

DOCKETED

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Project Title:	Palen Solar Power Project - Compliance
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Document Title:	Memorandum from the Committee suggesting issues to be briefed by the parties.
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Memorandum

To: All Parties to the PSEGS Amendment Proceedings

Date : November 1, 2013

From : **Kenneth Celli, Hearing Advisor**

California Energy Commission

1516 Ninth Street
Sacramento CA 95814-5512

Subject: Opening Briefs due November 18, 2013; Rebuttal Briefs due November 25, 2013

Parties are welcome, but not required, to submit briefs. Parties may submit briefs containing legal points and authorities, and argument, on any point they wish to present to the Committee. Please refer to any evidence by its exhibit number as indicated on the Exhibit List found at the Palen website:

www.energy.ca.gov/sitingcases/palen.

The Committee invites the parties to address the following issues in their briefs:

1. Regarding the Federal Migratory Bird Act, the Bald and Golden Eagle Protection Act, and the Fully Protected Species Act, please brief whether incidental take permits are available, necessary, and at what point permits would be required for a project's take of species covered under the above-mentioned laws.
2. Based on evidence in the record, what should the Committee conclude about the likely or potential magnitude of the impact of this project on avian mortality? What metrics should the Committee consider applying to weigh this impact as called for in Public Resources Code §§ 21081 and 25525?
3. Should the Energy Commission require the project to take additional steps to avoid avian mortality, including possible curtailment, if project operations were to result in excessive avian mortality? If so, what metric should be used to establish a maximum limit that would trigger a curtailment recommendation?
4. Regarding the Technical Advisory Committee (TAC), what modifications to Condition of Certification **BIO-16b** would best facilitate public transparency?
5. If the Riverside County LORS are preempted by federal law in **Land Use**, why are they not preempted in **Visual Resources**?

Briefs may not exceed 45 pages, using 12 point font, double spaced.