EVIDENTIARY HEARING

BEFORE THE

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of:	)	
	)	
Application for	)	
Certification for the	)	Docket No. 02-AFC-1
BLYTHE ENERGY PROJECT II	)	
(Blythe Energy, LLC)	)	
_____	)	

VOLUME II of II

BLYTHE CITY HALL

COUNCIL CHAMBERS

235 N. BROADWAY

BLYTHE, CALIFORNIA 92225

TUESDAY, AUGUST 2, 2005

9:00 A.M.

Reported by:
Christopher Loverro
Contract No. 170-04-001

COMMITTEE MEMBERS PRESENT

John L. Geesman, Presiding Member

HEARING OFFICER, ADVISORS PRESENT

Garrett Shean

STAFF AND CONSULTANTS PRESENT

Lisa De Carlo, Staff Counsel

William Pfanner, Project Manager

Mark Lindley
Philip Williams & Associates, Ltd.

William Walters
Aspen Environmental Group

David Flores

Jim Adams

Charles W. Arnold
Arnold and Arnold, Inc.

Amanda Stennick

PUBLIC ADVISER

J. Mike Monasmith

REPRESENTING THE APPLICANT

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Galati and Blek, LLP

Thomas L. Cameron, Project Manager
Robert Looper, P.E., Project Director
Caithness Blythe II, LLC

Robert E. Gavahan
Power Engineers Collaboration

Jeffrey G. Harvey
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REPRESENTING THE APPLICANT

Christopher Ellison, Attorney
Ellison, Harris and Schneider

Oliver S. Page
Stetson Engineers, Inc.

Phil G. Deen
Jerry Stretch
Siemens Westinghouse Power Corporation

Steven Morris
Engineering Systems

Kennard Kosky
Golder and Associates (via teleconference)

Ed Smith
Palo Verde Irrigation District

Roger Hemming
Palo Verde Irrigation District

INTERVENORS

Pat Wolfe
Blythe Airport

Joseph Sheble
Sheble Aviation

Carmella Garnica

Juan Peserra

Gilbert Loivas

Alfredo Figueroa

ALSO PRESENT

Charles Hull, Assistant City Manager
City of Blythe

Austen Wyswell
Caltrans (via teleconference)

ALSO PRESENT

Quenton Hanson
Palo Verde College
Small Business Economic Center

Rodolfo Pi¤o

Michelle Rios

Sam Patel

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P R O C E E D I N G S

9:00 a.m.

HEARING OFFICER SHEAN: Good morning, ladies and gentlemen. My name's Garret Shean; I'm the Hearing Officer on the Blythe II AFC. To my left is the Presiding Commissioner of the Blythe II AFC Committee.

We are in the second day of evidentiary hearings, having completed, for the most part, last night's business. We have one carryover, which we'll get to after introductions.

And then we'll launch into this morning's schedule, which will begin with essentially housekeeping matters related to our uncontested matters. Then we're going to get into testimony on traffic and transportation related to aviation safety as the Blythe Airport is affected by, if it is, the project.

So, with that we'd like to begin with introductions from the applicant.

MR. GALATI: Good morning, Mr. Hearing Officer, Commissioner Geesman, my name is Scott Galati representing Caithness Blythe II.

MR. LOOPER: And my name is Robert Looper; I'm the Project Director for Caithness

Blythe II. And I think I introduced my team yesterday, and I think we don't have any new members here.

HEARING OFFICER SHEAN: All right, Commission Staff.

MS. DeCARLO: Good morning, Lisa DeCarlo, Staff Counsel. To my right is Bill Pfanner, Project Manager. To his right is Mark Lindley, staff analyst on water quality.

And we have various staff members in the audience that will introduced as their topics come up.

HEARING OFFICER SHEAN: All right. Mr. Wolfe.

MR. WOLFE: Yeah, Pat Wolfe, Blythe Airport.

HEARING OFFICER SHEAN: Ms. Garnica was another intervenor. She's not here yet this morning, but I think we expect her. I know she's going to be here this afternoon when we have time scheduled for testimony for her.

All right, before we get underway with our uncontested matters, which is the first item scheduled for today, is there any other matter that either of the parties wish to bring before us

this morning?

MR. GALATI: Yes, Mr. Hearing Officer. We worked diligently last night and I believe that we have resolved the remaining issues on water quality and soils; specifically the particular condition soil and water-2 that I think staff has the markups that they can read into the record.

HEARING OFFICER SHEAN: All right.

MS. DeCARLO: Yes, Mark Lindley was the analyst who worked on that, and he was sworn in yesterday.

Whereupon,

MARK LINDLEY

was recalled as a witness herein, and having been previously duly sworn, was examined and testified further as follows:

MR. LINDLEY: Mr. Galati, did you also want to read the changes to soil and water-1, as well?

MR. GALATI: Yes.

MR. LINDLEY: Okay. So, the applicant and staff have agreed to a change on soil and water-1. This is the condition of certification regarding construction-related or complying with the requirements of the general PSD permit for

discharges of stormwater associated with construction activity. And this is primarily a regional board issue. So I'd like to read in a couple of changes to this condition, the condition that's in the FSA.

HEARING OFFICER SHEAN: Can you just characterize them? Do I understand soil and water-1 has been amended so that the question is if a permit is needed then they will provide it?

MR. LINDLEY: Exactly.

HEARING OFFICER SHEAN: Okay.

MR. LINDLEY: Exactly.

HEARING OFFICER SHEAN: That's easier than reading it.

MR. LINDLEY: Okay.

HEARING OFFICER SHEAN: And as to soil and water-2?

MR. LINDLEY: Okay, on soil and water-2, the applicant and staff have agreed that certain maintenance activities are primarily the responsibility of BEP I. And staff has agreed to remove the sentence from soil and water-2 that reads: Maintenance activities must include removal of accumulated sediment from the retention basin when an average depth of 0.5 feet of

sediment has accumulated in the retention basin."

I'd like to have that sentence removed from the condition. And the rest of the condition and the verification stands as written.

HEARING OFFICER SHEAN: That was easy. Thank you very much.

MR. LINDLEY: Okay.

HEARING OFFICER SHEAN: And we appreciate your efforts working on this last night. I know we were here a little bit late, and so the fact that you kept grinding on is commendable. Thank you. Thanks very much.

MR. LINDLEY: Okay, thank you.

MR. GALATI: Mr. Shean, if I could ask a question and ask the pleasure of the Committee, there was a question asked yesterday in the topic of water and resources about the Otay Mesa project.

And whether or not -- Mr. Looper was asked whether or not the temperature profile he believed of Otay Mesa was similar to the project. And I think he answered that he thought it was more coastal. He has more information today if the Committee would like to hear what his research was on answering the Committee's question.

HEARING OFFICER SHEAN: Does anything he has found out since essentially contradict his characterization it is more coastal and therefore any inferences could be drawn from coastal meaning it's less hot, essentially, and more water --

MR. GALATI: I think his --

HEARING OFFICER SHEAN: -- vapor in the air and stuff like that.

MR. GALATI: I think his testimony was it was more coastal, but it would be similar. And so to that extent, I would say that it would contradict it.

HEARING OFFICER SHEAN: All right. Go ahead.

Whereupon,

ROBERT LOOPER

was recalled as a witness herein, and having been previously duly sworn, was examined and testified further as follows:

MR. GALATI: Yes. Mr. Looper was sworn yesterday --

HEARING OFFICER SHEAN: Yes.

MR. GALATI: He's previously been sworn.

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DIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Looper, do you remember the question regarding Otay Mesa's climate?

A I do.

Q And did you do any research last night or this morning to get information about that climate?

A I did.

Q And what is your opinion as to what that climate is as compared to Blythe II?

A Had I been a Californian I probably would have known that the Chula Vista climate is actually pretty dramatically different than the Blythe climate.

And, in fact, the Otay Mesa climate would be really classified as kind of a 100-degree type climate. It rarely climbs above 100 degrees for the high temperatures, and is probably a 20-degree on average high temperature differential, and actually greater than that on the low temperature differential.

So, probably mischaracterized this as being similar in terms of temperature profile. It would be not very similar at all to a desert

situation like we have here at Blythe. Much more similar, probably, to the Sutter type situation, the first dry cooled project the Commission approved.

MR. GALATI: I have no further questions.

HEARING OFFICER SHEAN: Do you want to ask him anything on cross?

MS. DeCARLO: No.

HEARING OFFICER SHEAN: All right, thank you.

All right, we're going to move into the uncontested topics now. And this is essentially so, I'm not sure if we have any members of the public, but just to characterize it for the record, the general process followed by the Commission is to attempt to determine, through the staff's FSA and the applicant's AFC, whether or not there are matters that are disagreed between those two parties. And if they are, they come to hearing here as we've done yesterday, and will continue today.

And if they are not, and the public has had an opportunity to determine whether or not it wishes to ask questions of either the applicant or

staff on a topic that is not contested, if they do not, then we accept the subject matter in declarations, which is for administrative economy and essentially saving time.

So, with that, we're going to have the applicant indicate the materials that it has for us to accept in that manner. And then do the same for the staff.

MR. GALATI: Would you like me to identify them all at once and move them in at one time, or topic-by-topic? I have, for example, compliance, which is uncontested, and we filed written testimony that I'd like entered into the record.

HEARING OFFICER SHEAN: If you say that it is among them, then it will come in, so.

MR. GALATI: Okay. The --

HEARING OFFICER SHEAN: I think you can just list them in bulk.

MR. GALATI: You bet. For compliance we would like our testimony for compliance, efficiency, facility design, geology and paleontology, land use, noise and vibration, public health, reliability, transmission line safety and nuisance, waste management, worker

safety and fire protection, air quality, hazardous materials and cultural resources; the applicant has filed testimony on July 15th. We'd like all that testimony, which we believe is uncontested, to be entered into the record.

HEARING OFFICER SHEAN: Is there objection?

MS. DeCARLO: No.

HEARING OFFICER SHEAN: It's admitted.

MR. GALATI: In addition to those specific documents in the docket that we'd like moved into the evidentiary record, and the first is the preliminary determination of compliance docketed on November 13, 2002. The second is the final determination of compliance docketed on May 3, 2004. Also the draft waste discharge requirements docketed on July 9, 2004.

HEARING OFFICER SHEAN: Is there objection?

MS. DeCARLO: No.

HEARING OFFICER SHEAN: It's admitted. Let me just indicate for the audience, the DOCs are the Air Quality Management District's determination of compliance, which have found that the facility does comply with air quality laws,

and laid out a number of conditions for its operation.

MR. GALATI: Nothing further from the applicant on the uncontested topics.

HEARING OFFICER SHEAN: All right. Now we're over to the staff.

MS. DeCARLO: We've already identified the final staff assessment and moved certain portions of that in. And I will just now identify the remaining portions that aren't subject to testimony today.

That would be the project description, air quality, compliance, cultural resources, efficiency, facility design, geology and paleontology, hazardous materials, noise and vibration, public health, reliability, transmission line safety and nuisance, waste management and worker safety and fire protection.

HEARING OFFICER SHEAN: Is there objection?

MR. GALATI: No objection.

HEARING OFFICER SHEAN: It's admitted. Anything else?

MS. DeCARLO: No, I believe that's all.

HEARING OFFICER SHEAN: All right.

We're ready to move in to the topic de jour, which is going to be the Airport and aviation safety.

Are you ready to go, Mr. Galati?

MR. GALATI: Yes. I'd like to let the Committee know that I have a witness that will be calling in at approximately 10:00 for the limited purpose of describing the air quality characteristics and the plume rise modeling that he performed.

At this time I'd like to call Dr. Steven Morris and Bob Looper, who has previously been sworn, to address other airport safety-related topics.

If I could have just a moment, I will call in to the phone numbers so that if Mr. Wyswell is calling in now, he'll actually be able to get to the operator.

HEARING OFFICER SHEAN: Okay, well, then take a moment here and get set up.

(Off the record.)

HEARING OFFICER SHEAN: -- microphone set up on the telephone here.

Whereupon,

ROBERT LOOPER

was recalled as a witness herein, and having been

previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Looper, you filed testimony on July 15th in the areas specifically related to the Airport Land Use Commission override, is that correct?

MR. LOOPER: That's correct.

MR. GALATI: And do you have any changes or additions to that testimony at this time?

MR. LOOPER: I do not.

MR. GALATI: Attached to your testimony is the City's resolution 04897, which is the override to the Airport Land Use Commission's recommendation, is that correct?

MR. LOOPER: That is correct.

MR. GALATI: And attached to that resolution is the City's staff report setting forth the opinions and reasons that they conducted the override. Are you familiar with that?

MR. LOOPER: I am.

MR. GALATI: Is part of that override is one of the conditions that Blythe II change the left-hand turn traffic pattern approach to runway

2-6 to a right-hand turn traffic pattern approach?

MR. LOOPER: That's correct.

MR. GALATI: And do you agree with that condition?

MR. LOOPER: I do.

MR. GALATI: Mr. Looper, have you also agreed to take as a condition to the Blythe II operating that runway 1-7 be designated as a calm wind runway?

MR. LOOPER: We would agree with that.

MR. GALATI: And would you also agree to a condition that prior to operation of the Blythe II project that notices be given to pilots via the ASOS system warning them to not fly over the power plant?

MR. LOOPER: We would.

MR. GALATI: Mr. Morris, did you just hear Mr. Looper's testimony?

DR. MORRIS: Yes, sir.

MR. GALATI: Sorry.

Whereupon,

STEVEN MORRIS

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

HEARING OFFICER SHEAN: How about before you get to him do you want to move Mr. Looper's --

MR. GALATI: Sure.

HEARING OFFICER SHEAN: -- and then we'll get it.

MR. GALATI: I'd like to move testimony of Robert Looper and the attachments to that testimony into the record at this time.

HEARING OFFICER SHEAN: On aviation safety. Is there objection?

MS. DeCARLO: No.

HEARING OFFICER SHEAN: All right, they're in.

DIRECT EXAMINATION

BY MR. GALATI:

Q Dr. Morris, can you briefly state your qualifications.

DR. MORRIS: I have a PhD in aerospace engineering from Texas A&M; a masters in aeronautical engineering from Air (inaudible) Technology; a bachelors in engineering sciences from the Air Force Academy.

I taught -- I was in the Air Force for 24 years as both an aeronautical and mechanical engineer. I taught over 12 years at the Air Force

Academy, aerodynamics, advanced flight mechanics, building control. I've also taught four years at the Air Force Test Pilot School, aircraft equations of motion and aircraft performance.

And the last five years I've been involved doing aircraft accident investigations with Engineering Systems; flight path reconstructions.

MR. GALATI: Dr. Morris, did you hear Mr. Looper's testimony about the conditions that he was willing to accept on Blythe II?

DR. MORRIS: Yes, sir.

MR. GALATI: With those conditions could you describe for me when an airplane will fly over the Blythe II cooling towers?

DR. MORRIS: With those conditions of designating the calm wind runway, right-hand pattern to the runway 26, as well as the warnings, an aircraft shouldn't fly over Blythe II. If it did it would have to be almost an intentional act to fly over there in disregard of the traffic pattern, as well as disregard local warnings.

MR. GALATI: Did you prepare a report about what the effects of the plume rise associated with the Blythe I cooling tower is on

aircraft?

DR. MORRIS: Yes, sir, we did.

MR. GALATI: Would you agree that that report is applicable to Blythe II?

DR. MORRIS: Absolutely.

MR. GALATI: Can you briefly summarize what you did in that report and the conclusions.

DR. MORRIS: One of the major things we did was we conducted flight tests out at Blythe Airport on the 3rd of November in '04. And we did it on a day that was 45 degrees, cool day, totally calm winds, which were ideal conditions, everybody agrees for having the worst case thermal plumes.

What we did is we had an Aztec. We flew different profiles over the -- flights over the cooling towers, ranging from 3000 feet agl all the way down to 150 feet agl.

We had two engineers in the aircraft. Each had self-contained accelerometers. They were essentially measuring the Gs pulled by the aircraft as you entered into the cooling tower, into the thermal plumes. And quantified those.

At the same time there was a rating applied to the amount of turbulence based on the FAA guidance about what is moderate turbulence, --

turbulence.

And having done that, what we found, if you fly the proper glide slope, about a 3 degree glide slope, the max Gs you end up pulling is about 1.5 Gs, We actually went all the way down to 150 feet agl, in which case they were more like 1.8, 1.9, but still there was no difficulty recovering. There was not a recovery, it was a series of fairly, initially a very strong bump, a little oscillation, and then you flew out of the condition.

MR. GALATI: Do you remember what day your tests was conducted on?

DR. MORRIS: The 3rd of November.

MR. GALATI: And could you describe whether you think that day was average conditions or worse conditions for plume rise?

DR. MORRIS: I think it was the worst case conditions. It was a cool day, 45 degrees, no winds whatsoever. In fact, I have some -- a couple of shots here just to show you what the plumes looked like on that day, taken during the flight.

(Pause.)

HEARING OFFICER SHEAN: In the other

computer, the one that's plugged in.

DR. MORRIS: Yeah, (inaudible).

HEARING OFFICER SHEAN: Yeah. Is that the middle of the plume, then?

DR. MORRIS: Yeah.

(Laughter.)

DR. MORRIS: You can see the plumes; they're rising basically straight up. Very discrete, not a lot of mixing, indicating the calm winds that existed. Like I say, i was 45 degrees Fahrenheit that day. And really the worst case conditions for thermal plumes as far as interacting with the aircraft.

Just another picture of the same thing looking from the other side, looking from the north to the south. Once again you can see they're very discrete plumes, rising straight up. No real indication of any mixing, per se, down as they exit through the cooling towers. And then if you look up at the top they're starting to disperse and break up.

HEARING OFFICER SHEAN: What would you say the height of that plume is?

DR. MORRIS: I would say on the order of about 250 feet. You start seeing the real fuzzy

stuff at the top.

MR. GALATI: Do you have another photo? Did you show both photos?

DR. MORRIS: Yeah, I showed both of them.

MR. GALATI: I'd like both those photographs, which I have hard copies, to be entered into the record as evidence, as well.

HEARING OFFICER SHEAN: All right, we'll mark those as exhibits next in order if you'll get them to me.

MR. GALATI: You testified earlier, Dr. Morris, that with the change in the traffic pattern with the calm wind runway designation and with the notice that you didn't expect a pilot to fly over Blythe II while it was operating unless they intentionally did so, is that correct?

DR. MORRIS: That's correct.

MR. GALATI: Could you describe for us what happens to the aircraft should such an intentional pilot who's disregarding the traffic patterns fly over Blythe II?

DR. MORRIS: Well, if you fly over the cooling towers what you have is an updraft that hits the aircraft. The aircraft is initially hit

with a pretty good bump which you feel, as I mentioned, at the glide path we saw about 1.5 Gs. So the airplane actually rises initially. You've actually increased the angle of attack because of the turbulence. It rises.

Then we found a little oscillation once it rose. Then it settled down as you exited. You have a little loss of lift as you leave. But the net effect is we saw very little change of altitude going through the flight.

MR. GALATI: What about the effect on an inexperienced pilot?

DR. MORRIS: Well, first of all an inexperienced pilot, I don't think, really -- everybody that's out there flying should have a reasonable degree of experience and understand how an airplane moves. If an airplane rolls to the right they know to correct to the left.

They also should be very conscious about briefing and understanding where hazards are. I mean every airport across the country there's different hazards or areas that you have to avoid, whether it be a military base, whether it be for noise abatement.

So if you understand areas not to fly in

and if I'm an inexperienced pilot I definitely want to know what those are, I'm going to do my homework even extra over an experienced pilot.

MR. GALATI: Having areas you're not supposed to fly over around an airport, is that unique?

DR. MORRIS: No, that's not at all.

MR. GALATI: How about right-hand turn patterns, is that unique?

DR. MORRIS: Not at all. In fact, even by the staff report I think 30 percent of the airports in southern California have at least one or more right-hand patterns. At least for one runway or more have at least a right-hand pattern.

MR. GALATI: Is there anything that forces a pilot to have to land on runway 2-6?

DR. MORRIS: The only time you'd have to really land on 2-6, if you have a wind coming out of the west. You need to recover, the prevailing wind, you're going to land into the wind.

MR. GALATI: And what would you expect the plume to be doing on a day when you had a wind that forced you to land on runway 2-6?

DR. MORRIS: I think just by everybody's agreement if the winds are that condition and

they're in that magnitude, the plumes aren't really an issue. They're dispersed. They're not at the altitude that's a problem and we don't see it as an issue.

MR. GALATI: Dr. Morris, what happens if you fly over the plume but you only get one wing in the plume and the other wing is out of the plume? What happens?

DR. MORRIS: What'll happen is -- this is a little model; it's hard probably to see -- but, --

UNIDENTIFIED SPEAKER: Here, do you want to use mine?

DR. MORRIS: Yeah, let me use yours.

(Parties speaking simultaneously.)

(Laughter.)

DR. MORRIS: What will happen is you get a single wing into the flow you're going to get an updraft on this wing, you're going to get an increase in lift on this wing, which is going to cause the aircraft to roll and initially start to climb. You know, the confusion a lot of people have is because the aircraft's going to bank, it's going to fall out of the sky. That's not true.

