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STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
OF THE PUENTE POWER PROJECT

DOCKET NO. 15-AFC-01

Center for Biological Diversity
Rebuttal Testimony of I. Anderson

CENTER FOR BIOLOGICAL DIVERSITY

Exhibit 7026

Rebuttal Testimony of Ilene Anderson

Re: Impacts to Biological Resources from the Proposed Puente Power Project

January 24, 2017

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Summary of Rebuttal Testimony

The record shows that the proposed project will be harmful to numerous rare species and habitats. In my opening testimony I explained some of the shortcomings of the FSA in identifying and analyzing those impacts (Exh. 7022; TN # 215431-1). This rebuttal responds to the Opening Testimony filed by other parties.

Qualifications

My qualifications are provided with my opening testimony resume filed January 18, 2017.

Statement on Rebuttal

Rebuttal to Applicant's Opening Testimony Regarding Biological Resources

The Opening Testimony filed by the Applicant regarding biological resources (TN# 215441, Testimony of Julie Love at pdf 69 to 74) adds no new data or factual support to the FSA's conclusions and fails to cure the shortcomings of the staff's environmental analysis in the FSA. In my review of the Applicant's Opening Testimony from Julie Love regarding Biological Resources I found that: 1) it largely adopted the FSA's conclusions without providing any additional factual support; and 2) to the extent its conclusions differed from the FSA's conclusions regarding impacts to species and habitats, it did not provide sufficient factual support for those conclusions to provide a basis for detailed rebuttal.

Specifically, in subsection a and b (TN# 215441, pdf 72-73), Ms. Love avers that the much of the site has been disturbed and that invasive plant species are present. Ms. Love does not provide any new information that would show that adequate surveys were conducted for rare plants on the proposed project site. Further, in subsection b, Ms. Love avers generally that in the outfall area: "The habitats contained in, and immediately adjacent to, the outfall structure include open water, sandy beach, and dune mats." (*Id.* at 73.) Again no new information is provided that would show adequate surveys were undertaken in this area. In subsection c, regarding species that may be present, Ms. Love reiterates general statements about local species and then goes on to provide an opinion as to the potential impacts to tidewater goby that has no clear basis in the record and contradicts the Applicant's earlier statements in the Project Enhancement document (TN # 213802) regarding the likely presence of tidewater goby.

The open water of the canal may provide habitat for common coastal saltwater fishes, and in areas more distant from the MGS property, may also support sensitive species such as the tidewater goby (*Eucyclogobius newberryi*). However, based on water quality and habitat requirements for tidewater goby, the portion of Edison Canal near the proposed discharge point for the Project is not suitable habitat for the tidewater goby due to factors such as high salinity, lack of emergent vegetation, and deep water.

(*Id.* at 73). As noted in my opening testimony, there is no information in the record regarding the salinity of the Edison Canal and tidewater goby are tolerant of a range of salinity. Given the close proximity of other known tidewater goby populations, without surveys, the only supportable

conclusion is that tidewater goby may be present in the Edison Canal. Indeed, the Applicant's Project Enhancement document also concluded that tidewater goby "may occur in Edison Canal." (TN# 213802 at 3-3 to 3-4).

In subsection d, (TN# 215441, at pdf 74), Ms. Love states that she disagrees with the FSA regarding the presence of wetlands on the project site but does not explain the basis for this disagreement or provide sufficiently detailed data in her testimony as a basis for me to be able to provide a rebuttal.

Additional Impacts to Species and Habitats

In contrast, the Opening Testimony of Lawrence E. Hunt (Exhibit No. 4017) on behalf of Intervenor Sierra Club, Environmental Coalition of Ventura County, and Environmental Defense Center, shows that the FSA failed to address potentially significant impacts to other species and habitats. Because, as Mr. Hunt points out, the record does not show that these impacts have been fully disclosed and analyzed, there is no way for the Committee or the Commission to accurately or adequately address needed alternatives that would avoid significant impacts, minimize unavoidable impacts, or mitigate for remaining impacts.

Conclusions

I would like to summarize my conclusions as follows:

- no new data or factual support is provided by the applicant's testimony regarding biological resources;
- Applicant's testimony contradicts applicant's earlier statements regarding the potential for the tidewater goby to inhabit the Edison Canal;
- Applicant's testimony provides no data as to why no wetlands occur on the site;
- Mr. Hunt's testimony provides many examples of species that could have impacts from the project and lack an analysis of such impacts in the FSA.

Declaration of Ileene E. Anderson

**Re: Opening Testimony on Impacts to Biological Resources from
the Proposed Puente Power Project**

Docket 15-AFC-01

I, Ileene Anderson, declare as follows:

- 1) I am currently a senior scientist for the Center for Biological Diversity. I have worked with the organization for eleven years.
- 2) My relevant professional qualifications and experience are set forth in the attached resume and the attached testimony and are incorporated herein by reference.
- 3) I prepared the testimony attached hereto and incorporated herein by reference, relating to the impacts of the proposed project on wildlife and plants.
- 4) I prepared the testimony attached hereto and incorporated herein by reference relating to the proposed Puente Power Project in Oxnard, California.
- 5) It is my professional opinion that the attached testimony is true and accurate with respect to the issues that is addressed.
- 6) I am personally familiar with the facts and conclusions described within the attached testimony and if called as a witness, I could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: January 24, 2017

Signed:



At: Los Angeles, California