

## DOCKETED

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**STATE OF CALIFORNIA**  
**Energy Resources**  
**Conservation and Development Commission**

In the matter of:

Amendment for the **PALEN SOLAR  
ELECTRIC GENERATING SYSTEM**

DOCKET NO. 09-ACF-7C

**INTERVENOR COLORADO RIVER INDIAN TRIBES**  
**PRE-HEARING CONFERENCE STATEMENT**

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## INTRODUCTION

Intervenor Colorado River Indian Tribes (CRIT or Tribes) provides this Pre-Hearing Conference Statement regarding the proposed Amendment to the Palen Solar Electric Generating System (Palen or Project), pursuant to the Revised Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders filed June 2, 2014 (TN# 202407).

### Complete Subject Areas

CRIT is preparing to proceed to hearing on the following topics: Avian Impacts (specifically, cultural resource impacts of new information from Ivanpah), Visual Resources/Transportation (glint and glare), and Cultural Resources mitigation (Conditions of Certification CUL-1). CRIT has not thoroughly reviewed, and therefore offers no opinion about, the completeness of the other sections.

### Disputed Subject Areas

The Commission requested additional information on a variety of specific topics in January 2014, and CRIT believes that all listed topics, together with the topics added since that time, merit discussion at the upcoming evidentiary hearing. Specifically, CRIT requests adjudication of the following issues: Avian Impacts, Visual Resources/Transportation (glint and glare), Cultural Resource mitigation (Condition of Certification CUL-1). The Commission must determine whether new information from the Ivanpah Project's harm to avian species impacts the prior finding that override findings could not be made. The Commission must determine whether the Petitioner has adequately analyzed potential impacts from glint and glare, particularly on pilots, given the reports from the Ivanpah Project, and must determine whether sufficient measures exist to mitigate the impact. The Commission must also determine whether the revisions to CUL-1 adequately "address the impact of the project on Native Americans," as requested by Commissioner Douglas in January 2014.

### Witnesses

CRIT intends to sponsor the following witnesses:

- 1) Councilwoman Amanda Barrera, Cultural Resources mitigation. Ms. Barrera will discuss the proposed modifications to CUL-1 and her experience with the Genesis Tribal Working Group, which serves as a model for the proposed Native American Advisory Group. Ms. Barrera is a CRIT Councilmember and has regularly participated in the Genesis Tribal Working Group. She intends to testify in person for approximately 20 minutes.
- 2) David Harper, Avian Impacts, Cultural Resources mitigation. Mr. Harper will discuss the cultural significance of the avian species affected by the Ivanpah Project, and likely to be affected by the Palen Project, as well as the proposed Cultural Resource mitigation. Mr. Harper is the traditional spokesperson for the CRIT Mohave Elders Committee. He intends to testify in person for approximately 20 minutes in each topic area.

Both Chairman Dennis Patch and Ted Swendra, who have provided written testimony at this stage in the evidentiary proceedings, are unavailable to attend the hearings scheduled for July 29-31, 2014.

Cross Examination

CRIT requests cross examination within the following subject areas:

- 1) Cultural Resources mitigation. CRIT's proposed scope of questions concerns the amount of funding proposed for CUL-1B and the Native American Advisory Group. CRIT's questions should take approximately 15 minutes.
- 2) Transportation (Glint and Glare). CRIT's proposed scope of questions concerns the analysis conducted to understand the Project's likely glint and glare impacts and proposed mitigation measures. CRIT's questions should take approximately 15 minutes.
- 3) Natural Gas Consumption. CRIT's proposed scope of questions concerns the analysis conducted to understand the Project's likely natural gas usage. CRIT's questions should take approximately 15 minutes.
- 4) Avian Deterrent Strategies. CRIT's proposed scope of questions concerns the potential for proposed avian deterrent strategies to result in cultural resource impacts. CRIT's questions should take approximately 15 minutes.

Exhibits and Declarations

<b>Exhibit</b>	<b>TN #</b>	<b>Title of Document</b>	<b>Subject Area</b>
Exhibit 8028	202563	Testimony of Chairman Dennis Patch	Cultural Resources
Exhibit 8029	202564	Summary Transcript of 4-8-14 Workshop	Cultural Resources
Exhibit 8030	202565	Testimony of Councilwoman Amanda Barrera	Cultural Resources
Exhibit 8031	202566	Testimony of Ted Swendra	Transportation – Glint and Glare
Exhibit 8032	202567	FAA World Aeronautical Chart Section CG-18	Transportation – Glint and Glare
Exhibit 8033	202568	The Ivanpah ASRS Report	Transportation – Glint and Glare
Exhibit 8034	202569	Glare Factor Solar Installations and Airports	Transportation – Glint and Glare
Exhibit 8035	202570	Testimony of David Harper	Cultural Resources, Biological Resources
Exhibit 8036	202755	Rebuttal Testimony of Councilwoman Amanda Barrera	Cultural Resources

Scheduling Matters

As discussed above, two of CRIT’s witnesses are unavailable for the evidentiary hearings scheduled for July 29-31, 2014. In addition, depending on the availability of published transcripts, the PMPD may be scheduled to be published *before* briefing is complete. The Commission should retain some flexibility on this publication date to ensure that all legal briefs can be adequately considered in advance of publication.

Proposed Modifications to Conductions of Certification

Beyond the objections to CUL-1 discussed in opening and rebuttal testimony listed above, CRIT does not have any proposed modifications to the conditions of certification at this time.

DATED: July 21, 2014

COLORADO RIVER INDIAN TRIBES

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