When you bank an aircraft, and

especially this case where you have an updraft, you're going to have an increased lift factor on this wing. This wing is going to be plunging due to the natural roll stability of the aircraft. You're going to get a counter-moment opposing that, which is going to increase the lift on this wing a finite amount.

What's going to happen is the aircraft initially is going to climb and do a turn, create a side-slip. As you get a side-slip, the natural stability of the airplane wants to roll it back.

So he's going to turn out of the turbulence. And as you exit the turbulence then this is no longer an issue. You do lose the additional lift, you roll the wings back to level, and you continue flying. You may lose a little altitude, you may not. Depends on how much altitude you gained during the climb because of the updraft.

But it's not one of these catastrophic conditions that you bank the airplane, the airplane immediately falls out of the sky. Or we'd see a lot of accidents just in the traffic pattern just by banking an aircraft to turn.

MR. GALATI: Dr. Morris, will the

updrafts on the worst case conditions damage the airplane?

DR. MORRIS: You're at such a low speed, there's a point called the maneuver point, which people refer to as the corner velocity or the maneuver velocity, if you're flying below that air speed you can pull as many -- as you start pulling Gs the airplane is going to stall before it ever bends, so you're not going to sit there and break the aircraft.

You get in trouble with structure failures when you're at high speeds above the corner velocity, then you get enough sustained Gs and you start bending the aircraft, damaging it.

MR. GALATI: So, it's not enough to break the aircraft?

DR. MORRIS: No. You will experience -- you'll start experiencing a slight stall before you'll get that.

MR. GALATI: Now, can you explain what happens during a slight stall? Does the plane fall out of the sky?

DR. MORRIS: No. What happens is, in this case, if you have an updraft on the aircraft, if the angle of attack is so large that all of a

sudden the flow's no longer attached, the aircraft will stall.

So the airplane will nose over, but in this kind of case with the updraft you're also have the updraft acting on part of the tail, which is going to tend to nose the aircraft down, reduce the angle of attack, which would, in turn, allow you to fly out.

But once again, you're starting out here with an updraft; you're initially going to gain altitude. And then as you nose things over, you may lose some altitude, but the net effect is not going to be catastrophic.

MR. GALATI: Okay, when you come -- if an aircraft were flying through the plume, worst case day, you testified that the aircraft will gain altitude. You testified when it comes out it will lose altitude. Is there any downdraft working on the aircraft when it comes out of this turbulence?

DR. MORRIS: Once again, this is an updraft condition so you're basically going from an updraft back to the air that you had before you entered the plume. So there's not a downdraft or a strong eddy pushing you down.

MR. GALATI: Can you characterize this as wind shear?

DR. MORRIS: I certainly wouldn't.

MR. GALATI: And why not?

DR. MORRIS: You think of wind shear you think of something really consisting of updrafts and downdrafts. Generally when we think about the wind shear that scares people is the downdrafts as you come into an airport. Or it's the reversal of the wind, having a nice headwind which is generating lifts, switching to a tailwind, you lose 20 knots of airspeed, then all of a sudden now you're in trouble. You're low to the ground and you've lost considerable amount of lift. This is not at all what we're seeing with the plumes off of a cooling tower.

MR. GALATI: Are you familiar with the fact that there were other overflights done as part of testing to see what the effects would be on an aircraft?

DR. MORRIS: Yes, sir.

MR. GALATI: And did any of those overflights report downdrafts?

DR. MORRIS: No.

MR. GALATI: Did any of them report

anything other than moderate turbulence?

DR. MORRIS: No. Not the test flights.

MR. GALATI: Not the test flights. Were there any -- excuse me, strike that.

The test flights that were done, were they done on times when there was any wind blowing?

DR. MORRIS: I'm not positive if they were completely calm conditions, or if there was extreme, as far as cool conditions, as the day we flew.

MR. GALATI: Would you believe that on November 3, 2004, when you did your test flight, that those were the absolutely worst conditions?

DR. MORRIS: Cool day, calm winds, certainly that's going to give you the worst effect of turbulence coming off the plant.

MR. GALATI: Talk to you about the concept of a student pilot. Is this going to cause a problem to a student pilot?

DR. MORRIS: Certainly I can't see it being a student problem. If you know to avoid a certain area and you're briefing that and your instructor pilot is briefing it.

I wasn't a pilot in the Air Force, but I

did do T-41 out in Colorado as a cadet. And out there you get a lot of bad turbulence just because of the foothills and the mountains, but anyway you're briefed very carefully about areas to go over. There's a lot of military installations; places not to fly and places to fly.

So, no, you should not. A student pilot should know exactly where not to go. And he's flying in visual conditions. The power plant out there in Blythe in that area is not that hard to identify. You can look down and see and you know where to avoid.

MR. GALATI: Can you fly an instrument approach into this airport?

DR. MORRIS: Yeah, there's several instrument approaches in.

MR. GALATI: Okay, can you fly in nonvisual conditions? Can you land the airplane in --

DR. MORRIS: Well, you have to break out at least above 400 feet hel in those conditions. Once again so that things should be observable on the ground by the time you -- to land the flight.

MR. GALATI: The notice that you heard us discussion the ASOS system, can you describe

what that is?

DR. MORRIS: Essentially it is -- transfers weather information and that, basically would be telling the pilot that there's a power plant here with thermal plumes that you need to avoid, you're to stay away from. And it's just another warming, in addition to the warnings that you'd have on the charts that you have on the facilities directories.

MR. GALATI: And would you believe that if a pilot were going to fly into the Blythe Airport and never been here before, would he go look at those directories?

DR. MORRIS: I can't imagine somebody not flight planning to the airport they're going to. To me that would just be irresponsible. But then again, once again it's a visual day and if he did happen to fly over the power plant, I still do not believe it's a catastrophic event. It's startling, maybe, if you're totally unexpected, but certainly not a catastrophic event.

MR. GALATI: Okay. If I can have just a moment.

Dr. Morris, in your report did you evaluate this turbulence with other kinds of

natural occurring turbulence?

DR. MORRIS: Right. We looked, we did some research to kind of look at the numbers of velocities and that of the updraft and compared it with turbulence throughout the, really throughout the world. And it's just not that uncommon.

In fact, if you've flown in the mountains, like in Colorado, you're very used to turbulence all the time. And it's not a continual turbulence in one place, it's a lot of startling jolts here and there.

So this is certainly not out of character with what you see there.

MR. GALATI: How about the magnitude, is it significantly greater than those naturally occurring events that you're describing?

DR. MORRIS: Well, it's certainly -- I mean it's greater than when you're experiencing light turbulence or so. But it's certainly -- there's certainly more severe turbulence out there under just normal flying conditions than you'd see flying over the thermal plant, or the plumes.

MR. GALATI: Did you calculate about how long a plane would be in this turbulent event?

DR. MORRIS: Anywhere from about two to

four seconds.

MR. GALATI: And that would be, again, somebody who should not be flying over the Blythe II plant with the changes that we've described, correct?

DR. MORRIS: That's correct.

MR. GALATI: Could you maybe go point out the changes and how they work so that the Committee understands?

DR. MORRIS: This here is runway 26; here's the Blythe II facility right over here. And if you went to a right-handed traffic pattern what'll happen instead of turning left and coming back around here, and I think this is based on one mile beyond the runway turn, which is longer than a lot of aircraft use -- says a half to three-quarter mile on aviation aircraft to do a turn on the base.

But say it is a full mile. Here you would be flying right into, on the left-hand pattern, kind of right into that area. You do a right-hand pattern, though, you're well clear of the cooling towers. It should never even affect you doing a pattern to that side.

MR. GALATI: Again, Dr. Morris, when

does somebody have to land on runway 2-6?

DR. MORRIS: Once again, you have to land on 2-6 when you have a wind coming out of the west. You're landing into the wind so that's where you definitely need to use the runway.

MR. GALATI: And, again, under those conditions, with the right-hand turn pattern, do you think that there would be any effect on the airplane due to plumes?

DR. MORRIS: No, I think it's pretty well universally agreed by everybody that under those conditions of wind condition those aren't an issue.

MR. GALATI: Could you describe what designating the calm wind runway, what that would do?

DR. MORRIS: Okay, a calm wind runway you're basically saying if the winds are below a certain level, maybe 5 knots, you designate an alternate runway to land on. That would be the primary runway under the calm wind conditions.

So, in that case, you'd basically be landing, we talked about 1-7 being a calm wind runway, that would be the runway you'd land on in a calm wind conditions, which would take you

nowhere near Blythe II.

MR. GALATI: If someone were to fly, for example, a left-hand traffic pattern into runway 1-7, would they fly over Blythe II?

DR. MORRIS: No. In fact, you take a one mile off from parallel to the runway, you're probably about a half a mile to the east of -- or to the west of Blythe II under a calm wind runway.

And it should also, at pattern altitude, 800 feet or higher.

MR. GALATI: All right. I think if you'd come back I'll ask you a few more questions. I don't think you need that.

Did you review the testimony filed, I believe, on July 22nd of Joseph Sheble, III?

DR. MORRIS: Yes, sir, I did.

MR. SHEBLE: By the way, that's Sheble.

MR. GALATI: Sheble.

DR. MORRIS: Sheble.

MR. GALATI: Thank you. Do you agree with that testimony?

DR. MORRIS: No, I don't.

MR. GALATI: And can you describe why?

DR. MORRIS: Okay, really, the first discussion is about changing the pattern at Blythe

Airport to a right-hand pattern. He makes the comment that if you do that you're going to be flying right over the power plant, whereas the geometry of the situation is you're well north of the new Blythe II coolers. So that part is not an issue.

And as far as changing it to a right-hand pattern, as we talked about awhile ago, a right-hand pattern is nothing atypical. I mean it's not the standard we think about; most patterns being left-handed. But airports all over the place have right-hand pattern designated for certain runways.

And I think if the word's out that it's now a right-handed pattern and it's marked and people understand that, I don't see where that's going to be an issue making the change.

MR. GALATI: And how does the word get out?

DR. MORRIS: Well, you have it in the manuals, the directories. You also have a -- it's basically published on the charts.

MR. GALATI: And your understanding the City has agreed to change the pattern from left to right?

DR. MORRIS: Right, that was a condition, as I understand, of the override.

MR. GALATI: Go forward with any other comments you have on Mr. Sheble -- Sheble's --

MR. SHEBLE: Sheble.

MR. GALATI: -- Sheble's testimony. I'm sorry, I'll -- we're hopeful of getting it right.

MR. SHEBLE: Nobody says it right.

MR. GALATI: -- Sheble.

DR. MORRIS: Well, there was a comment about once you do that, once you do change patterns you're probably going to have a high potential of, or at least a potential for a head-on collision.

Once again, you're out in vfr conditions where you see other aircraft in the pattern. We're not talking about bad visibility. And as an aircraft accident investigator, most accidents don't come with head-on collisions in pattern.

Usually if there's a pattern accident it's either an aircraft overtaking another one, a faster aircraft overtaking a slower aircraft, and that's where you get most of the pattern-type collisions.

So I guess the bottomline is I just

don't see why that wouldn't be a suitable solution, and why that would also be such a hazardous condition for a pilot.

MR. GALATI: Is there anything else in his testimony that you'd like to comment on?

DR. MORRIS: Well, the whole idea of wind shear, I guess I just disagree with the characterizations of it being wind shear. And, in fact, I think he made a comment in the next section about one of the inaccuracies in my testimony that the turbulence resulting from the cooling towers is not moderate. Yet through his own flight over the -- his own incident he reported, he reported it as moderate turbulence.

And so I guess I don't see it as a wind shear condition, certainly by the definitions and by the scary word that we associate with wind shear.

And also the comment about one wing stuck in the flow and the other one's not, we'll have a -- it won't be an immediate loss of lift -- or loss of altitudes we talked about. You're going to have an increased lift on the aircraft. Definitely your resulted vector up is going to be less, which is going to make the aircraft, if you

keep that bank, start to descend. But you'd be clear of the turbulence. The instinctive reaction would be to roll back to wings level.

If you had a right bank you'd roll left. And basically you recover and you're flying back to normal again.

But I keep getting the impression when people think about a bank you immediately think about an aircraft dropping and it doesn't really work that way.

MR. GALATI: Mr. Looper, you're a pilot, as well?

MR. LOOPER: I am.

MR. GALATI: Have you landed at the Blythe Airport?

MR. LOOPER: I have.

MR. GALATI: Could you talk us through how a landing works?

MR. LOOPER: I think it's important for folks who are not pilots here to understand that anytime we approach an airport such as the Blythe Airport, if I was ten miles out coming from the City of Boise, I'd be calling my approach as to what location I was in, to other pilots, so I'd be on the communication frequency here at Blythe

announcing my location.

Of course, all pilots are required not only to get a weather briefing, look at the weather, but also to read the aircraft charts and determine what the appropriate pattern is to land at the airport. Whether it be left-hand or right-hand pattern.

You would be lining up your approach to enter, if the pattern had been changed to right-hand pattern on 2-6, and the winds were, in this particular case we had designated the calm wind runway, but the winds were 5, 10 knots. And you had dialed into the radio; you had gotten your weather briefing; you would be lining up for a right-hand pattern into 2-6.

In the pattern you would be calling each of your legs. So you would call your right downward; you'd be calling your right base; and you'd be calling turning into final. And any other aircraft that was in the vicinity in the pattern would be knowing where your location is.

So, when we read the testimony that changes from a right- to left-hand pattern would increase the likelihood of some type of an accident at the airport, you know, pilot in

command, it's his responsibility to call out his location; in vfr conditions to look for other aircraft. And, in fact, the easiest identification of another aircraft is actually head-on. It's actually easier in an vfr condition to locate and identify a pilot in front of you than one who's flying at your sides, above or below you in pattern altitude.

So all this would be the standard communication forms at an airport and how you would fly in and land at Blythe.

If it was a calm wind you'd determine the calm wind; you would select 1-5 -- 1-7, you would then enter a left-hand pattern if that's the designated pattern to 1-7.

MR. GALATI: Dr. Morris, --

HEARING OFFICER SHEAN: Before he goes on, ordinarily would the frequency for the Airport be monitored by the FBO?

MR. LOOPER: Yes.

HEARING OFFICER SHEAN: And would you expect communication with the FBO, or could you initiate it as an incoming pilot?

MR. LOOPER: Normally you'd initiate communication because you'd be asking questions,

like currently you'd be asking, what is the active runway, you know, what are the winds. And calling for -- yes, you would be talking in to the fixed base operator. And sometimes they would answer, and sometimes they would not. Sometimes they're there; sometimes they're not there.

MR. GALATI: Dr. Morris, did you review the final staff assessment?

DR. MORRIS: Yes, sir.

MR. GALATI: And are you aware that staff has predicted that the upward drafts are at a higher velocity than Mr. Kosky's report?

DR. MORRIS: Right. I've read through there and I see that they're at a much larger value; certainly not what we experienced, though, in our flight test.

Our flight test was more confirming of some of the numbers that we were seeing from Mr. Kosky's report.

MR. GALATI: So, you believe that you've confirmed Mr. Kosky's modeling?

DR. MORRIS: I certainly believe that it's not way out of line. I mean I can't say that it's exactly the numbers he has, but I think our flight test supported those numbers.

MR. GALATI: In Mr. Sheble's testimony he says in his opinion a student pilot who experienced wind shear that results in a stall at 350 feet above the ground will not have enough time to recover before hitting the ground. Do you agree with that statement?

DR. MORRIS: I don't believe you're going to have the type of stall that we're talking about. You're not going to experience that because of these plumes.

MR. GALATI: Do you believe --

DR. MORRIS: Certainly it takes awhile to recover; a small aircraft, though, you've gained altitude initially, and nose over the aircraft -- it'll become reattached very quickly. Unless you do everything you can to accelerate the stall or do the wrong things, certainly anybody can crash an airplane.

But I don't see --

MR. GALATI: And your opinion is a student pilot would be instructed by his instructor to not fly over the Blythe II plant?

DR. MORRIS: Yeah, bottomline is you should have briefed before you ever took off. You're going to avoid flying over that area.

MR. GALATI: Do you think a student pilot would have checked out the directories?

DR. MORRIS: Definitely. A student pilot is going to want to do their homework extremely well. They're going to make sure that any of the hazards out there they know before they take off. And their IP is also going to help make that happen.

MR. GALATI: At this time these two witnesses are available for cross-examination. I'm still waiting for my air quality modeling, Mr. Kosky, to call in. And I don't know if Mr. Wyswest (sic) is on the phone from Caltrans. Wyswell, excuse me. But I have some questions for him, as well.

HEARING OFFICER SHEAN: Okay, I don't think anybody has signed on yet because we would hear an audible tone; haven't heard it.

Commission Staff.

CROSS-EXAMINATION

BY MS. DeCARLO:

Q Mr. Morris, you say aircraft shouldn't fly over Blythe II. Is it impossible for an aircraft to do so?

DR. MORRIS: Nothing is impossible.

Somebody could fly over Blythe II if they were disregarding all the changes that are recommended are made; if they're going to totally disregard that and intentionally want to fly over it, they can.

MS. DeCARLO: Could there also be some unintentional misreading of the flight patterns? Do pilots sometimes fly in the wrong direction?

DR. MORRIS: People can make mistakes and you could end up over there. But, once again, it would be poor flight planning. And on top of that, I think what we see is that the aircraft, it becomes a nonevent. It is maybe in worst case a startling event, but certainly not a catastrophic or an event that's going to lead to either loss of control of the aircraft, or of structural damage to the aircraft.

MS. DeCARLO: Do pilots also sometimes over-shoot their turns?

DR. MORRIS: On vfr time and you know that there's a hazard sitting out there, you're going to be paying attention and make sure you don't fly right over that plant.

I mean you got a very very good marker out there. We're not talking about turbulence,

you know, that rises off a terrain and you don't necessarily know where it's going to hit and where it's not. This you know exactly where it sits. And you should know to avoid it. Just like people avoid flying over military bases, over housing areas, over other places.

MS. DeCARLO: Say you don't know that the plant generates thermal plumes, would a pilot possibly over-shoot the turn?

DR. MORRIS: Like I say, anything is possible. However, even in the event that happens what we believe is that it is not a catastrophic event. It is an event that, like I say, at worst case is startling.

But any pilot with any basic instincts, if you -- of course, the case keeps getting brought up is one wing in and one wing out; your instinctive reaction is first you're on the edge of the turbulence. The aircraft is forced to turn. Your instinctive action is to level out the wings.

So it's not something that I would expect to be any difficulty at all recovering from. And that's what we saw there in our flight test.

MS. DeCARLO: How fixed are these landing patterns? Is it like a roadway where a car's pretty limited? Or is it fairly flexible?

DR. MORRIS: Well, you, I mean you're supposed to fly, and say if it's a mile out downwind, maybe you fly three-quarter mile, maybe you're not very precise on that. Certainly if you're lining up with the runway that is a very precise location to fly.

Once again, though, if you have markers out there that you want to avoid, you're flying in vfr conditions, and that's what you will be flying in into this airport, you have the visual references.

MS. DeCARLO: For your overflight you flew in an Aztec, is that correct?

DR. MORRIS: Right, an Aztec.

MS. DeCARLO: What's the difference in size between that and a Cessna?

DR. MORRIS: It's a twin engine, about 4300 pounds.

MS. DeCARLO: And what would a Cessna be?

DR. MORRIS: Cessna, you're -- it's a single engine, much wider.

MS. DeCARLO: And do you know what the pilots were flying that identified concerns with the turbulence?

DR. MORRIS: Yeah. One of them was -- one of them at 300 feet, I believe it was, was a Cessna. There was a couple of twins, and one was a Lear.

MS. DeCARLO: And what do student pilots normally fly in?

DR. MORRIS: They're probably going to be flying in some type of small Cessna, that type of aircraft.

MS. DeCARLO: And did the pilots flying in a the Cessna, did they identify the turbulence as severe or moderate, as you did?

DR. MORRIS: Well, I know Mr. Sheble identified it as moderate. He flew the lowest in a Cessna over the towers.

MS. DeCARLO: And did some of the others pilots --

DR. MORRIS: Some of them rated it higher.

MS. DeCARLO: The accelerometers that you used in the plane, were those affixed to the plane, or --

DR. MORRIS: They were handheld that were held up against the structure of the aircraft.

MS. DeCARLO: Is that the most appropriate way to attach an accelerometer to the plane?

DR. MORRIS: If you're going to do a complete set of flight testing you'd probably have it built in. However, given the fact when you get up G's, and if it's into the side of the aircraft and bounded at the top, you're going to get a pretty good estimate of what the G's are in that direction. So, --

MS. DeCARLO: But if it were actually built into the plane --

DR. MORRIS: -- you have more trouble having -- you have more trouble with the negative G's because you tend to let off of that pressure. But in positive G's you tend to anchor it pretty well into the aircraft.

But, you're right. I mean if you -- I would attach them if I was going to do a complete set of flight tests under a normal environment. But there's not an issue.

Once again, accelerometers on the

positive G's was held very fixed.

MS. DeCARLO: In your testimony you state that only inappropriate pilot behavior could make an encounter hazardous. What do you define as inappropriate behavior?

DR. MORRIS: Well, you're flying -- well, first of all, if you're flying very low over the power plant, you get a gust and rather than take corrective action to try to level off the wings, you let the airplane just continue to turn, is that there's not a pilot in a loop, certainly you can get yourself into trouble.

