to be continued or stayed until complete information is available, the Center responds as follows:

The Center objects to the schedule which requires opening briefs to be filed “2 weeks after the transcripts are published” and reply briefs to be filed “3 weeks after the transcripts are published” this provides no certainty to the parties regarding the schedule and our experience from the last set of hearings shows that the time for transcripts can vary widely from a few days to several weeks. The Center proposes that Opening briefs be due 3 weeks after the final scheduled hearing date (currently August 4) – **August 26, 2014**— and reply briefs be due 2 weeks later—**September 9, 2014**.

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

The Center has reviewed most recent versions of the Proposed Conditions of Certification, but has not had sufficient time to review new proposed conditions provided in staff’s rebuttal testimony or by other parties. Given that Staff continues to make changes to the proposed conditions, the Center is not at this time prepared to provide specific language for all of the proposed modifications to any of the Proposed Conditions of Certification. Nonetheless, the Center’s experts have provided some testimony on the proposed conditions and the Center reserves the right to provide additional proposed

modifications to the Proposed Conditions of Certification in briefing and comments on the PMPD.

The Center is concerned that Conditions for all biological resources and minimization and mitigation measures are inadequate because the identification and analysis of impacts is incomplete and inadequate. The same is true in other areas. The Center also asserts that failure to adequately identify and analyze impacts and then engage with the alternatives analysis is fatal to this proposal. The alternatives analysis should have provided additional information on ways to avoid and minimize impacts and the current curtailment and deterrent proposals are far too vague to provide a basis for conditions of certification and the analyses of impacts of most of the deterrent proposals has not been done. The failure to adequately engage those initial steps has resulted in a proposed project that unlawfully includes significant but avoidable impacts and unlawfully defers identification and analysis of the effectiveness of mitigation and minimization measures. Given this circumstance, the Center asserts that approving the project amendment as proposed is unlawful. While the Staff and Petitioner have provided some vague ideas for mitigation and minimization measures, for many impacts to avian species and invertebrates the conditions are not adequate or not fully presented because most of the mitigation measures and plans relied on are not fully developed and do not have enforceable standard and they fail to provide the required specificity needed. Moreover, because the formulation of the plans and specific mitigation measures is unlawfully deferred to a time after the public review process, the Commission has also failed in its duty to analyze any impacts that proposed mitigation measures may have, in violation of CEQA.

In sum, many of the proposed conditions appear to be unlawfully vague and do not meet the CEQA requirements that mitigation measures be specific, feasible, and

enforceable. In addition, the development of mitigation measures has been unlawfully deferred and the environmental impacts that may be caused by the proposed mitigation measures are not addressed. Therefore, Center reserves the right to provide proposed modifications for each of the conditions and additional proposed conditions after hearings or in briefing or in comments on the PMPD and at any hearing of the Commission on this matter.

### OFFICIAL NOTICE REQUESTED

The Center requests that at the Prehearing Conference the Committee take Official Notice of the Following additional CEC and CAISO Documents Cited in the Center’s 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> .

### EXHIBIT LIST

#### Intervenor Center for Biological Diversity’s Exhibits No. 3000-3150

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 the Desert Tortoise	Biological Resources
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.	Biological Resources

		(McCrary)	
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	Biological Resources

		Interior, Bureau of Land Management	
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	Air Quality



		Nov. 2012	
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	202500	Center Opening Testimony Intro. for July 2014 reopened hearings with exhibit list	Biological Resources, Alternatives, _____
3093	202492	Testimony Gordon Pratt, PhD, CV and Declaration	Biological Resources
3094	202493	Ballmer 1995.	Biological Resources
3095	202498	Table 1. Plants and food plants for butterflies	Biological Resources
3096	202497	Figure 1 – Pygmy blue butterfly (photo)	Biological Resources
3097	202496	Figure 2 – Gray hairstreak butterfly (photo)	Biological Resources

3098	202510	Figure 3 – Palmer’s metalmark butterfly (photo)	Biological Resources
3099	202508	Figure 4 – Monarch butterfly (photo)	Biological Resources
3100	202507	Figure 5 – Queen butterfly (photo)	Biological Resources
3101	202505	Figure 6 – Buckeye butterfly (photo)	Biological Resources
3102	202514	Figure 7 – Painted lady butterfly (photo)	Biological Resources
3103	202513	Figure 8 – Checkered white butterfly (photo)	Biological Resources
3104	202511	Figure 9 – Funeral duskywing butterfly (photo)	Biological Resources
3105	202532	Pratt 1998. Edwards AFB surveys 1996	Biological Resources
3106	202531	Pratt 2000. Edwards AFB surveys 1996-98.	Biological Resources
3107	202538	Kagan et al. 2014. Avian mortality report.	Biological Resources
3108	202539	Andrews et. al. 1975. Coleopterus fauna of CA sand dunes.	Biological Resources
3109	202540	Tinkham 1975. Neararctic Desert Sand Dunes Orthoptera	Biological Resources
3110	202541	Figure 10. Spaniacris deserticola & Xeracris snowii (photo)	Biological Resources
3111	202542	Strohecker et al. 1968. CA Grasshopper key	Biological Resources
3112	202543	Figure 11. Philotiella speciosa (photo)	Biological Resources
3113	202544	Bill Powers Testimony, CV, Declaration	Alternatives
3114	202545	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>	Alternatives
3115	202546	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>	Alternatives
3116	202547	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>	Alternatives
3117	202548	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> .	Alternatives
3118	202549	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>	Alternatives
3119	202550	CPUC Decision D.13-10-040, Conclusion of Law	Alternatives
3120	202551	CPUC press release, CPUC Acts to Ensure Energy Reliability in Southern California, March	Alternatives

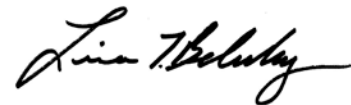
		13, 2014: <a href="http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M088/K989/88989943.PDF">http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M088/K989/88989943.PDF</a>	
3121	202552	ICF Jones & Stokes, Electric Grid Reliability Impacts for Regulation of Once-Through Cooling in California, April 2008, Figure 1.	Alternatives
3122	202553	Energy Prospects West, PNM to Build Four Solar Projects Next Year, June 10, 2014.	Alternatives
3123	202554	Energy Prospects West, Large-Scale Solar Prices Plummet in the West, April 1, 2014	Alternatives
3124	202555	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>	Alternatives
3125	202556	Natural Gas & Electricity Journal, Federal Government Betting on the Wrong Solar Horse, December 2010.	Alternatives
3126	202557	Testimony of Ileene Anderson, Declaration	Biological Resources
3127	202558	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>	Biological Resources
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3133	202528	Horvitz, D. G. and D. J. Thompson. 1952. A generalization of sampling without replacement from a finite universe. <i>Journal of American Statistical Association</i> 47:663-685.	Biological Resources
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3138	202561	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.	Biological Resources
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Respectfully submitted,

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