MS. DeCARLO: Would panicking also be inappropriate behavior in your opinion?

DR. MORRIS: Instinctively if you drop a wing you instinctively want to counter that with a roll in the opposite direction. So, panicking, certainly you might get startled. But still I would expect anyone that, a) has a license, or even a student pilot's been briefed to understand at least what corrective actions for certain conditions are.

I know when I took flight training we did stalls and a lot of recovery, and stuff, so that that was instinctive, what to do in the case

of an event like that.

MS. DeCARLO: But these student pilots aren't born with this instinct to correct flight, are they?

DR. MORRIS: That's hard to say. I mean if you're flying aircraft, you know, if you get an aircraft to roll a certain way I think most people that are flying an airplane probably have the instinct to counter that, to go the opposite direction. Just like people driving their car; if you start to go off the road you instinct may be to turn back onto the road.

MS. DeCARLO: Can you possibly over correct like in a car?

DR. MORRIS: In an aircraft it would be very difficult. In this particular case you can roll it the other way, but with the inherent stability of the aircraft and all that, you're likely what you're going to do is just you're going to be out of the turbulence because you forced the -- if you have a case where it's a wing low, and you're being pushed away from it, you're going to turn.

And then if you correct back the other direction, now you've basically out in good air

again and you're flying. So, you made it -- you over-corrected, you over-correct back a little. It's not quite as bad as rolling a car if you correct back onto the highway. There's quite a bit of leeway.

MS. DeCARLO: And how far are these pilots from the ground?

DR. MORRIS: At least 300 feet, should be.

MS. DeCARLO: And how fast are they flying generally?

DR. MORRIS: In their approach anywhere from probably 70 to 120 knots.

MS. DeCARLO: So, if the plane was tilted downwards say from some of these over-correcting actions, how much time would there be to fully correct the plane until the ground --

DR. MORRIS: When you say tilted downward, if you push the yoke straight into a complete dive that would be a relatively short period of time. But, once again, you wouldn't do that. I mean that's not characteristic of what you're encountering in these type of events.

MS. DeCARLO: Are you saying that a student pilot would never react that way?

DR. MORRIS: I can't believe that a student pilot would try to plant their nose down into the ground under those circumstances.

MS. DeCARLO: How about if they were --

DR. MORRIS: Once again, I really don't believe the student pilot would be flying of Blythe II if they've been briefed and they have to be off of any other places they're supposed to be. I guess I just don't really see that that is an issue.

MS. DeCARLO: Now with regard to the ASOS that you were mentioning, has FAA agreed to change the warning?

DR. MORRIS: They haven't yet. I mean that's something that's going to be proposed.

MS. DeCARLO: Have they been asked to?

DR. MORRIS: I can't answer that.

MR. GALATI: Just say you don't know.

DR. MORRIS: I don't know. I don't know.

MR. GALATI: I can answer that question if you'd like.

HEARING OFFICER SHEAN: Sure, go ahead.

MR. GALATI: I think as Ms. DeCarlo knows, yes, they've been asked. It's been all the

way up through the regional administrator of the FAA, who has now made the request to the FAA Administrator in Washington. And that is ongoing.

But the local FAA person has approved, and the FAA regional director has recommended the change. We're just waiting for the federal approval to do so.

And there is some interaction between the weather service and another group within FAA that is currently being coordinated. But, no, approval does not exist at this time.

HEARING OFFICER SHEAN: Well, while you're discussing approvals here then, can you discuss the status of the requested changes of pattern and -- I guess --

MR. GALATI: Yeah, I don't believe that --

HEARING OFFICER SHEAN: -- is permission required to change your calm wind runway designation.

MR. GALATI: My understanding is that first of all the City would need to approve that. The City's already agreed to both of those. They will make the formal request. The applicant can't.

But, once again, I'd like to put it in context. The applicant is willing to take a condition that he cannot operate the plant until those are accomplished. So that if they don't -- aren't accomplished then, of course, the applicant can't operate the plant. Which is because we don't have control, as the applicant, over the timing of that.

HEARING OFFICER SHEAN: Right, and I think the Committee just wants to understand what's involved in getting the approval. Is it something that has to be run through the FAA with respect to the traffic pattern, and obviously the advisory in the automated weather system is an FAA deal But do you have to get FAA approval of your other proposed changes?

MR. GALATI: That I don't know the answer to. I'll ask Dr. Morris if he does. I believe that Austen Wyswell does know, when he hopefully gets on the phone.

I do know that the ASOS does require FAA approval.

DR. MORRIS: Yeah, really, I don't know anything beyond what you just said as far as the approval process.

MR. WOLFE: Mr. Shean, we do have an FAA man here. If you want that -- maybe you want that second question answered.

HEARING OFFICER SHEAN: Yeah, perhaps, if we can't get it by the time we finish what we are doing here, well, we'll do that. All right.

Because I think, you know, obviously the Committee should be informed as to whether or not this is something that's just going to happen by decree, so that if the City says, we want it, it happens. Or whether or not it's going to be reviewed and is subject to approval by somebody else.

So, obviously if you get the plant on the ground and you say, well, we'll be subject to a condition that we won't operate till this happens, and if it doesn't happen I think we all know you'll be back to the Commission saying, we'd like to operate our multi-million-dollar plant, and now let's figure out something that's a different mitigation.

So, --

MR. WOLFE: I will be going into that one.

HEARING OFFICER SHEAN: All right.

Anything further?

MS. DeCARLO: Yes.

Mr. Looper, will the project be generating visible plumes?

MR. LOOPER: Will the project be generating visible -- only visible plumes?

MS. DeCARLO: No, just will they be?

MR. LOOPER: Yes, um-hum.

MS. DeCARLO: And are you proposing dry cooling or hybrid cooling to eliminate these plumes at all?

MR. LOOPER: No.

MS. DeCARLO: Are you familiar with the City's resolution with regard to the override of the Airport Land Use Commission?

MR. LOOPER: Yes.

MS. DeCARLO: Are you familiar with a prohibition contained in that resolution which prohibits any use which would generate water vapor?

MR. LOOPER: Yes.

MS. DeCARLO: Can you please explain how a project that generates visible plumes can comply with a prohibition of the generation of water vapor?

MR. LOOPER: I can't.

MS. DeCARLO: Thank you. Have any flight safety related modifications been made to the proposed operations of the project?

MR. LOOPER: I'm not certain I understand the question.

MS. DeCARLO: The City's resolution states that appropriate flight safety improvements will be incorporated into Blythe II. I'm just wondering if that has occurred.

MR. LOOPER: Where are you reading from, please?

MS. DeCARLO: I'm sorry, number 2, the City's resolution number 04-897.

MR. LOOPER: Condition 2, all outdoor lighting? Oh. I'm still not certain what page --

MR. GALATI: This one right here.

HEARING OFFICER SHEAN: What's your reference, again?

MS. DeCARLO: The City's resolution number 04-897; it's actually finding number 2. It's not the condition; it's the page before that.

MR. LOOPER: I think at this time in response to item 2 in particular, that at the time that this was written there were studies that were

undergone, including the ones that were referenced here by Mr. Morris and others, including Ken Kosky, who hopefully just beeped in there.

And the results of those studies show that no additional improvements need to be in for flight safety. So, basically embarked on a program with outline to complete those studies. At the conclusion it was determined if any additional improvements or modifications needed to be made to the cooling towers. At this time none have been identified.

MS. DeCARLO: Is it that they weren't needed or that none could be --

MR. LOOPER: None were found to be required.

MS. DeCARLO: Can any changes be made to improve cooling tower plume dispersion?

MR. LOOPER: We don't believe that there's any improvements that we've identified in our discussions with GEA, and other cooling tower vendors, as well, that can directly mitigate the types of issues that we've been talking about here in terms of the updraft from the cooling towers.

MS. DeCARLO: Okay, thank you. That's

all the questions I have.

HEARING OFFICER SHEAN: I'm not sure which of you may know the answer to this, but what is the usual process by which any of the private publishers of like Optima or Jepson has to gain information about the change that would be proposed here, so that they can republish that in their flight manuals?

DR. MORRIS: I'm not really sure what that process is. I know the airport operators or whatever, typically notify the individuals and other groups of the changes --

MR. WOLFE: Do you want me to answer that?

DR. MORRIS: I mean that is an --

HEARING OFFICER SHEAN: If you know it.

MR. WOLFE: It works the other direction where -- oh, sorry -- it actually works the other direction; we're periodically bombarded with agencies wanting information to upgrade the flight plans. They send us a form, we fill them out. That's how it works. We don't contact them; they do contact us.

It's a business to them; they're selling a product. They want to keep them updated. So,

we get forms all the time asking us to please upgrade, please upgrade anything, anything new.

The only thing we have to be sure of, if anything we upgrade are new, we must know that it is legal and okayed by the FAA or we can't give it to them. Such as your AFD, it's not legal.

The item in the flight directory (inaudible) notes.

HEARING OFFICER SHEAN: I beg your pardon?

MR. WOLFE: The item in your airport facility directory is not legal and the FAA knows about it. They have done nothing about it.

What happens is in a directory if you start directing traffic that's illegal; that can only be done by the FAA, only. When your wheels pull up off the ground you're in FAA airspace. They direct traffic; nobody else.

They have to okay it. If they don't okay it it is not legal. Not means that they won't do anything about it sometimes if they consider it good. But they haven't okayed it yet; it's not legal. And I cannot do it unless I have an okay from the FAA.

But the airport facility directory was

not okayed by the FAA. It was put in by the City and the FAA allowed it to go through without any objection to it. But they did not specifically okay it. Don't know what their reason was, but they didn't.

But that's how it works. They send us applications; we fill them out and send them back in continually.

HEARING OFFICER SHEAN: So, getting the word out should not be an issue --

MR. WOLFE: Six months. There's a whole bunch of them out there. There's a lot of them out there.

HEARING OFFICER SHEAN: Right.

MR. WOLFE: Some of them even computerized, you know, so --

HEARING OFFICER SHEAN: Okay. Mr. Looper, you may know this. When I drove in for this set of hearings and observed the existing Blythe I project, as far as I could tell there was no red-and-white checkerboard pattern on the highest features of that facility, is that correct?

MR. LOOPER: That's correct.

HEARING OFFICER SHEAN: And was that

done for visual aesthetic reasons?

MR. LOOPER: It's really an FAA call again as to both the lighting standard as well as color designations on top of stacks. And our stacks were not high enough to have a concern from FAA to have the checkerboard type of pattern that you see maybe a tall coal stack from a coal-fired power plant.

So we do request approval from the FAA. Go ahead, --

UNIDENTIFIED SPEAKER: (inaudible).

MR. LOOPER: Yeah, no, I don't. So as a suggestion just the color. There are lights on the towers, but there's no special color painting. And that was FAA directed.

HEARING OFFICER SHEAN: I beg your pardon?

MR. LOOPER: That was FAA directed. We did ask for their approval; go through the approval process from the FAA. And they came back with the final directive of what we would or would not do on those stacks in terms of lighting the tower and markings.

HEARING OFFICER SHEAN: And so the FAA said don't do it?

MR. LOOPER: Don't do it, right. As a matter of fact, initially they said no lights.

UNIDENTIFIED SPEAKER: Nothing required.

MR. LOOPER: Yeah, nothing required. And then later on lights were added to the stacks. I don't have the recollection; do you remember how that happened, Tom?

MR. CAMERON: We did it because it was a prudent (inaudible).

MR. LOOPER: It was what?

MR. CAMERON: A prudent (inaudible).

MR. LOOPER: Yeah, okay. Tom was reminding me that we did it later; it was determined to be the prudent thing to do on those stacks, although it was not required by FAA.

HEARING OFFICER SHEAN: Let me just ask Dr. Morris then, do you think for pilots, whether student, licensed or longer term pilots, there is an understanding of the meaning of that red-and-white checkerboard pattern?

DR. MORRIS: Oh, yes, sir.

HEARING OFFICER SHEAN: And that would be avoidance?

DR. MORRIS: Avoidance. It's an obstruction, hazard.

HEARING OFFICER SHEAN: So if, along the lines of the question that staff has for student, inexperienced student pilots who are soloing, they're not accompanied by their instructor, would that student pilot have the ability to gain essentially knowledge about the potential hazard and the need to avoid it from such a red-and-white pattern checkerboard, either on the tower structures or some other major structure on the facility so that he would know to avoid it?

DR. MORRIS: Clearly, it would be marking an individual to avoid contact with that obstruction. I mean, be more identifiable than the -- when you see the towers there, kind of the implied idea is that you're going to avoid them.

HEARING OFFICER SHEAN: Well, certainly for impact issues.

DR. MORRIS: Right.

HEARING OFFICER SHEAN: I have no further questions? How about you? Okay.

PRESIDING MEMBER GEESMAN: Dr. Morris, --

DR. MORRIS: Yes, sir.

PRESIDING MEMBER GEESMAN: -- the review that you said you did of other turbulence

conditions, did you confine that to a comparable level of altitude to that which pilots would face in going near these stacks?

DR. MORRIS: Sir, we looked at approach conditions elsewhere and the likelihood of repetitive turbulence, the fact that somebody would encounter an updraft every so often during an approach condition. And those conditions, there's a lot of areas where it's certainly at least comparable, if not much greater.

PRESIDING MEMBER GEESMAN: Thank you.

DR. MORRIS: In fact, you see a lot of that in Colorado because of the foothills and the mountains, some pretty ugly turbulence at the Academy airfields.

HEARING OFFICER SHEAN: Let me just ask, if you're to designate a pattern change for 2-6, I assume that there's nothing about the ILS approaches to runway 2-6 that you propose to change, is that correct?

MR. GALATI: There's no proposal from Blythe II to change or modify or do anything with the ILS. I can ask our witness why that is.

HEARING OFFICER SHEAN: Sure, let's get that on the record.

MR. GALATI: Dr. Morris, would changing the ILS approach to runway 2-6 affect Blythe II?

DR. MORRIS: No, Blythe II is 800 feet to the left of the centerline, so it's not a factor for the current ILS.

MR. GALATI: Someone who's using the ILS, would they fly over Blythe II?

DR. MORRIS: No.

HEARING OFFICER SHEAN: Okay, I understood all that. But in terms of the request to the FAA, if that's what has to happen for a change of pattern into 2-6 for visual flight rules, pilot, there's nothing about the instrument approach --

DR. MORRIS: Well, the ILS is not FAA certified --

HEARING OFFICER SHEAN: -- is intended by any of what you're doing, is that correct?

MR. GALATI: Right. Dr. Morris, is the ILS certified by the FAA?

DR. MORRIS: No, it's not. It's not FAA certified.

MR. GALATI: It's not a recognized approach, is it?

DR. MORRIS: No.

MR. GALATI: In fact, when is it used?
DR. MORRIS: Used for training purposes.
MR. GALATI: So a pilot can't use the ILS?
DR. MORRIS: You cannot legally use it, no.
MR. GALATI: So if there was a request, does there need to be a request at all to modify the ILS?
DR. MORRIS: Since the FAA doesn't have it approved as it is, there would be no reason to request --
HEARING OFFICER SHEAN: We're not on the same page.
MR. GALATI: Okay.
HEARING OFFICER SHEAN: And I'm just going to let it go.
MR. GALATI: Sorry.
HEARING OFFICER SHEAN: Okay. Mr. Wolfe, do you have any questions?
MR. WOLFE: Yeah, a few.

CROSS-EXAMINATION

BY MR. WOLFE:

Q Let's start with Mr. Looper. Mr. Looper, in your deposition you said that you

didn't agree with staff on the override the City gave.

At this time, as you're sitting here at this table, do you have -- have you seen, personally seen any documentation from the FAA or anybody else changing these patterns, or adding to the --

MR. LOOPER: No.

MR. WOLFE: So you have no knowledge of any of this being done. It's just strictly your hearsay and opinion, is that correct?

MR. LOOPER: No. The override here is a process by the City as a condition of licensing Blythe II. We would like to get Blythe II licensed and move down the road. And when we're licensed and we have such a condition we'd like to move down the road and get these changes in place.

But this is a condition on the way to getting Blythe II licensed. So once we're licensed, once we have this condition we proceed to, of course, implement and try to get the pattern changed from left-hand to right-hand.

MR. WOLFE: But at this time you have no knowledge that this has been done, correct?

MR. LOOPER: Blythe II is not

constructed or going to be constructed until it's licensed by the Commission. Therefore, from our perspective there's no need to change the left-hand to right-hand pattern. That's not the issue with Blythe I. Blythe I issue has really little to do with the left- and right-hand pattern.

MR. WOLFE: If Blythe II is built will that push more aircraft -- never mind, strike that. I'll ask you that one.

But you're a pilot?

MR. LOOPER: Yes.

MR. WOLFE: I'll ask you. If the base leg, be the left-hand pattern, as we have now and nothing has been overturned at this time by the FAA, if you build plant II where is the aircraft going to be in position to plant II on its base leg?

MR. LOOPER: Well, plant II, on a one-mile, if you did a one-mile base, you'd be basically in the middle between the Blythe I and the Blythe II plants.

MR. WOLFE: Is that a safe location, sir?

MR. LOOPER: I think if I was the pilot, through here, as Dr. Morris has pointed out, the

mile that we show through there is really a pretty long downwind leg on the runway. And when you know that the power plant here -- in this case Blythe I is there, when you know Blythe I is there you would always be turning inside of Blythe I.

If you had Blythe II there you'd be turning inside of Blythe II. Both of those would be very safe vfr approaches into on a left-hand pattern, into 2-6.

It's probably safer to switch the pattern to right-hand pattern because then you no longer have the discretion, you're really free and clear of the power plant all together.

MR. WOLFE: You're a pilot. What rating do you have, sir?

MR. LOOPER: I'm a vfr pilot.

MR. WOLFE: What size plane?

MR. LOOPER: I fly a Cessna 206 turbo.

MR. LOOPER: Okay, so high performance rating?

MR. LOOPER: I actually fly a Cessna 180, as well, but the --

MR. WOLFE: But you're high performance rated?

MR. LOOPER: Right.

MR. WOLFE: Okay, the difference between a high performance rated aircraft and a 172, would you say that these two planes will normally shoot a different pattern due to the speed of the aircraft?

MR. LOOPER: Most likely.

MR. WOLFE: Most likely. So a high performance plane, if it can't turn at a mile, it's going to have to go around the plant, correct? If it doesn't want to go right in the middle of those two plants.

MR. LOOPER: Well, I've had no problem landing my Cessna 206 at the end of 2-6 with less than a half-mile --

MR. WOLFE: So you turn inside?

MR. LOOPER: We would turn inside.

MR. WOLFE: Now if you build plant II --

MR. LOOPER: We'd turn --

MR. WOLFE: -- at a half mile --

MR. LOOPER: Yeah.

MR. WOLFE: -- what would usually have been your base? About how far from the runway would you have usually have turned your base?

MR. LOOPER: If the diagram that's shown there --

MR. WOLFE: Sure, help yourself.

MR. LOOPER: -- I think we should use that. Right now if a pilot had been using the one-mile --

MR. WOLFE: First of all, let me ask you this.

HEARING OFFICER SHEAN: Mr. Wolfe, you're going to have to either let him answer --

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: -- the questions because --

MR. LOOPER: What the diagram --

HEARING OFFICER SHEAN: -- there's --

MR. LOOPER: -- really depicts here is a pilot basically doing one mile past the end of the runway and then turning what we've been calling the base leg. This is the base leg -- this is the final leg. So basically it would be on a one-mile final.

A one-mile final, especially on a Cessna, is actually a pretty long ways, you know. So what Pat was asking me is this is what we see right now here in Blythe I. What do I do when I come and I approach the airport on a left-hand. What I do right now is we turn inside of the power

plant because this is a pretty long one mile. So actually Blythe I is pretty far up.

What you would do with Blythe II is you would turn inside of Blythe II. You would have another 400 feet inside instead of 5280, you'd be doing 4500 feet final. Which is still very fine for either high performance or a 172. Very safe.

MR. WOLFE: A 45 --

MR. LOOPER: -- in the FAA, as well as the AO for guidelines (inaudible) or vfr pilot on (inaudible).

MR. WOLFE: I'd like to ask you a question about this diagram here.

MR. LOOPER: Okay.

MR. WOLFE: Staff says -- no, your statistics say the plant is 5000 feet out, correct? From the end of my runway.

MR. LOOPER: I think --

MR. WOLFE: About?

MR. LOOPER: -- it's 5000. Butch probably knows this a lot better, because Butch worked on this with Rob Hull. I don't know exactly. But I believe the green inner safety zone is identified as --

MR. WOLFE: I asked you how far the

plant was from the end of the runway.

MR. LOOPER: Five thousand feet. So let's just use 5000 feet as the --

MR. WOLFE: How far is a mile, sir?

MR. LOOPER: 5280.

MR. WOLFE: That line's got you inside, but yet it's a mile. Can you explain that to me?

MR. LOOPER: I think the reference -- I don't know what the reference was, Pat. I don't know if the reference is a generic reference or exactly 5000 -- I don't know what you're asking in terms of --

MR. WOLFE: What I'm asking is this is supposed to be a one-mile pattern. This plant is one mile from the airport. But yet you've got the line inside of the plant. If what you're saying is true, this line hits right here, one mile.

MR. LOOPER: I'm just showing what the numbers are. This is 5000 feet, okay. And this is, the turn in through here is probably 280 feet on the curve.

MR. WOLFE: So the plant should be right here, you mean?

MR. LOOPER: This is the air, this is where the plant's at. We didn't just locate the

plant. That's where the plant's at. The plant's here, this is 5280 feet. So this is all put together and engineered, these are the locations of the plant, this is Blythe II, this is Blythe I. Here is one mile.

So, if you've -- talking about one mile, this is the one-mile pattern. This is where it is relative to Blythe I. (inaudible) work?

MR. WOLFE: That was no match, but it works. If it's a mile out and a mile pattern, that fits the pattern on the plant. Real simple.

You said that a high performance plane. In your opinion would a high performance plane, a twin, a jet or something, if it had to go around the plant, it could not turn inside enough short a turn, could it? It wouldn't, would it?

MR. LOOPER: I'm not qualified to answer that. I'm a single engine aircraft. Maybe Mr. Morris can --

MR. WOLFE: Well, Mr. Morris is not a pilot.

DR. MORRIS: I'm not a pilot.

MR. LOOPER: Okay, so --

MR. WOLFE: He's not a pilot at all.

DR. MORRIS: No.

MR. LOOPER: I don't think --

MR. WOLFE: Just questions on aircrafts, he's not a pilot.

Anyway, okay, I think I made the point.

Mr. Morris, you were saying that a student pilot could freeze or do inappropriate action after hitting that turbulence. I --

MR. GALATI: I would object to the characterization of the testimony. I don't remember him saying --

DR. MORRIS: Yeah.

MR. GALATI: -- a student pilot could freeze.

DR. MORRIS: I don't recall making that statement.

MR. WOLFE: I believe it's in your testimony.

HEARING OFFICER SHEAN: Well, he didn't use the word freeze. He said in response to questions by --

MR. WOLFE: Inappropriate --

HEARING OFFICER SHEAN: -- Ms. DeCarlo, yes, that they --

MR. WOLFE: Okay, I will go with inappropriate. Student pilot gets scared, he

panics and does inappropriate .

Five years ago, ten years ago would that have happened to the pilot in that area, yes or no?

DR. MORRIS: For the -- I don't know that the --

MR. WOLFE: Before the plant was there would that pilot have had the same problem?

DR. MORRIS: Well, it's a hypothetical problem. You're saying that if a student pilot had encountered turbulence would he respond that way. We don't know that. We have not --

MR. WOLFE: If a pilot -- ten years ago if the plant was not there, not producing the turbulence that he encountered when he panicked it wouldn't have happened, would it?

DR. MORRIS: If there's no turbulence there, it's an encounter that wouldn't occur.

MR. WOLFE: It wouldn't occur.

DR. MORRIS: Right.

MR. WOLFE: So consequently if the plant wasn't there the student would never have a chance to do inappropriate due to the turbulence out of that plant, would it?

DR. MORRIS: If there's no turbulence to

encounter, the student wouldn't encounter it.

MR. WOLFE: Do you believe that that student shouldn't have the safest atmosphere possible to train? Do you believe that he should be -- have to fly through something that is inappropriate for him to handle?

DR. MORRIS: I don't think he should fly through it.

MR. WOLFE: Okay.

DR. MORRIS: I think he would avoid it.

MR. WOLFE: That brings up the next question. What are the requirements to fly, paperwork-wise, in an aircraft? Not counting registration and stuff, as far as your pilot?

DR. MORRIS: You mean as far as your license and all?

MR. WOLFE: Yeah, what navigational paperwork must be on the plane to fly?

DR. MORRIS: You have to have your charts. I guess I'm not quite -- as a nonpilot I'm not the person that could answer that.

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: This is like your flight instructor's quiz.

MR. WOLFE: Yeah.

DR. MORRIS: Yeah.

HEARING OFFICER SHEAN: Okay, --

MR. WOLFE: But during your testimony you kept saying that he would check with his instructor and his books to make sure that he didn't overfly it, but now you're saying well you don't know if he has his equipment or has to have his equipment, even. Which is it?

DR. MORRIS: When I was a student pilot, which I was at the Air Force Academy, we went through a briefing that basically briefed all the hazards, which are considerably more in Colorado Springs than here, a very -- you couldn't fly over for hazardous reasons, we also had two patterns that came together, parallel runways. So we were briefed very well before we ever took off of hazards to avoid.

MR. WOLFE: Is it not true that the only paper that you need on the aircraft is a current operational chart, sectional chart?

DR. MORRIS: A sectional, but --

MR. WOLFE: Okay. Now, we have stipulated already that the runway has not been okay to be moved, --

DR. MORRIS: Um-hum.

MR. WOLFE: -- a pilot flying in today that sits down with his instructor and goes over the data that he is required to have, which is an operational chart, is that chart going to say watch out for invisible plumes coming out of this plant? Does it say that on there?

DR. MORRIS: No, Blythe II is not there.

MR. WOLFE: Okay, how about Blythe I?

DR. MORRIS: No, there's a --

MR. WOLFE: So he would sit down with his instructor and they would not get this information. Is it in a note if you call?

DR. MORRIS: No.

MR. WOLFE: So what you said awhile ago, him sitting down with his instructor and going over this and getting everything that is pertinent to the airport is not required by the FAA to have. The FAA sets a set of guidelines, you must have this, you must have this. Their guideline is an operational, current operational sectional which you must have to fly -- to plan a flight.

If he had this he would not have the information on that plant, would he not?

DR. MORRIS: No, and the conditions that we've been talking about is for those things to

have been changed.

MR. WOLFE: You're talking about them, but at this present time --

DR. MORRIS: That is the assumption --

MR. WOLFE: -- in the --

DR. MORRIS: -- in those statements I made.

MR. WOLFE: Okay, but at this time you were saying he should sit down and do this. But this information is not out there.

DR. MORRIS: This was based on the conditions, the setup of the question, that those things will have been accomplished.

MR. WOLFE: Okay, that's --

MR. GALATI: I would like to, at this time, object on relevance. We're not talking about Blythe I and what needs to be done with Blythe I. We've stipulated that these things need to be done prior.

So belaboring the point that they're not done now, I think, is irrelevant to this case.

MR. WOLFE: I believe it is relevant due to the fact that Blythe II is going to push more high performance airplanes into Blythe I. What's going to happen is where the plant is built the

planes did turn --

HEARING OFFICER SHEAN: Okay, now, just --

MR. WOLFE: -- they're not going to turn.

HEARING OFFICER SHEAN: What I want you to do is just --

MR. WOLFE: Move on.

HEARING OFFICER SHEAN: No, no, no. We want to hear what you know, okay.

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: And I think, to some degree what you're trying to do is get what you know out of Dr. Morris' mouth, okay.

MR. WOLFE: You got it.

HEARING OFFICER SHEAN: Now, what you can do is when it comes your turn to talk you can tell us everything you know. And that way you can tell us about, you know, your assertion here that these changes have not been made. That a student only needs to have --

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: -- a chart; would not necessarily have a Jepsons or a Optima or anything else like that. And whatever it is

you want to tell us about the effect of this on the approach --

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: -- of high performance aircraft, okay.

MR. WOLFE: I can do that.

HEARING OFFICER SHEAN: So that will probably save a little time --

MR. WOLFE: Time, a lot of time.

HEARING OFFICER SHEAN: -- and maybe a little grief.

MR. WOLFE: Okay. One misconception here. Joe Sheble, pilot reports, it's not this Joe Sheble, by the way. It's Senior. So, just as long as you're, you know, --

HEARING OFFICER SHEAN: Okay.

MR. WOLFE: It's his father.

Mr. Morris, we have some pilot reports. You got a copy, did you not?

DR. MORRIS: Yes, I did.

MR. WOLFE: Can you explain, Mr. Eric Norsberg, he is flying a Lear 45. He is a test pilot, a bombardier. Do you believe that this man is qualified to assess turbulence?

DR. MORRIS: He probably is.

MR. WOLFE: Okay, thank you. Mr. -- pronounce it for me, Jojo -- Luis --

UNIDENTIFIED SPEAKER: Luis Miga¤a.

MR. WOLFE: -- Miga¤a; he is a twin engine Beechcraft instructor -- twin engine instructor. Do you believe he would be qualified to?

DR. MORRIS: I have no reason to believe otherwise.

MR. WOLFE: Okay. And they both put it as moderate to severe, correct?

DR. MORRIS: Correct.

MR. WOLFE: Okay, thank you. Can we bring that one picture up of the plant? I got a question.

HEARING OFFICER SHEAN: One of the two that they had?

MR. WOLFE: Yeah, one of the two they have.

HEARING OFFICER SHEAN: Do you want the one that --

MR. WOLFE: The one with the plumes showing.

HEARING OFFICER SHEAN: Okay.

MR. WOLFE: I don't know which one that

was. Just a question I would like answered. It'll take a second. Return to the Windows; sit and wait on the computer.

MR. GALATI: Can we see if Mr. Kosky's on the phone?

HEARING OFFICER SHEAN: Sure. Is there someone who's on the telephone?

MR. KOSKY: Yes, this is Ken Kosky.

HEARING OFFICER SHEAN: All right, Mr. Kosky, thank you. That's --

MR. GALATI: Could we, after this cross could I put him on direct before I redirect?

HEARING OFFICER SHEAN: Sure.

MR. GALATI: So I can get him --

MR. WOLFE: Do you want me to quit now so you can do it?

MR. GALATI: I don't want to interrupt you.

MR. WOLFE: Okay. The other one. That'll do, that'll be fine.

Mr. Looper, as being your neighbor we have learned to look for the telltale plume coming out, I guess it's the vent stack, right beside your HRSG stacks? Is that some kind of (inaudible)? I don't know what they are. We look

out the window, we can see which one's running. We know your plant's online.

MR. LOOPER: I'd like to be able to tell you, but first of all you should know that we are not Blythe I. That's not my plant.

MR. WOLFE: Oh, okay.

MR. LOOPER: So, --

MR. WOLFE: But you do know what those are?

MR. LOOPER: Actually probably one of the -- either Tom Cameron or Bob Gavahan knows. They're much more qualified than I am to answer that question.

MR. CAMERON: They're vents.

MR. LOOPER: They're vents?

MR. WOLFE: They're vents? I notice one vent is larger than the other vent. Is that plant not in full operation?

MR. CAMERON: (inaudible).

MR. WOLFE: If both vents are venting the same, does that mean the power is the same? Don't know?

MR. CAMERON: -- valves, don't know.

MR. WOLFE: I was just wondering why one plume is different. I was wondering why the plant

varies on its intensity of the severe turbulence. We'll get into that later.

Okay, you mentioned that a plane will stabilize itself after entering the plumes, correct?

DR. MORRIS: I don't think I said stabilize; it will have an initial early substantial bump, and then it will oscillate to some degree.

MR. WOLFE: That'll work it. In short, the plane comes in, the nose is raised as it hits?

DR. MORRIS: Right.

MR. WOLFE: Tail is raised, it levels back up again?

DR. MORRIS: Yeah, you do some climbing --

MR. WOLFE: Some climbing. Mr. Looper, -- not a pilot -- when you, on an approach what is the most critical part of landing? Which is -- no, let me rephrase that. A landing should be controlled all the way down, should it not? The approach should be controlled to make your best landing?

MR. LOOPER: Okay, I hope we're in control of the aircraft all the time.

MR. WOLFE: Okay. If you're on a proper glide and all of a sudden you hit turbulence and that puts a lift, what is going to be your response to control the airplane to make the landing at that time? If the plane starts to go above the glide slip on you, what are you going to do?

MR. LOOPER: The first thing you're going to do is fly the airplane. So, --

MR. WOLFE: Okay, --

MR. LOOPER: -- if you've lost control of --

MR. WOLFE: -- that's the best thing you always do.

MR. LOOPER: Right.

MR. WOLFE: But what is your action going to be as you're being lifted above your glide slope?

MR. LOOPER: After I get above my glide slope --

MR. WOLFE: As you start above your glide slope, as this turbulence, as he says, is giving you initial lift, what is your response at that time?

MR. LOOPER: Depends on how fast that

goes, Pat. I mean if you're in reaction mode or if it's a planned lift, you know, it's like if you're out there in --

MR. WOLFE: I'll reword it.

MR. LOOPER: Yeah, you need to help me out here because ultimately what you're trying to --

MR. WOLFE: I'll --

HEARING OFFICER SHEAN: And let me remind you again, Mr. Wolfe, you can probably much more effectively --

MR. WOLFE: Get that out of --

HEARING OFFICER SHEAN: -- get it out of your own mouth than Mr. Looper's or Dr. Morris'.

MR. WOLFE: I can see that.

HEARING OFFICER SHEAN: If you want to tell us that you'd either nose over or chop the throttle --

MR. WOLFE: Okay. Mr. Morris, yours said that this wind would not -- you, in your opinion, would not be wind shear. Sir, do you know what the speed wind shear is considered at?

DR. MORRIS: I've seen numbers like 15 knots, delta 15 knots --

MR. WOLFE: That's correct.

DR. MORRIS: -- knots, and --

MR. WOLFE: Do you know the definition, because awhile ago the one you gave -- what is the definition of wind shear, sir?

DR. MORRIS: It's a changing wind from a -- with altitude. It's a changing wind from one direction to another.

MR. WOLFE: Or in any direction.

DR. MORRIS: Yeah, but it's a change. It's not just a wind of 15 knots, it's a change --

MR. WOLFE: Actually it's a change in wind over a short period of time --

DR. MORRIS: Right.

MR. WOLFE: -- short time. Okay. You said that this did not represent wind shear, correct?

DR. MORRIS: Based on the numbers in that, that Mr. Kosky presented and all that.

MR. WOLFE: Okay. Staff here reported that one tower puts out a certain amount of wind, but if you add them all together that wind goes up, as it combines. Not one-on-one. I think the figure they used was 68 percent. Do you want me to give you the page?

DR. MORRIS: Maybe I can answer the

question just by saying that based on the numbers that we are looking at, of Mr. Kosky, that's what we're basing those comments on, --

MR. WOLFE: Okay.

DR. MORRIS: -- those numbers in there in disagreement. And I am not a person to be able to answer --

MR. WOLFE: Okay.

DR. MORRIS: -- about the effectiveness of one --

MR. WOLFE: Can we --

DR. MORRIS: -- number over the other.

MR. GALATI: Pat, we do have a witness, Mr. Kosky, who's going to testify as to what he calculated and whether he agrees or disagrees with what staff calculated. I didn't --

MR. WOLFE: Okay.

MR. GALATI: -- have him yet. We can do that now if your direct is --

MR. WOLFE: I will use these figures, I'll use staff's figures.

MR. GALATI: Okay. But if you want to ask questions about --

MR. WOLFE: Okay.

MR. GALATI: -- that, it would be to Mr.

Kosky in his testimony.

MR. WOLFE: Can we get a calculator on the screen?

HEARING OFFICER SHEAN: What are you looking for?

MR. WOLFE: We need a calculator --

(Parties speaking simultaneously.)

MR. GALATI: Looking for a calculator --

MR. WOLFE: -- on the screen. I'd like to show you what we have.

MR. GALATI: Again, this would be in the form of direct testimony. Maybe Mr. Wolfe --

MR. WOLFE: No, I'm going to ask him. I just want -- I don't think he can do it in his head. But if you want to, we can -- I'll just ask him questions. It will save time.

HEARING OFFICER SHEAN: Yes.

MR. WOLFE: It'll save time. Your report says that the wind you're producing out of the stacks is 27 feet per second, sir.

DR. MORRIS: We say pattern altitude is about between 7 and 5 feet per second.

MR. GALATI: Again, I would direct you, I believe that is Mr. Kosky's report.

DR. MORRIS: Yes.

MR. WOLFE: Okay.

MR. GALATI: And Mr. Kosky is on the phone. I can put him on direct testimony and then you can ask him all the questions you'd like.

So if you have any more questions on --

MR. WOLFE: We can do that.

MR. GALATI: -- upward flow, I need to probably go first.

MR. WOLFE: Okay, we can handle that.

DR. MORRIS: And I guess if your question is about do I believe 7 or 5 feet per second is an example of wind shear, based on those numbers, no.

MR. WOLFE: Okay. That wasn't the figures that we used.

Okay, but you do agree that an inexperienced pilot could have trouble?

DR. MORRIS: I think it'll startle --

MR. WOLFE: In your testimony --

DR. MORRIS: I think it'll startle; I think it could very well, if you're not expecting it any turbulence that you're not expecting can startle someone.

MR. WOLFE: Do you have any opinion on why this Lear Jet pilot, who is the test pilot, a

flight instructor for twin engine aircraft, and these other people reported severe, moderate to severe, but yet you reported only up to moderate. Can you explain that?

DR. MORRIS: I can. We looked, you saw the conditions, or you've heard the conditions and we tested it up and we tested it down to 150 agl, which is considerably lower than you should have been at, and --

MR. WOLFE: Okay. Could this be a possibility, that this plant is fluctuating? We have to have some reason why these experts, I mean a test pilot for a Lear Jet, this man is an expert, and a flight instructor for 20 years flight, it's moderate to severe, but you're saying you only find moderate, can the plant be fluctuating on us?

DR. MORRIS: One thing I can say, not necessarily answering that -- I can't comment on what the plant's doing --

MR. WOLFE: Okay.

DR. MORRIS: -- but I've been involved in a number of aircraft accidents where a copilot and a pilot both sitting side by side have completely described different events, as far as

encounters, --

MR. WOLFE: That always happens.

DR. MORRIS: -- going a wide range of differences.

MR. WOLFE: Okay.

DR. MORRIS: So I can't explain why something in one person's mind may call it severe, and somebody else may call it --

MR. WOLFE: Okay, giving an incident --

DR. MORRIS: -- moderate.

MR. WOLFE: -- who was flying the aircraft, sir?

DR. MORRIS: Who's that?

MR. WOLFE: The G -- when you had the G meter, who was flying the aircraft? You're not a pilot so it was somebody else.

DR. MORRIS: I'm not sure of the gentleman's name.

MR. WOLFE: You were in the aircraft?

DR. MORRIS: No, I was not. No, I was not. I was the other --

MR. WOLFE: Oh, you were not in the aircraft?

DR. MORRIS: No, the other engineer we have, -- was.

MR. WOLFE: Oh, okay. Do you know of your personal knowledge was this G meter -- it was not mounted, correct?

DR. MORRIS: That's correct.

MR. WOLFE: It was hand-held. Do you know if this G meter had been certified, or do you know if this G meter had been calibrated?

DR. MORRIS: I don't know. I know that the two read -- there was two of them, two engineers, two meters, and they both read --

MR. WOLFE: Do you know if these two meters was legal, legal to be using in that aircraft, sir?

DR. MORRIS: They were being used as gathering information. The --

MR. WOLFE: Do you know if they were legal? Were they signed off by a IA -- so consequently, those G meters were not even legal in that aircraft, is that correct, sir?

DR. MORRIS: They were not mounted; they're not part of the aircraft.

MR. WOLFE: And they haven't been calibrated to your knowledge?

DR. MORRIS: I can't comment on that, I don't know.

MR. WOLFE: But yet you used the figures and you didn't know if the instruments were even legal in the aircraft?

DR. MORRIS: I'm reporting the results of a test, coupled with the results that we saw qualitatively that the turbulence was never greater than moderate, even down to 150 feet.

MR. WOLFE: But you do not know if those G meters were even legal?

DR. MORRIS: I don't know their heritage.

MR. WOLFE: Do you know if they even had yellow tags on the meters? A yellow tag is a certification of the FAA.

HEARING OFFICER SHEAN: And, Mr. Wolfe, I just want to know if you really want to use your time in this manner, okay? Because sooner or later we're going to leave --

MR. WOLFE: You're going to shut me off.

HEARING OFFICER SHEAN: Sooner or later we're going to leave, right. And --

MR. WOLFE: -- the way I'm going at it. Okay, --

HEARING OFFICER SHEAN: I'm just trying to encourage you, I'm not trying to cut you off.

I'm trying to make it so --

MR. WOLFE: I'm sorry.

HEARING OFFICER SHEAN: -- the time that you spend with us is as effective as --

MR. WOLFE: Possible.

HEARING OFFICER SHEAN: -- it can be.

MR. WOLFE: You are asking for a change in runway to (inaudible) runway 1-7. Yes?

MR. LOOPER: I think Mr. Galati asked me if Blythe II were willing to take a condition that runway 1-7 be designated a calm wind runway. And that's what the City has decided. I think, you know, we're find with that designation being a condition before we construct Blythe II.

MR. WOLFE: Okay, this being a grant assurance airport, do you understand what it would mean?

MR. LOOPER: I have no idea.

MR. WOLFE: We're controlled by the FAA. We have to ask, on the airport we have to ask permission to do stuff.

MR. LOOPER: I would guess the FAA you'd have to ask about all these things.

MR. WOLFE: Being a fact that runway 2-6 is longer by 1000 feet; is -- will carry up to

3000 pounds; has ones that can only carry 150,000 pounds. And seeing the fact that runway 1-7 on departure and approach -- we have a noise problem with Mesa Verde, do you believe it would still be pertinent to put most of my aircraft on that runway, or the runway that's heavier and longer and does not have noise abatement on it?

MR. LOOPER: I think our approach was when we looked at the windrows at the airport, when we looked at the winds and the percent of time that the wind was blowing, -- and to say that the designation was 5 knots, I'm not certain what the actual designation would be for a calm wind runway, but given that designation, the amount of time that we're talking about that the calm wind runway would be the primary runway would be probably less than 20 percent of the time.

And it could be for light aircraft. I think the focus has been on light aircraft, although you point out we have Lear Jet pilot who has a concern. But the focus has generally been on the Cessna aircraft and Cessna-type aircrafts, single-engine aircrafts, multi-engine aircraft could have no problem landing on 1-5.

Matter of fact, larger aircraft won't

have -- larger aircraft won't have a problem landing on 1-7 either.

Is it prudent to make that the primary runway? I don't think that's something we were asked. I think we were asked is it prudent to make the calm wind runway 1-7. And I think that's a prudent move.

Have to ask FAA. The City would have to support that. But I believe in our discussions they're supportive of that.

MR. WOLFE: Why? Why do you want to move 1-7 to the --

MR. LOOPER: I think the issue was that Blythe I cooling towers are in the path on 2-6, okay. As in the path on 2-6 by moving, and since the cooling towers are most affecting the path of the traffic patterns when there is no wind, by moving that pattern to 1-7 you eliminate that problem.

In our case, Blythe II, with our suggestion of going from a left-hand to a right-hand pattern you never fly over the cooling towers for Blythe II. So that wouldn't be a requirement for Blythe II; that's why they asked me the question would Blythe II be willing to take that

condition. We are, but it's not a requirement, because really just moving the left- to right-hand solves the Blythe II issue.

We just don't fly over Blythe II, so all the cooling tower we're talking about is just not part of the course.

MR. WOLFE: But if we do not get the right-hand pattern, the FAA don't allow it.

MR. LOOPER: If we don't get the right-hand pattern, Pat, what we're telling you here is that we're willing to take a condition. That gives you your assurances.

MR. WOLFE: Okay, but you want to move the calm wind runway to 1-7, is that what you said, you'd like to?

MR. LOOPER: No. The question that was asked to me was would we be willing to take a condition that 1-7 would become a calm wind runway, and we would support that.

MR. WOLFE: Okay. And the only reason to do that is because, in your opinion, (inaudible) is dangerous. Why would you want to move it otherwise?

MR. LOOPER: There have been discussions, not party to here, related to the

Blythe I issues. And one of the things that has come out of those discussions of the Blythe I issues related to is moving 1-7 and designating it as a calm wind runway. That's why it came up in the discussion.

MR. WOLFE: So they wouldn't fly over?

MR. LOOPER: So that on calm days you could avoid the plumes from Blythe I.

MR. WOLFE: So you are saying the plumes are dangerous, sir? Yes or no?

MR. GALATI: I'd have to object to that. But I'll tell you what, if you want to ask questions, the Blythe I expert is right here. And we'll ask Dr. Morris whether he thinks flying over Blythe I is dangerous.

MR. WOLFE: I said you made a decision to want to move 1-7; using not to fly over plumes is the reason why. Why else would you want to do it?

MR. GALATI: We have not made any decision to move and make a calm wind runway. Mr. Looper just testified that if such a condition was a requirement he'd be acceptable to it, he'd agree to it.

MR. WOLFE: Okay.

MR. GALATI: You just heard testimony from Dr. Morris; he doesn't believe that with changing the traffic pattern anyone would fly over Blythe II. If the issue is should Blythe I have a calm wind runway, you need to take that up in a different forum.

MR. WOLFE: Okay. Mr. Morris, did you read the memorandum we got from KASA, Australia?

DR. MORRIS: Yes.

MR. WOLFE: You did. Did you notice that they said that there was reason for concern, anything over 850 float per minute at 110 meters?

DR. MORRIS: They said they had a 4.3 meters per second of float is what they discussed --

MR. WOLFE: It's 850, something --

DR. MORRIS: -- which is considerably above what were our calculations on that --

MR. WOLFE: That is considerably above your calculations?

DR. MORRIS: 4.3 meters per second, um-hum. That's correct. Five to 7 --

MR. WOLFE: I'll save the question for --

DR. MORRIS: -- at the --

(Parties speaking simultaneously.)

MR. WOLFE: Mr. Looper, you didn't have the information. The turbulence, this picture right here, we have turbulence coming out of the towers. Now, inside of this plume we have gas, correct?

DR. MORRIS: Correct.

MR. WOLFE: I mean they're not touching together as the picture shows. Would this --

DR. MORRIS: They're visible. They are visible.

MR. WOLFE: Would this give us more turbulence due to the fact that it's not a smooth, all in one section updraft?

DR. MORRIS: Actually what we felt going through there was -- I say we, as the engineers that flew the flight, had an initial bump, some oscillations around the 1 G feeling, and then an exit.

MR. WOLFE: The oscillations, you mean turbulence?

DR. MORRIS: Yeah, turbulence.

MR. WOLFE: Okay.

DR. MORRIS: But just around 1 G, which is --

MR. WOLFE: Okay, in your opinion, when are the cooling towers from either plant the most dangerous? When we're in this mode, or when the invisible mode, short of a better word?

DR. MORRIS: They're most dangerous when we have cool, calm conditions. Cool, calm conditions in which you're going to get likely some visible and then some not visible beyond --

MR. WOLFE: When it is most dangerous, when you can see it or can't see it?

DR. MORRIS: Well, in this condition, some of the plumes you're not seeing here. I mean some of the effects --

MR. WOLFE: We know that, --

DR. MORRIS: -- are above that. So, --

MR. WOLFE: But when are they, for a pilot, especially an inexperienced pilot, flying in here, when is that plant or the other plant the most dangerous? When he can see the plume and avoid it, or when it's just invisible and he flies into it?

DR. MORRIS: Any visual reference helps the pilot.

MR. WOLFE: And is it -- the plume visible most of the time, or is it un-visible most

of the time?

DR. MORRIS: In the conditions that I've seen which are most conducive to the plumes having the most turbulence, I've seen the visible plumes.

MR. WOLFE: I believe your report reports that they're only visible --

DR. MORRIS: Up to a certain --

(Parties speaking simultaneously.)

DR. MORRIS: Well, from the time we always say that the turbulence level is significant --

MR. WOLFE: The plumes are visible primarily because of humidity in the air, is that correct?

DR. MORRIS: Correct.

MR. WOLFE: And Blythe being as we are, except for this particular moment, we are a fairly dry atmosphere, sir, are we not?

DR. MORRIS: Um-hum.

MR. WOLFE: So those plumes are invisible most of the time, correct? Due to our atmospheric conditions?

DR. MORRIS: I'm not a resident here, so you can answer that better than me, whether you see them or not.

MR. WOLFE: Okay, I think it is. We'll save our questions. Sorry for the long length of time, gentlemen.

HEARING OFFICER SHEAN: All right, thank you. We'll get back to you on direct.

MR. GALATI: Can I get --

HEARING OFFICER SHEAN: Sure.

MR. GALATI: Mr. Kosky, can you hear me? This is Scott Galati. Ken Kosky.

MR. KOSKY: Yes, I can.

MR. GALATI: Ken, I'd like you to be sworn, please.

Whereupon,

KENNARD KOSKY

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Kosky, can you briefly describe your qualifications to the Committee.

MR. KOSKY: I have 35 years experience in the air pollution --

HEARING OFFICER SHEAN: Let's save some time. Let's save some time. Your qualifications

are stated here on your testimony. Is there objection to qualifying him as an expert?

There is no, so he is so qualified.

BY MR. GALATI:

Q Mr. Kosky, did you perform an analysis of the upward plume generated from the cooling tower at Blythe I?

MR. KOSKY: Yes, I did.

MR. GALATI: Can you briefly describe for us what you did and what you found?

MR. KOSKY: The analysis that we conducted was looking at various meteorological conditions and stabilities for both the cooling tower and the HRSG stacks. There are two HRSG stacks that we evaluated, that's from the combustion turbine with heat recovery steam generator stacks. They're oriented north/south relative to the site. And then we looked at the cooling tower cells.

We performed calculations of the plume rise as well as the vertical velocities and plume dimensions based on a variety of meteorological conditions that can exist at the site.

We looked at what the potential for interaction of those plumes were. We also looked

at the meteorological conditions that these particular conditions can occur. And we also looked at whether or not the natural atmosphere can have similar type conditions.

The results of our analysis indicated that the interaction of the plumes was possible, but that would generally occur with low, the calm winds by low winds generally less than 2 meters a second; that's roughly 4 miles an hour or so. Generally less than that, more like 1 meter a second; that's 2.2 miles an hour of wind or calm conditions.

The calculations -- we calculated based on an ideal approach, what the velocities would be, as well as the interaction of the 3 degree glide slope into the Blythe Airport. And that's at height where the plume would be interacting. Our worst case analysis for either the HRSG or the cooling tower was in the range of 5 to 7 feet per second.

We also looked at the timeframe that interaction would occur. We had assumed that the plane was a light aircraft, traveling roughly maybe around 70 miles an hour on approach. And in general, depending upon what plume it would

interact with, it would be relatively short for the HRSG, in the order of about a second.

The cooling tower being aligned toward the airport in an east/west direction would interact; there would be interaction for about about 5 seconds for light aircraft.

We also calculated the frequencies that it could occur, primarily as I had mentioned, during calm winds, as well as light winds. They generally occur in the order of about less than 10 percent of the time for calm winds, and total for both light and calm winds in the order of about 17 percent roughly over the year.

MR. GALATI: Mr. Kosky, would the analysis you did for Blythe I's cooling tower be applicable to Blythe II for purposes of calculating the upward plume?

MR. KOSKY: My understanding being that Blythe II is a very similar project, I would expect it to be very similar to what was done for Blythe I.

MR. GALATI: And when you calculated over these different ranges of stability and wind speed, what did you find?

MR. KOSKY: Well, we found that the

upward velocity at an intersection point where they may be over Blythe I, an upward velocity of about, worst case, of 7 feet per second. In general, both the cooling tower and HRSG could interact similarly except for the durations.

I would like to say that the HRSG is a much more buoyant plume; it's much hotter than the cooling tower. It also has higher stacks. But it's relatively short diameter and oriented differently.

MR. GALATI: Did you have a chance, Mr. Kosky, to review staff's final staff analysis?

MR. KOSKY: Yes. I reviewed, I guess, an exhaust plume turbulence, attachment B, which I believe is authored by William Walters.

MR. GALATI: Yes, and that document comes up with different upward plume velocities, correct?

MR. KOSKY: Yes. In one part of it, it does.

MR. GALATI: Could you explain why your numbers are different than the numbers calculated by Mr. Walters?

MR. KOSKY: Well, Mr. Walters had used some calculations from a paper which actually,

when we had done our work, we were familiar with. It's titled, aviation safety and buoyant plumes. It's produced in Australia.

This paper, the 2003 paper, has actually represented a mathematical model that is an alternative to another approach that is used by the Australian government to evaluate plumes near airports.

And this particular calculation, that was really done by Mr. Walters, uses information that's within the paper, but the paper clearly doesn't provide enough information in terms of the model to actually do such a calculation. It wouldn't be possible.

And it's for different phases of the plume. And you would have that, and you could actually see that some of the photographs taken of Blythe I. For example, you have a jet, and maybe the plumes can merge and you have different things happening.

However, if you take just the jet velocity and make a calculation using sort of a different approach that they have -- the other part of it is when you have any kind of technical paper you have to look at it sort of in total in

seeing what they're using. And the reason I say that is that one, they're looking at sources that they define as very buoyant plumes.

While they mention combined cycle very often in the paper, they have a term what they call open cycle. Well, an open cycle plant is really a simple cycle plant. A simple cycle plant could be, if you don't have a HRSG, for example, you're talking about temperatures on an F class turbine of 1200 degrees Fahrenheit.

And they also presented an example there with common terms with velocities and a buoyancy here that is orders of magnitude very different than what's at Blythe I. And, in fact, the calculation done by Mr. Walters suggests after the, let's say the plume sort of disperses initially as a jet -- I tried to think of an analogy of this, but I know a lot of people have seen a bullet being fired into water, you know, it slows down pretty rapidly in a fluid, even though the density of the lead bullet is, you know, much much more than the water is.

It's sort of the same thing on a different scale when you have two different -- when you have plumes. It's basically air, there's

similar molecular weights. You really get the plume rise from the temperature. But you're not certainly going to get, after some mixing, an acceleration. And his calculation says that. It's just that would sort of defy physics.

There's a lot of things in the paper, I think, that Mr. Walters points out about buoyancy and that sort of thing. But using, you know, the caution I have of using just one suggested part of the paper without looking at that in total can produce erroneous results.

And that's why, in looking at that originally, and we had this before we did our work, we used a analytical model that we had developed actually previous for some questions around an airport and some other environmental studies that we had done for simple cycle projects, which again we're looking at apples and oranges here.

A simple cycle project has much higher velocities, as the example shows in this Australian paper, as well as 1000 degrees Fahrenheit. Much more buoyant plume, which, in my judgment, is where this particular paper is providing an example.

MR. GALATI: Are you familiar with the report prepared by Bob Wynn and Dr. Morris?

MR. KOSKY: Yes, I am.

MR. GALATI: Where they did the overflight on November 3, 2004?

MR. KOSKY: Yes.

MR. GALATI: Do you think that that represents a worst case day for upward plume rise?

MR. KOSKY: In my judgment the conditions would be ideal for what we had predicted would be the kind of conditions that you'd expect some kind of an effect.

And, in fact, the report that I had done on this analysis predicting, you know, the worst case of about 7 feet per second, was actually done before the overflight. The overflight, in my understanding, was done roughly in the mid 40s degree Fahrenheit. It was very very calm. I saw pictures of it that Dr. Wynn had shown nd it looked ideal in terms of the type of conditions that you'd expect, very calm, very stable. My understanding was the plant was operating at near full capacity with even some steam dumping to the condenser, which would produce greater heat load on the cooling tower.

And they did many many different overflights of both the cooling tower at various heights, as well as the HRSG.

MR. GALATI: Mr. Kosky, I'm done with direct examination. And going to turn you over to others that may be asking you questions on cross-examination.

HEARING OFFICER SHEAN: Ms. DeCarlo.

MR. GALATI: Oh, is Mr. Wyswell on?

MR. WYSWELL: Wyswell's here.

MR. GALATI: Okay.

MS. DeCARLO: Thank you.

CROSS-EXAMINATION

BY MS. DeCARLO:

Q Mr. Kosky, your modeling assumed an 85 degree day, is that correct?

A I'm not quite -- could you say that a little better? I'm sorry.

Q Oh, sure. Your modeling in your testimony, --

A Yes.

Q -- was it based on an 85 degree day?

A It was based on an 85 degree day in the report that we had done in November, that is correct.

Q And is it your opinion that this represents a worst case temperature condition?

A It represents, for the estimates made, when we look at both the HRSG and the cooling tower, it represents the range of worst case. It may be different for the cooling tower.

Q But earlier you agreed that the conditions represented during the overflight was the 45 to 48 degree morning represented a bad case. So, --

A Well, for that particular, it would be relatively a maximum for the HRSG. The HRSG typically has the same temperature since it's taking heat out to produce electricity, the heat recovery steam generator.

For the cooling tower, the actual exhaust temperature depends upon the ambient temperature. At that particular temperature it probably would be near the maximum, I wouldn't say the maximum, but at least 30 degrees Fahrenheit or so at that temperature.

Q But you agree that turbulence is worse with a greater temperature differential between the plume and the ambient temperature?

A There would be a -- it would be a

greater buoyancy; however, in my report we were looking at both plumes, since it really wasn't specific in our analysis whether we were looking at the HRSG or the cooling tower.

You have to remember that the HRSG is much hotter, much more buoyant and much more different than that. So when you look at the plume rise, the velocity of the HRSG, it actually has a higher velocity than the cooling tower.

Now, as you get lower temperatures you may get a little bit more buoyancy from the cooling tower, but it's still not as great as the heat recovery steam generator.

So in our report we were looking at sort of the range of what interaction of the plumes could be.

Q And since then it's been determined that the main potential problem is with the cooling towers, is that correct?

A Well, the cooling tower is a line in our calculations, east/west. So from the standpoint of duration it would have the greater duration effect. Although the velocities, even maximum velocities, would be in the range that we've calculated of around 7 feet per second vertical

velocity.

Q Now you used the algorithms from the ISC ST3 modeling, is that correct?

A That's correct.

Q Is this model approved for this purpose?

A I'm sorry, could you repeat that?

Q Is this modeling approved -- is this model approved for the use to which you put it?

A I would say the algorithms are approved. The ISC has been around since the 1980s. It's used to predict concentrations in plume rise as a key part of that. These same algorithms are going into the latest models that EPA will be promulgating shortly, AIRMOD.

We used the calculations and had those calculations to represent what the plume does, and make those calculations of velocities and where the plume would potentially interact with aircraft.

Q Does it include algorithms for calm wind?

A It does not include algorithms for calm winds. And the reason for that, and even it's recognized by the Australians in the paper that they presented, is the fact that a lot of the

plume rise has a velocity function. And in some cases that's as a reciprocal. And then if it's zero you essentially provide infinity and the model breaks down and you generally can't use that.

However, if you look at the wind speeds that we did look at, and we looked at very low wind speeds, that wind speed relative to the velocities of the stack, as well as the conditions, are relatively low.

Q Does it combine the buoyancy effect of adjacent cooling tower cells?

A No, it does not.

Q Did you adjust this to include the adjacent multiple stacks?

A We did not include that. One, it's nearly physically impossible to do that in sort of the model that we have. And the reasons are twofold.

With the HRSG stacks, they're far enough by the time we get any merger, they're like five or six diameters away.

The other -- the problem with the cooling tower is the fact that, you know, if you sort of try to combine that what you're doing is

you're representing a circular source that doesn't look anything like, nor physically like anything that the plumes from that tower could be.

For example, it's made up of eight cells. On the two end cells you have essentially three areas where you get air mixing, and all the rest of the tower you get air mixing.

We looked at the range of meteorological conditions that we could use, and in fact, we actually got higher -- and this is the use of the model -- we actually got higher velocities of the plume during unstable conditions where you get help from the atmosphere, rather than unstable conditions. And in terms of calculating what our velocities were.

So we looked at all the different possible stabilities to calculate that, and that's why we did not combine them. It would have been an unrealistic assumption.

Q So as it stands now your modeling just identifies what one cooling tower cell would look like, is that true?

A I'm sorry, again this is awkward over the phone. I've never done this. Could you repeat that, please?

Q I just wanted to clarify that in my understanding is that your modeling identified only what one cooling tower cell would look like individually?

A Yes, it was for an individual cooling tower cell and HRSG stack.

Q And did you adjust for atmosphere temperature gradients at all?

A No, we did not.

Q Okay, thank you.

MS. DeCARLO: That's all the questions I have.

HEARING OFFICER SHEAN: Any redirect? Do you have any --

MR. WOLFE: Yes, sir.

CROSS-EXAMINATION

BY MR. WOLFE:

Q This is Pat Wolfe from the Airport. I've got a couple questions. On your -- I don't care about the HRSG stacks, just the cooling towers.

On your charts here you never show a calm wind, and you never show a wind that could be out of the east. We can land airplanes under light and variable up to about 6 miles an hour.

Why is that, sir?

A Well, the first part of your question on calm winds is that the models and the algorithms we have break down using a zero wind. However, you know, in looking at it it would essentially be at a lower elevation because the wind speeds that we did use in the analysis were extremely low to begin with.

Now, so the --

Q So, if you -- I'm sorry, go ahead.

A Yes. So the forces would be substantially different than what we have calculated. Only that it would interact with the plume, you know, earlier. That --

Q So, in short, it would catch it at a lower altitude and a faster speed if the wind was at 6 out of the east, is that correct? According to your charts.

A If it was a calm wind it would interact at a slightly lower altitude. I think, you know, you're talking a marginal, you know, 10 --

Q Okay. In your chart --

A -- 30 --

(Parties speaking simultaneously.)

BY MR. WOLFE:

Q -- charts, you're showing a plume temperature same as the ambient temperature, if I'm reading this correct, is that correct?

A Well, in that particular chart we plotted the plume temperature that we had modeled, and then what it would decrease based on the dispersion of the plume. And it reaches ambient temperature relatively soon.

Q Realistically speaking, if we had a colder ambient temperature this plume would be rising a lot faster and would intersect the plane quicker, would it not?

A If it was colder it would rise a little bit faster. You have to remember that all these calculations that we do are really relative to absolute zero. So, you know, the main importance is the difference between what we're looking at in either the HRSG or the cooling tower. So what that differential of temperatures were.

And as I had testified in a previous answer, we were looking at both the HRSG and the cooling tower in our analysis to evaluate what the affect would be on a plane. And the 7 feet per second was what we had calculated; actually the worst case was with the HRSG stack, because it has

the highest differential.

It does increase for the cooling tower as it gets a bit colder. But the difference, it never reaches the same buoyancy, as it were, for the heat recovery steam generator.

So, you know, there might be some marginal differences and we have looked at lower temperatures based on some questions we had in my presentation a couple weeks ago, and it didn't -- it affected it slightly, but not greatly.

Q Okay, thank you. You were saying that the hot air coming out of the towers would not gain speed. Sir, are you saying that a hot air balloon will not fly? Is that what you're saying?

HEARING OFFICER SHEAN: Mr. Wolfe, --

MR. WOLFE: No?

HEARING OFFICER SHEAN: -- I'm going to stop -- not let you ask that question, --

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: All right?

MR. WOLFE: I'll go for that one. There is a chart here that was stapled to your report, Blythe Energy Project PSD application. Are you familiar with it, sir? I believe it must be from your -- it was stapled to your report.

MR. GALATI: I don't have it stapled to my report. Are you talking about what we filed?

MR. WOLFE: What you filed.

MR. GALATI: Can you tell me what page?

MR. WOLFE: It doesn't have it on it. You guys have this page, sir?

HEARING OFFICER SHEAN: No, I don't have it. Why don't you just ask the witness whether --

MR. WOLFE: I'll ask the question then.

MR. GALATI: Where are you reading it from? Does it have a number or table on it, --

MR. WOLFE: Yeah, it's right there.

MR. GALATI: -- table 1, table 2?

MR. WOLFE: It's one more back. That one there.

BY MR. WOLFE:

Q In this application report it's presenting the speed of the towers at 27 feet per second, sir. Converting that 27 feet per second into feet per minute is what we use in an aircraft. That comes out 1620 feet per minute.

Going by staff's report, and this is the one stack, going by staff's report that they accumulate to a certain percentage of 68 percent, this runs a speed out of those towers at 31 miles

an hour using your numbers, sir. Do you consider that 31 miles an hour to be wind shear?

A Well, as I testified during my direct, I thought using that 68 percent was an inappropriate calculation from a paper that actually indicates the use of that factor during the merging of, quite frankly, different types of plumes. But also in a different phase of the plume.

So, making that calculation on the values, the velocity of the cooling tower is just erroneous.

Q Okay. Do you agree that the combination of the cooling towers will increase over one cooling tower?

MR. GALATI: Can you -- the combination would increase what, upward velocity or duration?

BY MR. WOLFE:

Q Well, the velocity here it says 27 feet per second for one cooling tower. Do you have a number that represents all of the cooling towers combined. Will that number increase?

A Well, if the cooling towers are a distance from each other, and I would say, you know, in some order you're probably not going to see any effect.

Q In this application we're talking about, for them both together, is this number going to increase --

MR. GALATI: Pat, are you talking about each cell?

MR. WOLFE: Each cell --

MR. GALATI: Okay.

MR. WOLFE: Compared to staff's report says all cells combined will go up 68 percent. I'm trying to find out if this gentleman has a number that corresponds to that. He says that number's not right. I'd like to see what his number is.

MR. GALATI: Right. You used the term cooling towers so he compared Blythe I to II. You mean the cells within a tower?

MR. WOLFE: Correct.

BY MR. WOLFE:

Q The cells within a tower you have listed here, or staff has listed here, 27 feet per second. Is that number going to get higher as all the towers come online?

A Well, the velocity out of a cooling tower is a function of the mechanical energy put into it by the fans. It's going to stay whatever

it is. In Blythe I it's 27 feet per second. That's the design velocity from the cooling tower vendor.

Q But a minute ago you were saying 5 to 7 feet per second. Now you're saying 27 in your report. I don't understand the difference.

A Well, the difference is that the 27 feet per second is right as it leave the tower, itself. Also anybody who's ever looked at a cooling tower, although it's made somewhat for dispersion, it really isn't. It actually has a flared type of cowling typically as a stack.

But the 7 feet per second that I was testifying to was at the intersection point when a aircraft would be landing at the Blythe Airport over the tower, which is probably somewhere between 380 to 400 feet.

Q Okay, so what you're saying is that this hot air passing through the cold air will lose its speed immediately?

A It doesn't -- no, it doesn't lose it immediately. It comes out at 27 feet per second. But it mixes with the air around it and it loses initially its momentum greatly.

The 27 feet per second is the momentum

coming out of the tower. As it mixes with air, which is done relatively rapidly, it reduces its velocity. And as you get higher and higher, it reduces that effect.

Q In your opinion how high does this plume go before it completely is no longer a factor at all, sir?

A Well, not being a pilot, you know, I can't really relate to factors. The velocity of the plume will decrease as it goes --

HEARING OFFICER SHEAN: Let me interrupt you before you finish answering the question.

MR. KOSKY: -- up. At some point it'll reach either a mixing depth and/or its level called plume height and be a plume dispersed in the atmosphere.

HEARING OFFICER SHEAN: No.

BY MR. WOLFE:

Q So what you just said that the airplane will have a better knowledge of where it disperses than you? Is that what you said, sir?

HEARING OFFICER SHEAN: That's argumentative, Mr. Wolfe.

MR. WOLFE: Is it?

HEARING OFFICER SHEAN: We're trying

to -- let me just --

MR. WOLFE: -- me up some.

HEARING OFFICER SHEAN: -- indicate here. All right, Mr. Wolfe, we're looking at the clock. Part of our responsibility here is time management.

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: And we are here in this locale so we can hear from local people. That includes you and your witness, as well as Ms. Garnica. And we're going to make sure that time occurs today, okay?

MR. WOLFE: -- other questions.

HEARING OFFICER SHEAN: So, the time that's available to discuss aviation safety is between now and 12:30. Okay? Period.

MR. WOLFE: Period.

HEARING OFFICER SHEAN: Period.

MR. WOLFE: Okay.

HEARING OFFICER SHEAN: All right, so.

MR. WOLFE: I have no further questions for him.

HEARING OFFICER SHEAN: Thank you. Mr. Galati, do you have any redirect?

MR. GALATI: Very little.

//

REDIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Looper, do you have to --

HEARING OFFICER SHEAN: I'm sorry, this would be of your witness who's on the phone.

MR. GALATI: Okay. I didn't get to redirect the other witnesses, as well. But just my witness on the phone?

HEARING OFFICER SHEAN: On -- okay.

MR. GALATI: No, I have no redirect for Mr. Kosky.

HEARING OFFICER SHEAN: Okay. All right, and do you have something for him?

MR. GALATI: Yes, I do.

BY MR. GALATI:

Q Mr. Looper, when you approach runway 2-6, do you have to land at the end of the runway?

MR. LOOPER: No, you do not.

MR. GALATI: Mr. Looper, --

HEARING OFFICER SHEAN: To make that a useful question shall we do it at the near end of the runway, at the threshold?

(Laughter.)

HEARING OFFICER SHEAN: Because --

MR. GALATI: Do you have to land at the airport at the near end of the runway where that mile has been measured?

MR. LOOPER: No, you do not.

MR. GALATI: The only thing I have is some questions for Mr. Wyswell if he's on the phone. Or maybe the Committee can just ask Mr. Wyswell what he thinks.

MR. WYSWELL: I'm here.

HEARING OFFICER SHEAN: Okay, we'll give you till half past, then.

MR. GALATI: Okay.

Mr. Wyswell, this is Scott Galati; how are you?

MR. WYSWELL: Fine.

MR. GALATI: Can you hear me okay?

MR. WYSWELL: Yeah.

MR. GALATI: Mr. Wyswell, before you got on the telephone I believe Mr. Looper, who is the Project Director of Caithness Blythe II said he would accept a condition that he would not operate the plant until the left-hand turn pattern is changed to a right-hand turn, condition 1.

Condition 2, that runway 1-7 could be designated as a calm wind runway if it were so

recommended. And that there would be the appropriate notices done on the ASOS or equivalent system.

With those conditions do you think there poses an air traffic safety from the construction and operation of Blythe II?

MR. WYSWELL: Did you say runway 1-7 as the preferred calm wind runway?

MR. GALATI: Yes, as --

MR. WYSWELL: The runway that would have the shorter one?

MR. GALATI: Correct. The one that goes north/south.

MR. WYSWELL: What's wrong with 2-6 -- I mean 8?

MR. GALATI: Could do 8, as well.

MR. WYSWELL: Well, somebody's got to pick one or the other.

MR. GALATI: What I'm saying is that there would be a calm wind runway that's designated that is not runway 2-6.

MR. WYSWELL: With the understanding that it's not mandatory, it's a recommendation that winds less than so much the preferred runway is 8 or 1-7, or whatever, but it's still not

mandatory.

MR. GALATI: With the notification system to pilots to not overfly Blythe II, and with the changing of the traffic pattern from a left-hand turn to right-hand turn, would that alleviate your safety concerns?

MR. WYSWELL: The right-hand traffic is about the only thing that I would say, if it's published, and the FAA would have to buy into it for safety standards, they're a key player, and the preferential runway, calm wind runway, too. The right-hand traffic is something that one would thoroughly expect pilots to abide by. Preferential runway is a strong suggestion, but not mandatory. And don't fly over the stacks is a strong suggestion, not mandatory.

These are all safety improvements. But I'm a little confused. We're all wrapped around Blythe II, aren't we?

MR. GALATI: Unfortunately that's where we are now. We're at the hearing for Blythe II.

MR. WYSWELL: Are you going to bulldoze Blythe I down?

MR. GALATI: That's going to -- you're --

MR. WYSWELL: We wouldn't need to be talking about Blythe II if it wasn't for Blythe I.

MR. GALATI: Well, I don't think that's the case. They're two separate owners. My concern here, Mr. Wyswell, is the Committee is considering whether to issue a license to Blythe II. And that's all they're considering at this stage.

There's probably another Committee or another opportunity to discuss what is happening on Blythe I.

MR. WYSWELL: Well, we've been talking about Blythe I and traffic pattern adjustments are more to deal with Blythe I, because the location of Blythe II -- yeah, if these things are put in place, you know, there's -- and would require FAA approval and them to already be a done deal, the City to ask the FAA these things before I would commence anything.

MR. GALATI: So if there were a condition that required these things to be done and for you to approve that they were done, would that relieve your safety concern? Again, this would be done before the plant operates.

MR. WYSWELL: My safety concerns are to

improve on the situation that exists and won't totally go away in the first place. So, yeah, if I was notified by the City that the FAA had approved right-hand traffic to 2-6 and preferential runway 8 and the notice in the ASOS or AWOS or some other communication system was in place, the notice in the AFD that's picked up by pilot guides stays in place, yeah, I'd say we'd accomplished as much as we can accomplish under the circumstances.

MR. GALATI: Well, then I have to ask you the question would you be comfortable with the Committee issuing a license making those a condition on Blythe II, that those take place before Blythe II operated?

MR. WYSWELL: Comfortable, yeah, comfortable. It's like riding in a saddle all day, at some point you say it's more comfortable if I didn't ride quite so long.

I mean we're at a point now where we're just trying to get the best we can out of a situation that came up because we just didn't know at the time with Blythe I.

So I'm saying, yeah, I would be more comfortable.

PRESIDING MEMBER GEESMAN: Mr. Wyswell, this is John Geesman, the Member of the California Energy Commission assigned to this proceeding.

And I am aware of Caltrans' letter of March 12, 2005, where you indicated that you remained committed to our position that the establishment of an additional power plant, that is Blythe Energy Project II, in nearby proximity to the end of Blythe runway 8-26 is not conducive to promoting a safe operational flight environment. We see no need to exacerbate an already questionable situation that does not enhance aviation safety. It remains our position that we do not recommend construction of a power plant facility at the proposed location."

Now, I'm quoting from our staff final staff assessment of April 2005, which quoted from your letter. To be helpful to our process, if you are changing your position or modifying it in any way, we would appreciate a written letter to our record indicating so.

MR. WYSWELL: Yeah. You're talking about a March 12, 2005 letter I apparently wrote to you?

PRESIDING MEMBER GEESMAN: Yes.

MR. WYSWELL: I'm looking at a March 11th letter; I'm not finding a March 12th letter. April of 2005, a couple of months ago, yeah. Until we had that workshop here what, -- weeks ago, not much had been presented to me that was something I could get -- I could chew on.

So, me changing my position for any reason in April probably wasn't possible because I didn't have anything going forward.

The fact that at one point in time I was led to believe that the City would not ask for right-hand traffic, their own concerns about safety, for having a nonstandard traffic pattern, which is not an unsafe pattern, it's just called nonstandard.

So I didn't have anything that I could get my teeth into until we had the workshop and we started talking about some things. And I started learning more about all this engineering mumbo-jumbo about plume velocities and stuff.

So I don't know where you are right now, but --

PRESIDING MEMBER GEESMAN: Well, I'm suggesting to you I'm going to regard your position as unchanged since the letter that I

referenced earlier unless I receive another letter changing it.

MR. WYSWELL: And I can't give you anything until I am shown that these things that I consider to be security enhancements, that I know that they've been implemented.

PRESIDING MEMBER GEESMAN: Okay.

MR. WYSWELL: A promise that it's going to happen sometime in the future is, at this point in time, I would encourage you to proceed with all due haste on this thing and let me know as soon as the FAA and the City are all in agreement that they've done these things.

MR. GALATI: Mr. Wyswell, this is Scott Galati following up on my questioning.

If there is a condition of approval that the Blythe project can only operate after these things are done, how is that different than getting it done now before the Energy Commission issues the license?

MR. WYSWELL: So you want to commit to building a power plant with the possibility that something might not be approved along these lines?

MR. GALATI: We could also condition it on construction if that would make you feel more

comfortable.

What I'm concerned is the Blythe project is trying to achieve its license, is willing to take a condition that these things must be in place, but to hold up the license puts the project in an unlimited limbo for purposes -- the license is a very important thing for the project to go forward and start its financing and also continue its work to sell power into southern California.

MR. WYSWELL: Well, you know, is the Commission going to make these conditions? Is that what the Commission wants to do? Is it going to be in the record that you can't do anything until these things are done, or how are we going to do this?

MR. GALATI: That's what I'm suggesting. The Energy Commission issues a series of conditions of certification. There's at least 250 that we've already agreed to.

MR. WYSWELL: Yeah.

MR. GALATI: And I'm suggesting that one of them be that these items that we've discussed are in place. If you were to write a letter to the Energy Commission recommending such a condition, that would be helpful.

MR. WYSWELL: Well, where's the City of Blythe in this?

MR. GALATI: Can ask --

MR. WYSWELL: They own the flippin' airport.

MR. GALATI: Yeah. They're here. We're in the City of Blythe today. And I'm asking Butch Hull to come to the microphone. He can tell you.

MR. WYSWELL: Yeah, why doesn't the City of Blythe say we will do these things at the airport? I haven't heard that.

Are you asking me to say if the City of Blythe goes ahead and does some stuff, and the FAA approves it, then I'll soften my position. I'm still waiting to hear if the City of Blythe is actually signed up to do these things, because they own the airport.

MR. GALATI: Here they are.

MR. HULL: Good morning, Austen.

MR. WYSWELL: Hi, Butch.

Whereupon,

CHARLES HULL

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

MR. WYSWELL: You know, why isn't it presented to me that "the City of Blythe has agreed to do these things and the Commission is conditioning the licensing on doing these things? Wyswell, what do you think of that?"

See, that's how it ought to go.

MR. HULL: Because they haven't asked me yet, Austen. Hang on a second.

MR. WYSWELL: Okay.

DIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Hull, you've heard the testimony so far?

A All of it.

Q Would you please just enlighten us of the City's position on the traffic changes we've been talking about at the airport?

A As I have testified and related before, the City has evaluated its options concerning the safety issues concerning Blythe I and the approach to the runway at Blythe's runway -- left. And with the addition of a second power plant in the neighborhood and outside the runway protection zones for the approach end of 2-6 we have discussed the situation with Mr. Wyswell. And

feel confident that changing 2-6 left to 2-6 right and in addition, because the windrows in the Blythe Airport master plan indicates that 86 percent of the wind is from the south, that a normal runway for the calm wind runway or primary runway 1-7 would be in line with all the pilot safety.

And, again, the pilot in command is going to be able to say that the crosswind for his aircraft is too extreme, and would go back to 2-6 if necessary, if wind conditions or weather dictated.

The City's fine with right-hand traffic for 2-6, as long as it is conditioned at the time that the applicant is starting construction for the second power plant.

And we can go out at least six months and put all the normal advisories on the FAA publications and private publications that the pilot is advance warned in every circumstance we can think of, as we have done with the Blythe power plant I, to avoid low altitude direct overflight.

So, Austen, we're on the same page.

MR. WYSWELL: Okay, well, with the City

committed to going in to do these things, my position would be yeah, when they're finally approved and in place, FAA and all that jazz, yeah, I'm through being an obstructionist.

MR. HULL: You never have been, Austen. I have not conversed with the FAA specifically about this issue. We realize that this is an air traffic matter, and will take the concurrence, just as it has with the AWOS warning.

So, while there are no guarantees in life, the general discussion has been had and we are fairly confident, and I have to condition that to 75 percent level, that this would not be an impediment for the licensee.

MR. GALATI: Mr. Hull, isn't this exactly what was contemplated in the override which conditioned the override on changing the traffic pattern to 2-6?

MR. HULL: It is.

HEARING OFFICER SHEAN: Ms. DeCarlo, do you have any questions?

MS. DeCARLO: I have one question.

HEARING OFFICER SHEAN: Anybody.

CROSS-EXAMINATION

BY MS. DeCARLO:

Q Mr. Hull, do you recall the June 24th letter from -- June 24, 2004 letter from Caltrans that responded to the City's override?

A I've seen a lot of correspondence on this issue. I'm not sure what's you're speaking --

Q In it --

A Give a specific sentence or paragraph, would you?

Q Yes, I will read that. In it Mr. Wyswell identifies the Blythe comprehensive land use plan prohibition of any use which would generate water vapor in any of the protection zones. And he specifically states: I would expect to see some information in a finding that would indicate how the generation of smoke or water vapor which may affect safe air navigation within the area would be mitigated."

Did the City respond to this at all?

A We did not. Not formally. We have had many many conversations about the issue. I personally have seen cloud come off of that cooling tower and travel to the northeast. Again, that would be away from the traffic pattern for 1-7. Very light wind condition in the inversion

layer just flat down for miles.

So we do have a visible plume circumstance on occasion, very very minor in this climate. But again, it was away from the runway. Blythe is a vfr airport, uncontrolled. And pilots have other options and other runways and other airports.

So there's not a perfect climatic world out there or one that we can design everything out of. So, I think it's an acceptable risk.

MS. DeCARLO: That's all.

MR. GALATI: I have one follow-up question.

HEARING OFFICER SHEAN: Um-hum.

REDIRECT EXAMINATION

BY MR. GALATI:

Q Mr. Hull, the Airport Land Use Commission approved Blythe I with conditions, right?

A That is correct.

Q And wasn't that the exact same condition for Blythe I under the Airport Land Use Commission approval as you adopted for Blythe II?

A And will adopt for II, yes.

HEARING OFFICER SHEAN: Thank you, Mr.

Hull. Thank you, Mr. Wyswell.

MR. WYSWELL: Okay.

HEARING OFFICER SHEAN: All right, as we indicated, since we are managing the clock and we are down in Blythe to get local resident participation, and we are running out of time to do the airport material, we'll go now to Mr. Wolfe for his direct testimony.

MS. DeCARLO: Will staff have a chance?

HEARING OFFICER SHEAN: Maybe not, today.

Okay, why don't you --

MR. WOLFE: My direct testimony, I think I will skip and use my expert witness.

HEARING OFFICER SHEAN: All right.

MR. WOLFE: Will that be -- will that save some time for you?

HEARING OFFICER SHEAN: That'll be fine.

MR. WOLFE: Mr. Sheble, would you come up, please.

MR. GALATI: Mr. Wolfe, would you like to sit here or have your witness sit here and use the microphone. So you'll both have a microphone.

MR. WOLFE: Sure.

We haven't in the past, but I will need

Mr. Sheble to give an abbreviated -- swear him in, I think.

Whereupon,

JOSEPH SHEBLE

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. WOLFE:

Q We haven't been giving credentials, but I need a short summary of your credentials.

A Okay. I'm a licensed FAA pilot examiner. I'm a representative of the FAA. I don't work for the FAA, but I'm a designated pilot examiner under the FAA.

I'm an accident prevention safety counselor. I have over 10,000 hours of flying time. I was born and raised in Blythe. I did all my flying here in Blythe. I got all my credentials here in Blythe. I'm very familiar with the Blythe area.

Q Okay, so you're familiar with the Blythe area. Can you give me your opinion on changing the pattern of --

HEARING OFFICER SHEAN: Stand by, let's

just -- is there any objection to him being qualified to testify as an expert?

MR. GALATI: Not to qualify as an expert of flying in Blythe. And as a pilot.

HEARING OFFICER SHEAN: All right.

BY MR. WOLFE:

Q Can you give us your opinion on a right-hand pattern coming into Blythe?

A Well, first of all, let me say that on my testimony I put in there that there's been right-hand traffic for years, and that was a misprint on my part. It's actually been left-hand traffic for years.

As far as right-hand traffic into Blythe, number one, would be a nonstandard traffic pattern, which is common. But however, left-hand traffic has been used in Blythe for so many years, you would have initially conflicting traffic. People flying with expired charts or whatnot that maybe didn't get the information for whatever reason. Or are just accustomed and used to making left-hand traffic patterns into Blythe could potentially cause a problem.

Q What about the actual maneuver of turning from base to final on a right-hand

pattern? Show it with the airplane, please.

A Into as far as the cooling tower --

Q Do you understand the question?

HEARING OFFICER SHEAN: Just repeat it.

BY MR. WOLFE:

Q What is your opinion of the safety of a right-hand pattern turning base to final on a high performance airplane here at Blythe?

A You talking about left-hand traffic pattern or --

Q Right-hand.

A Right-hand traffic --

Q They want to change to right hand, and it bring them in at the cooling plant. Please show us what could happen to an aircraft.

A Well, the trouble with the right-hand traffic pattern, as far as the cooling towers and coming around would be -- let's say this microphone is the cooling towers. And in a right-hand traffic pattern, obviously the pilot's going to have his wing up to it. He probably would be unaware of a potential problem flying into those cooling towers.

With a low-wing airplane it would even be worse. Like for instance this airplane here,

it would be completely blanked out.

Q Well, that one wouldn't, but a normal plane.

A And you would have a tendency to fly further into the cooling towers because a lot of times pilots have a tendency to over-shoot. Not all pilots make accurate approaches, as I'm sure you guys are pilots, you can't say that you've never over-shot a runway.

And it's very possible that you can, you can do that. So a right-hand traffic pattern, I think, would further enhance -- further worsen the safety --

Q The angle of the plane doing that maneuver will be what? Will it be on its side while in the turn?

A It would be on its side while in the turn, yeah.

Q Is a plane stabler or less stable in a bank like that, going over some turbulence than it would be flat?

A Almost definitely going to be less stable.

Q So in short what you're saying a pilot's going to slide into the towers up on its side.

A When she's already in a turn, sliding into the towers, which at that time it would increase the rate even further so. And all your vertical component to the left would be this way at that point in time.

Q To make it short, --

(Parties speaking simultaneously.)

BY MR. WOLFE:

Q -- would you believe this would be dangerous?

A I believe it would be dangerous, yes.

Q And as your capacity as a accident prevention counselor, what is going to be your response after this meeting, according to the FAA? Are you going to notify me if I got this potential safety problem?

A Absolutely I'm going to. My job as an accident prevention safety counselor is anytime I see something that a pilot's doing, a pilot deviation or a building, I see an energy plant on the end of a runway, changing patterns, all this needs to be directly related to the FAA before we even having this conversation.

Q Okay. The pilots reports have come in to this thing, moderate to severe turbulence. Do

you believe that that would be considered wind shear?

A I do believe so, yes.

Q That picture of that plant, of those straight walls right there, if a plane comes into it on the side that is going to be equivalent of wind shear, correct?

A Correct.

Q Mr. Norsberg, the man that reported it with the Lear Jet, he was a test pilot for Lombardie. That's Lear Jet.

A Right.

Q Do you believe he is absolutely qualified to say moderate to severe?

A I would say so, yes.

Q The relationship to BEP-I to BEP-II, what would be the relationship in the situation we have now? What would BP-II cause to happen to BP-I as far as the flight characteristics, if we're still making the left-hand patterns?

A Well, if we're still making a left-hand pattern, like you guys said, it's possible a guy could turn inside. But if you're traveling in a faster airplane, you're in a King Air or Citation Jet or anything else, it's going to cause you to

extend your downwind, which is going to cause you to go around BP-II, which is going to then bring you around and line you up directly for the cooling towers over BP-I.

Q So BP-II is going to push more airplanes into BP-I?

A That's my opinion, yes.

Q Okay. I'm not going to go into any inaccuracies, or mess with that. The --

MR. WOLFE: I'm done. I tried.

HEARING OFFICER SHEAN: Well, I want to make sure that we've afforded you this opportunity that you're not -- you wouldn't be walking out the door thinking to satisfy these guys up there at the dais I've not asked a question that I wanted to ask. So, you --

DIRECT EXAMINATION - Resumed

BY MR. WOLFE:

Q Mr. Sheble, Mr. Norsberg and Mr. Luis Maga¤a, they both reported severe turbulence. They were on a 5.5 degree glide slope. How much higher is 5.5 than a normal glide slope?

A It's 2.5 degrees higher than it would normally be.

Q And altitude-wise, about how many

difference in the feet?

A It would probably be a couple hundred feet lower.

Q If those two aircrafts would have been 200 foot lower on a normal glide path, would you consider that severe turbulence would have been worse?

A I would believe so, based on the fact that the speed rises faster the closer you come to the tower.

Q Mr. Maga¤a, you are his employer?

A I was, yes.

Q And you're also an FAA examiner?

A Yes.

Q Did you question him after this incident happened?

A I did, yes, because I have a concern, because I send my pilots down here for flight training to utilize the IOS. And anytime there's a potential safety hazard it's my job, as an employer and also as a safety counselor, to then interrogate them.

Q Did you ask him a point-blank question that under the conditions that he hit and the circumstance that happened to his plane, what he

believed would happen to a student pilot?

A I did, yes.

Q And his answer was?

A That it would probably have been a catastrophe. The pilot wouldn't have had time to properly pull out of it.

Q That's because he wouldn't have time or wouldn't have the experience to know how.

A Well, when panic sets in people make mistakes. Just like when you're getting in a accident with your car. When your car is sliding left, do you always know immediately to steer into the skid? Maybe not.

Especially when your inexperienced. I mean, were you an expert driver when you were 16 year old and just got your drivers license?

Q They have talked about -- the power plant people here have talked about the natural turbulence coming off the ground. In your years of experience of growing up and flying here, have you ever noticed any severe turbulence at the end of 2-6 unless there's a thunderstorm around? In natural occurrence days, how is the turbulence at 2-6?

A 2-6 doesn't really have any turbulence.

That's why it's designated as the calm wind runway really.

Q Why does it not have any turbulence?

A Well, it's just because of the environment. Any glider pilot knows, as I am, that, you know, black rocks give off more heat than white rocks. And the sand out there along the end of runway 2-6, I believe, in my opinion, distributes the heat evenly.

Not only that you're coming in over Blythe, and because of the mesas, your height above ground level is higher coming into 2-6. You don't actually come into that turbulent area until you're past the second mesa, which is right where that cooling tower --

Q So the natural occurring turbulence has never been a factor until the plant was built, and now we do have turbulence?

A Not in 20 years of my flying there.

MR. WOLFE: No further questions.

HEARING OFFICER SHEAN: All right, any cross of the witness?

CROSS-EXAMINATION

BY MR. GALATI:

Q Mr. Sheble, have you reported any

problem to the FAA?

A I have not.

Q When did you first learn of the safety problem?

A I learned of the safety problem, well, within the last few years.

Q Have you ever done any accident reconstruction?

A No.

Q Do you recommend to your -- did I hear you correctly that you're also an instructor?

A I am, yes.

Q Do you recommend to your instructors now -- to your students now to use the ILS?

A The students will never really be in my school unattended. They would always have an instructor with them.

Q Right now are you making use of the ILS while the plant is operating --

A We are, yes.

Q Has there been any problems doing that?

A Only them -- only what had happened would have been occurred to Mr. Maga¤a, to my knowledge.

Q And that was prior to anyone knowing of

the updraft --

A Of course, now that we're aware of it, we try to break off earlier, or stay away from it, you know. Because we have knowledge of it. But other people coming in, they use this ILS other than ourselves, may not have that same knowledge of it.

MR. GALATI: No further questions.

HEARING OFFICER SHEAN: Anything from you, Ms. DeCarlo?

MS. DeCARLO: No, no questions from staff.

HEARING OFFICER SHEAN: Do you --

Whereupon,

PAT WOLFE

was recalled as a witness herein, and having been previously duly sworn, was examined and testified further as follows:

DIRECT TESTIMONY

MR. WOLFE: I would like to straighten up one misconception on the ILS. Yes, it is a private ILS. In 1995 the Riverside County Staff wanted to close it down. I petitioned the Commissioners not to, because it's an asset to the airport. They okayed it, and the supervisors

okayed that the ILS will stay open. -- the FAA cannot close it. It's private, it belongs to us. So that's not an issue. That's how come it is open.

HEARING OFFICER SHEAN: Okay.

MR. WOLFE: I think that's the only thing I have. Any questions.

HEARING OFFICER SHEAN: Now you're satisfied you've gotten --

MR. WOLFE: Yeah, -- good time. I think I've got the point across.

HEARING OFFICER SHEAN: You have everything that you came here today to say or ask, you've done?

MR. WOLFE: I've done.

HEARING OFFICER SHEAN: Okay.

MR. WOLFE: Yes, I believe so.

HEARING OFFICER SHEAN: All right.

MR. GALATI: Mr. Shean, was that just testimony?

HEARING OFFICER SHEAN: Say what?

MR. GALATI: Was that Mr. Wolfe's testimony, so he's now testified at the proceeding?

HEARING OFFICER SHEAN: I believe he's

saying he has completed both his witness and anything he would have said.

MR. GALATI: Okay. If he's testified, I wanted to ask a cross-examination question.

MR. WOLFE: Sure.

HEARING OFFICER SHEAN: All right.

CROSS-EXAMINATION

BY MR. GALATI:

Q Mr. Wolfe, do you remember a telephone conversation that you and I had sometime in June?

A You and I and Mr. Medina, you mean?

Q Yes.

A Yes, I do.

Q Do you remember at that time that we were looking for a possible solution to the problem with Blythe I?

A Yes, I do.

Q Do you remember that you told me you had that solution?

A Yes, I did.

Q And did you tell me that the solution was to notify the pilots?

A To notify on a certain frequency, yes.

Q Right. And did you ask -- did you say that you have the right to that frequency?

A Yes, the frequency is in my name.

Q Are you currently notifying pilots on that frequency?

A No, I'm not.

Q Did you agree to notify pilots on that frequency?

A No, I did not.

Q Did you ask for payment to notify on that frequency?

A Ask for payment to notify, not in that respect, no.

Q Did you ask FPL to give you $9 million?

A I asked FPL if they wanted to fix the situation that the best way was to notify all pilots that are inbound, and I would do that at half the cost of the cost to build the other runway, was the only other, in my opinion, (inaudible), yes.

MR. GALATI: No further questions.

HEARING OFFICER SHEAN: All right.

MR. WOLFE: Staff?

MS. DeCARLO: No questions.

HEARING OFFICER SHEAN: Thank you, Mr. Wolfe. Thank you, Mr. Sheble.

MR. WOLFE: Thank you.

HEARING OFFICER SHEAN: Appreciate it.

(Pause.)

HEARING OFFICER SHEAN: My understanding from our pre-meeting discussions is that the visual matter has essentially been agreed upon between you and the applicant with respect to screening.

So as I look at the remainder of the schedule we have for this morning we could basically take the time, any time that would have been reserved for visual resources to do the staff side of -- or as much of the staff side on aviation safety.

So we're going to let you begin --

MS. DeCARLO: Okay, great.

HEARING OFFICER SHEAN: -- and --

MS. DeCARLO: And we'd be more than happy to work through lunch, if that's an issue at all.

(Pause.)

MS. DeCARLO: Okay, staff witnesses for traffic and transportation and land use component of that, are David Flores, Jim Adams, Bill Arnold and Will Walters, and they need to be --

HEARING OFFICER SHEAN: Sworn.

MS. DeCARLO: -- sworn.

HEARING OFFICER SHEAN: So if you'll stand, gentlemen.

Whereupon,

DAVID FLORES, JIM ADAMS, BILL ARNOLD and WILLIAM WALTERS

were called as witnesses herein, and after first having been duly sworn, were examined and testified as follows:

DIRECT EXAMINATION

BY MS. DeCARLO:

Q Was a statement of each of your qualifications contained in the final staff assessment?

MR. FLORES: Yes, they are.

MR. ADAMS: Yes.

MR. ARNOLD: Yes.

MR. WALTERS: Yes.

MS. DeCARLO: Mr. Flores, --

HEARING OFFICER SHEAN: Let me just ask, is there objection to the qualification of the staff's witnesses as experts?

MR. LOOPER: Not from me.

HEARING OFFICER SHEAN: In the absence of the attorney for the applicant, while the

proceeding is pending, we will --

MR. LOOPER: I was told to take copious notes. So keep going. Sorry.

HEARING OFFICER SHEAN: -- we will qualify your witnesses to testify as experts.

BY MS. DeCARLO:

Q Mr. Flores, you completed the land use staff analysis, is that correct?

MR. FLORES: Yes, that's correct.

MS. DeCARLO: And a component of that was an analysis of the LORS compliance of the proposed power plant with the airport land use plan, is that correct?

MR. FLORES: Yes, that's correct.

MS. DeCARLO: Can you please provide a brief description of the physical location of the proposed Blythe II Power Plant in relationship to the airport?

MR. FLORES: As indicated earlier, the Blythe Airport is located approximately one mile west of the power plant project. Again, it is classified as a general aviation airport, designed to accommodate business jets, cargo-type aircraft, light private planes and flight school training activities.

And as indicated, the airport does have two landing strips, as 2-6, it's a primary.

MS. DeCARLO: Can you please provide a brief description of the comprehensive land use plan which applies to development in the vicinity of the airport?

MR. FLORES: Yes. The Blythe Airport comprehensive land use plan has five safety zones that are defined around the airport to promote the safety on the ground, while reducing the risk of serious harm to crews and passengers, the aircraft making forced landings in the immediate vicinity of the airport.

The land use plan by the airport provides land use compatibility guidelines that apply to these zones. The five safety zones are the inner safety zone, the outer safety zone, the emergency touch-down zone, the traffic pattern zone and extended runway centerline.

The 76-acre parcel that's being proposed for the power plant is within four of these safety zones, the outer safety zone, the emergency touchdown zone, the traffic pattern zone and the extended runway centerline.

At this point I'd like to provide just a

brief description of these four safety zones. The outer safety zone is an area along the extended runway immediately beyond the inner safety zone, which is 1500 feet wide and ranges from 2100 to 2500 feet long.

There are structures allowed, low-profile structures. The outer safety zone should contain no public utility stations or plants and no uses involving as a primary activity for the manufacture, storage or distribution of explosive or flammable materials.

The emergency touchdown zone is 500 foot wide, extending from the primary surface of the airport runway to the end of the outer safety zone. And intended as an emergency landing area. This area has the greatest accident risk, so no structures are permitted in this area.

The traffic pattern zone is an area around the airport, and is most frequently flown around by the aircraft. This zone extends approximately 10,000 feet off the ends and sides of the runway. There should be no uses involving, as a primary activity, for the manufacture, storage or distribution of explosives or flammable materials.

Again, the extended runway centerline is 1000 feet wide and extends 5000 feet off the end of the outer safety zones. There should be, again, no land uses involving the primary activity of manufacture, storage, or distribution of explosives.

MS. DeCARLO: And, I'm sorry, did you say whether or not the proposed power plant is located in any of these safety zones?

MR. FLORES: The power plant is located within four of the safety zones.

MS. DeCARLO: And does the comprehensive land use plan have anything to say about the development of the power plant within a safety zone?

MR. FLORES: Yes, the comprehensive land use plan states that posing the following risk to aircraft in the flight shall be prohibited in all safety zones. And those are light reflection, interference, smoke or water vapor, gathering of birds and electrical interference.

MS. DeCARLO: What agency is charged with overseeing implementation of the comprehensive land use plan?

MR. FLORES: The Riverside Airport Land

Use Commission is established under the authority of the California Government Code and is charged with formulating a comprehensive land use plan for the area surrounding any public use airport in its jurisdiction.

The Airport Land Use Commission is appointed by the County Board of Supervisors, and make the determinations of consistency of proposed development projects on an advisory basis for the permitting jurisdiction.

MS. DeCARLO: And have they reached any conclusions pertaining to Blythe II's conformance with the comprehensive land use plan?

MR. FLORES: Yes, on July 18th of 2002 the Airport Land Use Commission made an advisory determination that the project would be inconsistent with the comprehensive land use plan.

The Airport Land Use Commission Staff report for the proposed considered a number of issues related to land use in making its recommendation of inconsistency, including the project's capacity to attract wildlife, need for illegal easements, project signs, lighting, sun reflection, smoke and water vapor generation and electrical interference.

The staff report noted that the inherent incompatibility of power plants with the Blythe Airport, if located in any of these safety zones, such as the Blythe II location, with an airport's traffic pattern zone.

MS. DeCARLO: And did the City take any action in response to this finding?

MR. FLORES: Yes. On July 26th the City of Blythe unanimously approved the resolution 04-897 overriding the negative advisory on the ALUC's determination.

The findings were based on the following and I'll make them quick: One, by their measurements, the Blythe II site is outside the emergency touchdown zone in the outer safety zone. And although the project is within the extended runway zone, the Blythe II project will have no explosive or flammable materials which is prohibited in the extended runway zone.

Number two, as part of the Blythe I cooling tower impacts, the Blythe II project will, if necessary and appropriate, approve the dispersion of thermal plumes.

Number three, the Blythe II will provide residents and business in California in the Palo

Verde Valley a reliable and cost effective source of electricity.

Fourth, Blythe II will create adverse environmental impacts -- will not create adverse environmental impacts for the Palo Verde Valley.

Number five, the Blythe II will provide $3 million annually in property tax to support local schools, public safety and recreation.

Number six, the extensive review of Blythe II by the CEC has identified those elements of the project requiring mitigation. And those mitigation measures shall be enforced by the CEC as conditions of approval.

Number seven, Blythe II will be another cornerstone in development of a Blythe industrial park creating new jobs for this community.

And number eight, that without the City Council's override, the Blythe II project is certainly dead-ended at a time when California needs power generation plants to be constructed.

MS. DeCARLO: In that document did the City respond to the prohibition of any building that would generate water vapor within the safety zones?

MR. FLORES: Could you ask that question

again, I'm sorry.

MS. DeCARLO: Sure. In the City's override of the Airport Land Use Commission decision, did they respond to the prohibition against having a building that generates water vapor in the safety zones?

MR. FLORES: Yes. As to the City? Excuse me.

MS. DeCARLO: Yes.

MR. FLORES: Yes. The City did respond. They indicated -- give me a second here --

(Pause.)

MS. DeCARLO: I'll repeat the question. Did the City respond to the Riverside Airport Land Use Commission's determination that the project did not comply with the prohibition against a building generating water vapor in the safety zone?

MR. FLORES: Yes. The City indicated that they believe that conditions -- well, that the response by the Riverside Airport Land Use Commission was not valid. They indicated that this power plant will not -- I can't recall now exactly --

MS. DeCARLO: Let me walk you through

this a little bit. Is it true that the City did not make any finding that the project would not generate water vapor?

MR. FLORES: Yes.

MS. DeCARLO: Thank you. And did the Riverside Airport Land Use Commission respond to the City's override?

MR. FLORES: Yes. The Riverside Airport Land Use Commission indicated that the problems identified earlier in their staff report has not been resolved by this override. That although the new land use compatibility that has been identified for the Blythe Airport still indicates that this is within a general industrial zoning, that the issues have not been resolved.

MS. DeCARLO: And what is your conclusion in regard to the project's consistency with the comprehensive land use plan?

MR. FLORES: Staff agrees with the Airport Land Use Commission that this project is still within the safety zones, as indicated, as part of their analysis.

Also the City's override indicated that there was an environmental analysis that was prepared, although it was still under

consideration by the Commission. And so those were one of the findings that was made for the City to make their override.

So staff does not believe that this was a valid, at this point, a valid conclusion and findings to be made.

MS. DeCARLO: So is it your opinion that if the Commission wants to go forward and approve this project, in light of the Riverside Airport Land Use Commission's decision and staff's, that they would need to override this particular LORS?

MR. FLORES: Yes, that's correct. As long as this power plant is still within the traffic pattern zone, as indicated earlier, this project will still be an adverse environmental impact.

MS. DeCARLO: And is that also true regarding the fact that the project's within the extended runway centerline zone?

MR. FLORES: Yes, that's correct.

MS. DeCARLO: Thank you. Mr. Walters, what aspect of the proposed project did you analyze?

MR. WALTERS: I analyzed the exhaust plume turbulence and frequency of visible plume.

MS. DeCARLO: What procedures, methods and consideration did you use in performing the visible plume analysis?

MR. WALTERS: I used the SACTI model, CSVP model and I better give the acronyms here; seasonal annual cooling tower impact model and the combustion stack visible plume model; cooling tower heat balances that I performed based on the data provided by the applicant. And I used real met data from the Blythe Airport obtained from NCDC for 1989 through 1981.

MS. DeCARLO: What did you conclude regarding Blythe II's potential to generate visible plumes?

MR. WALTERS: HRSG visible plumes will occur very infrequently under very extreme conditions. Cooling tower plumes will occur during cold weather periods, but will generally be small. I think the pictures that we've seen -- it's not up now -- is fairly typical of the type that will happen more often.

However, the plumes could be considerably larger under calm conditions where the plumes will form and spread when they hit another inversion layers. In fact, the models are

limited by the fact they can't address this kid of issue. As Mr. Hull indicated, it does happen occasionally where the plume will hit an inversion layer and go on for quite a period of time.

The models that I have don't really predict that, but do predict larger plumes during low wind speed conditions.

MS. DeCARLO: Could visible plumes be equated to water vapor?

MR. WALTERS: Visible plumes are water vapor in this context.

MS. DeCARLO: Is there any potential for visible plumes to cross into the safety zones?

MR. WALTERS: The modeling showed limited potential for the plumes to cross into the safety zones. The model did not show the plumes lasted long enough to get to the centerline.

However, again, the model is limited and wouldn't show those really long plumes that would occur when the plume were to penetrate into a secondary mixing zone.

And the reason why the plumes don't go as far in that particular direction, in general when winds are from the south they tend to be warmer and drier, as one might expect.

MS. DeCARLO: What methods, procedures and consideration did you use in performing the plume turbulence analysis?

MR. WALTERS: For that I used kind of a multi-prong approach because there really isn't any specific model that provides an actual velocity from plumes of this kind.

So, I assessed things using a screen-3 model to determine the potential for plume height for both single and multiple stack configurations where we have the adjacent stacks with cooling towers.

I did jet velocity calculations and looked at the multiple stack influence calculations that were provided in the Catestone (phonetic) paper that was discussed.

I do have some things we could take a look at. I don't know if it would be better to do them on paper, I have 15 copies; or off the computer. I actually have some areas kind of highlighted on the copies, so.

PRESIDING MEMBER GEESMAN: Either way would be fine.

MS. DeCARLO: Do computer.

MR. WALTERS: Yeah, it's going to go

through -- we're going to do it on paper.

MS. DeCARLO: Okay.

(Pause.)

MR. WALTERS: So, first in looking at the issue and the problem of trying to come up with vertical velocities from models that don't try to predict that, actually trying to predict worst case ground level plume concentrations.

You know, I went and found some references that also describe this same problem in terms of the modeling.

I think it's important to note that I believe I was mischaracterized in how I used this reference, and I want to point to just a couple of areas where I did use the reference. I did not pay much attention to the example that was provided because it wasn't relevant.

What I was taking a look at were the procedures and the issues that were developed in the paper.

On the second page of the paper I've identified an area that just talks about what happens when there are multiple nearby stacks that coalesce to form a single plume, and what that does in terms of plume velocity. So that was one

of the issues that I looked at in this analysis.

Also I highlighted an area on the next page in the conclusions that note that the methodologies, and I should note the TAPM model is a model that is based on, to some degree, the ISE model, as well as some others. It's the Australian air pollution model essentially, and in fact the name is The Air Pollution Model.

And in the same way the use of the ISE algorithms are inappropriate for multiple plumes. If you take a look at the last sentence it notes that there are some other things that need to be done to treat an inversion penetration and to extend methods to different source -- degrees in moist plumes.

And then also in looking at the issue I took a look for regulatory context to see what was available. I did not find anything in terms of Caltrans or the federal EPA; but in my research I did find the advisory that has come out recently from Australia that did identify this as an issue, anywhere between 15 kilometers to an airport and considered a specific height of 110 meters, 360 feet, essentially, and a speed of 4.3 meters per second, as an important issue.

On the first page you might want to note in the purpose section 2.3 where it talks about how important it is in terms of stability during initial takeoff and approach. This is a much greater issue during those periods of time, which is essentially the issue we have here.

On the second page --

HEARING OFFICER SHEAN: Can you speak into the -- we have some people in the back who can't hear.

MR. WALTERS: On the second page in the background I also just noted again where the 4.3 meters came from is their consideration of important velocity. And the issue of 110 meters being the threshold down there, 4.6.

So in considering all of that what I try to do is provide bounding cases, and worst case analysis of what's going to happen. Obviously the worst case situation is when the winds are calm, and that's not a case that the ISC model or its algorithms can handle. Nor is it one that is handled well with any other model.

So in my analysis what I identified was essentially what was happening with the ISC model and then how much worse it might be under a calm

condition when you just basically have plume pushing on itself, up, up and up. And the mixing is very much less than even at a 1 meter per second wind speed.

I think, you know, situation that might be similar would be like put a drop of dye in quiescent water, put a drop of dye in a moving river and see how well it mixes. Or, have a cigarette sitting in a calm condition, you'll see the plume go up; if there's any wind the plume is going to get knocked down really quickly.

So, not to consider calm conditions and try to deal with the fact of what's going to happen in calm, how much worse it's going to be, is really kind of a problem. I wanted to make sure that I discussed that and provided some bounding cases. And also determine worst case situations in terms of the, in the cooling tower operation in particular, since it is so relevant in terms of the ambient conditions.

Whereas the temperature differential can be negative when it's like it is out there right now, at 115, or whatever it may be. But when it's in the 40s, 30s, temperature differential from the stack to ambient is more on the lines of 30,

upwards almost close to 40 conditions, the ultra worst case.

MS. DeCARLO: Why did you use multiple methods to characterize the plumes?

MR. WALTERS: As I noted, none of the air dispersion models are really designed to predict vertical velocity. They essentially predict where the plume goes, but not really how fast it's moving up.

And also, they're designed really to predict worst case ground level concentrations, particularly for the model that was used, which is not a -- adjusting model. It's basically been designed to find worst case ground level concentrations.

It's not designed specifically for determining velocities. Particularly under the situations we have here with very large stacks, very high flows. That, in fact, if you put the size of these stacks into the model, the model tells you you're out of range.

So there are a lot of issues in trying to use this particular method, and relying only on that for determining the potential worst case velocity.

MS. DeCARLO: And what did you conclude regarding Blythe II's potential to generate thermal plumes?

MR. WALTERS: I concluded that the thermal plumes will occur over a wide range of conditions. But the major concern is when the temperatures are low, relative humidity is high. Some of these will be the same conditions where they're large visible plumes. And that will, to some degree, mitigate if they're large enough. The planes will have to go around. If they're not, then in conditions like we saw at 45 degrees, a plane can still fly well over it with having to go around it, and can experience some pretty high velocities.

MS. DeCARLO: Now you testified that calm conditions during colder weather will cause the most energetic thermal plumes. Do calm conditions occur frequently during cold weather periods?

MR. WALTERS: In fact, calm conditions occur more frequently during cold weather conditions. I'd like to point out my next set of charts really quickly that shows how calms and weather and temperature work.

The first one shows that calms can occur up to 16 percent of the time when the temperature is less than 45. And that frequency goes down as the temperature goes up rather rapidly.

I also provided some charts on wind, in terms of which months it's more frequent. It's potentially more frequent, obviously, in the winter, early spring, late fall months.

And the last of those charts also indicates when calms occur in the day. And it shows that they occur most frequently in the early morning hours.

MS. DeCARLO: Did you find any problems with the assumptions the applicant used for their modeling?

MR. WALTERS: Well, besides the method and the fact that there really wasn't the addressing calms, which is obviously a major problem when determining the maximum velocity, the problem is that at least the data presented presented data for an 85 degree day.

Also that data was for the Blythe I plant, and not for the Blythe II plant. The key there being that some of the input variables were not input variables that should have been used in

the first place for Blythe I, and certainly not for Blythe II.

For example, the HRSG values that were used used a velocity that was more of a startup than a full load velocity. And was 50 percent too low, the initial velocity that was used in the model. The temperature that was assumed was 170 degrees Fahrenheit, where as the air pollution modeling for BEP-II assumes 200 degrees Fahrenheit. So there were some problems just with the inputs in general to the model, and not actually modeling BEP-II versus BEP-I.

And number two, the issue of modeling at 85 degrees, or at least only presenting modeling that was done at 85 degrees doesn't show the worst case conditions for the cooling tower. There is less variability for the HRSGs, the difference in buoyancy isn't as great because the exhaust temperature is always the same. So the differential only goes up by a small factor, maybe 20 percent at most, on a really cold weather condition because of the higher temperature it's fairly constant.

However, a cooling tower operation is not constant. It's variable, depending on the

ambient conditions. So, modeling in a situation where you only have a six-degree differential in the temperature between the exhaust and the ambient condition release showing that particular one, it does not show the worst case. The worst case will happen when it's colder.

And temperatures do get down into the 30s here. If you run at full load that temperature difference between the exhaust temperature and the ambient temperature is over 30 degrees.

I'd also like to address some of the issues that were brought up verbally in the testimony, that being buoyancy and the difference of buoyancy between HRSG stack and cooling tower stack. The issue with buoyancy is not just temperature. If it was just temperature then we would have problems with planes flying over acetylene torches that go up like this. It's mass and temperature combined that create the effect of buoyancy and mass and velocity that create the momentum.

And the cooling tower has an extremely high mass, therefore its buoyancy is increased. Even though it only has a 30-degree differential,

the buoyancy is extremely large when you combine all the cells. That total buoyancy is much higher than a HRSG exhaust stack.

So you have to realize that it's not just temperature, it's the total quantity, the total mass, the total energy that's being outlet from the cooling tower that is the reason why the plume will be as bad as it is, and how bad it has been reported to have been.

MS. DeCARLO: Does the model that they used have any deficiencies when used to model thermal plumes?

MR. WALTERS: Yeah, as I noted the model does not model calm; they made no adjustments for calm. The model or the algorithms from the model, I should say, since it really is a hand calculation, and I did the same hand calculations.

And we go to the next set of charts that are in color, you can that when I did some corrections to the HRSG to make it a BEP-II level, you can see my line shows much stronger force than their did. Same thing for the cooling tower.

And in the cooling tower case you can see what happens if you actually try to combine the cells. That's a bounding case. You know, the

reality is they won't combine exactly because it is a linear source, although a slow wind from the west would certainly help them in terms of their total force, as one plume is essentially going over the next cell and getting pushed up.

MS. DeCARLO: Now the applicant claims that the summer thermals experienced here are similar to what the thermal plume that would be produced by Blythe II. Do you agree with this?

MR. WALTERS: No, because the issue is really in terms of scale and where the issue is a problem. My next exhibit is a snippet from an aviation weather book that describes turbulence, and kind of shows, you know, what, or at least what this book identifies as what's severe turbulence in germs of G loading, which I'll let other people discuss rather than myself. And exactly what's happening in terms of thermal turbulence.

And the fact that if yo go to the last page you can see that the thermals as they move away from the ground grow in size and essentially get stronger due to their additive effect.

Whereas the cooling tower is strong at the ground and dissipates. But it's much stronger

than what happens in a thermal.

The best way to characterize it is how much solar energy comes into the ground. It's approximately a kilowatt per square meter in a worst case during the summer. Maybe even a little less than that.

The amount of heat that's coming out of the cooling tower and the HRSG in terms of the amount of heat from the square meter, is on the order of a couple hundred times greater from the stack, itself. If you ratio that over the entire surface of the cooling tower, because the cells are only part of the size, it's still 50 times greater than the strength coming from the earth on the thermal. And that would assume a completely black albedo where everything is being reflected back. And obviously as you heard previously the albedo out there is fairly light. So there really isn't as much heat reflected as much as light reflected in the area.

MS. DeCARLO: Mr. Arnold and Adams, can you please describe the Blythe Airport and who uses it?

MR. ARNOLD: The Blythe Airport is a general aviation airport with no current

commercial service, located about six miles west of the City of Blythe and about 397 feet mean sea level.

Two runways, the longest of which, 8-2-6, is 6562 feet. And the shorter of the two, runway 1-7-3-5, is 5820 feet. There's currently 11 aircraft reported based at the field; two multi-engine aircraft, nine single engine aircraft. There are 69 reported operations on an average daily basis. Fifth percent of those are transient general aviation aircraft; 50 percent are local general aviation aircraft. And 50 percent of all operations are reported as training flights.

MS. DeCARLO: Can you please describe how pilots currently land at the airport?

MR. ARNOLD: Blythe is an uncontrolled field. That's to say there's no control tower which means that airplanes can come and go without radio contact, although it's encouraged that aircraft has a radio.

All runways at Blythe are currently left-hand or standard patterns. This means once the aircraft is established in the traffic pattern, all turns are made to the left.

The primary runway at Blythe is currently runway 8-2-6, and this is generally because of prevailing winds, the general traffic flow in and out of the local area, the location of ground facilities and the approved instrument approaches.

Entry into the traffic pattern is either made from a -- normally made from a 45-degree angle to downwind. Or alternatively, a straight in. Straight-ins are not particularly encouraged but they're often used to save both time and fuel.

The current left-hand traffic pattern will take you directly over the Blythe II site on base turn, and over the Blythe I site on both base and base to final.

MS. DeCARLO: And would switching to a right-hand landing pattern completely eliminate all risk of pilots flying over Blythe II?

MR. ARNOLD: With the pattern changed to a right-hand pattern from runway 2-6, aircraft following the pattern will no longer fly over the proposed Blythe II site; nor will they fly over the HRSG stacks for Blythe I. Potentially still could fly over the cooling stacks for Blythe I.

Aircraft on a straight-in could

potentially fly over Blythe II if they're misaligned significantly from the straight-in position.

MS. DeCARLO: And being misaligned, is that something that happens frequently?

MR. ARNOLD: You know, ideally you would like to fly directly down the final approach course. However, a straight-in approach is lately defined as anything within 30 degrees of runway heading. And people have, in the past, mis-identified runways for whatever reason. So, will lit completely eliminate? No, it won't.

MS. DeCARLO: And even if the landing pattern's designed as right-hand, could pilots still use a left-hand pattern if for some reason they didn't know of the redesignation?

MR. ARNOLD: Well, I guess there's always someone who doesn't get the word. It happens at other airports where patterns are -- there's people fly patterns backwards, even knowing that it's a right-hand pattern they'll get confused. So, it's possible they could get over there.

MS. DeCARLO: And how about over-shooting a landing pattern, is that fairly common?

MR. ARNOLD: Over-shooting is fairly common. I think from a shooting a right-hand pattern, getting into the Blythe II would be less likely, but it's certainly possible.

MS. DeCARLO: Can you please describe how staff first became aware that there may be a problem with siting Blythe II so close to the airport?

MR. ADAMS: Yes. It was approximately a year ago when we heard from pilots, Mr. Wolfe initially, and then gave us some names of pilots. We contacted them, and that's included in attachment A to the traffic and transportation analysis. And Mr. Wolfe referred to a couple of them earlier.

They had experienced moderate to severe turbulence. They were experienced pilots. They were in different airplanes.

Staff decided to do some additional analysis. We did some plume modeling which Will referred to. We secured the services of Mr. Arnold in order to be able to bring on a consultant who actually flew some flights over the cooling towers and did experience severe -- moderate turbulence in a two-engine airplane.

And since then we've been trying to get more information about the nature of experience related to pilots using runway 2-6 and whether or not they encountered turbulence.

MS. DeCARLO: Mr. Arnold, can you please describe the steps you took to personally investigate this issue?

HEARING OFFICER SHEAN: Okay, I'm going to have to stop you here. We've scheduled lunch to begin at 12:30, and Ms. Garnica's testimony at 1:00. The City has basically said we can bring the food back in here. We have to police ourselves, keep the food off the floor.

And --

MR. HULL: Mr. Shean, that's all inclusive; everybody in the room is invited.

HEARING OFFICER SHEAN: Right. And there is food in the conference room here that's available for all who are here. Sandwiches and drinks and stuff like that.

Why don't we take about 15 minutes, go and gather up some food. We'll come back and attempt to resume with our mouths either full or not.

MR. GALATI: Can we let Mr. Wyswell and

Mr. Kosky go?

HEARING OFFICER SHEAN: Yes, they may go.

MR. GALATI: Thank you, Mr. Kosky; thank you, Austen.

MR. WYSWELL: Right.

MR. KOSKY: Okay.

HEARING OFFICER SHEAN: Gentlemen, thank you.

MS. DeCARLO: And, Mr. Shean, we'll be able to resume our direct. I only have five questions left.

HEARING OFFICER SHEAN: You can do whatever you can do by 1:00.

MS. DeCARLO: Okay, great, thank you.

(Whereupon, at 12:30 p.m., the hearing was adjourned, to reconvene at 1:00 p.m., this same day.)

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AFTERNOON SESSION

1:00 p.m.

HEARING OFFICER SHEAN: We'll go back on the record. It's now 1:00 and while it is time we'd scheduled to begin socioeconomics and the testimony of our intervenor, Ms. Garnica, I've spoken with her. She's indicated to me that based upon the amount of time that she would be, it would be all right with her if, at this point, we continue to do this testimony related to aircraft, airport safety.

I have in mind then how much time she thinks she will need for presenting her testimony, and we will assure her that before the end of the day she will have an opportunity to do that.

So, at this point, we'll continue with the staff's direct testimony, and then cross-examination of your witnesses. And then we'll move on from there.

But, I think I'd just ask people to be mindful of not asking either redundant questions or cumulative, based upon what's already in the written testimony, because, again, we can read this stuff and have.

Staff, go ahead, please.

Whereupon,

WILLIAM WALTERS, DAVID FLORES, JIM ADAMS and CHARLES ARNOLD

were resumed as witnesses herein, and having been previously duly sworn, were examined and testified further as follows:

DIRECT EXAMINATION - Resumed

BY MS. DeCARLO:

Q Mr. Arnold, can you please describe the steps you took to personally investigate the issue of aviation safety in the Blythe II Power Plant?

MR. ARNOLD: In addition to research I performed two sets of flyovers of the Blythe Power Plant. One set on October 4th, just before noon, with 7 knots of wind; the other in the early evening with calm winds. And then I was the pilot of the 3rd of November flyover with two people from Florida Power and Light.

MS. DeCARLO: And what did you garner from those flyovers?

MR. ARNOLD: I found that during the periods of calm wind there was light to moderate turbulence over the cooling towers, and sharper, but shorter duration, over the HRSG stacks.

The problem is that the turbulence that

occurs over the power plant is out of phase with the natural turbulence in the area. In other words, if there's turbulence in the area there's nothing you can detect from the power plant. And if there's turbulence from the power plant it occurs during times when there is no naturally occurring turbulence.

The airplane that we used for all the flyovers is a Piper Aztec. It's a twin-engine, six-place utility aircraft.

The turbulence -- one of the major problems is turbulence is very subjective. All the numbers that have been produced are really nice, but they don't tell you how a given airplane reacts to the turbulence. Maybe they would if there was sufficient data for that particular airplane.

And so it doesn't really surprise me that the fellow in the Lear Jet saw severe turbulence in his mind when he was going along in what was clear, clean air and all of a sudden he encountered turbulence. That was his perception at the time. If he went back and did a series of test flights he might not have viewed it that way.

If you go into the -- and all these

flights were done, obviously, over Blythe I, not Blythe II, which doesn't exist yet -- if you go into the cooling stack turbulence symmetrically you do get the rise that was described. It's quite a bit more violent than was described, but it's controllable if you know it's coming, without any question.

When we hit the turbulence at an angle, putting one wing in, if you will, we got an excursion from level flight that ended up being in the 15 to 30 degree range. If it had been a Cessna 150 or a Piper Cub you would have expected to see more like 45 to 60 degrees.

The nose does drop. It's not a rise if you just get one wing in, the nose does drop. How far it drops depends on how fast you go to recover it. At glide slope intercept over the cooling towers you're about 330 feet above the ground. That's not all that far considering that during our test flights we were traveling generally at 175 feet per second. That's like two seconds from the ground if you point it in the wrong direction, your vectors forward and not so -- you're not going to go directly into the ground.

Nonetheless, it's a relatively short

time period that you have to react and recover. And we've heard people say, well, you know, only inappropriate reactions to the turbulence would cause a problem. Well, if inappropriate means anything that's not perfect, that's probably true.

However, given that 50 percent of the flights at Blythe are pilot training flights, I think we could expect that not all of those people will be perfect. Otherwise, they're wasting their money on training.

It's been said that only if a novice panics is there going to be a problem. That the natural stability to the airplane will recover from a hazardous condition. That doesn't appear to be true inasmuch as, yes, the airplane would recover given several thousand feet. However, given 330 feet, the recovery's going to be when it hits the ground.

The problem -- if Blythe II is produced there's been testimony that if you dove into the stacks of Blythe II it could potentially deflect you into -- did I say stacks? the exhaust of Blythe II, it could potentially deflect you into the exhaust of Blythe I. And that is probably the worst case scenario. Is it going to happen very

often? Probably not. Probably if it happens once it'll be a remember-able time for the person involved if they survive it.

If the runway patterns were changed to a right-hand pattern to avoid overflight; if the ASOS announced the power plants and discouraged overflight; if the UNICOM announced the power plants and discouraged overflight; and if it's understood that the ILS is probably not usable when the wind is below 7 knots; and if the missed approach is -- to the certified approaches to the airport -- the missed approaches to them were changed, that would probably maximize what could be done to minimize the risk, maximize safety.

The thing that I'd like to get across from the overflights and the research that I did is that it's the surprise that gets you. It's not totally uncontrollable, but if you don't react properly you don't have very long in which to do it. So the knowledge needs to be out there for the people going in and out of the airport.

MS. DeCARLO: Now, Mr. Morris, the applicant's witness, testified that correcting a plane is instinctual. What's your opinion regarding the student pilots? Do they naturally

have this instinctual ability to correct a plane?

MR. ARNOLD: Well, if we mean will they automatically try to turn it right side up, yes. If the incident happens at night it may be very difficult to determine which side is up. That's another issue. All we've talked about so far is daytime. At nighttime there's several orders of magnitude greater risk involved in entering this unexpected turbulence.

And if pilots had that much instinct we probably wouldn't need instructors.

There's one other thing that was talked about earlier, was the fact that you won't over-G the airplane, have it sustain more acceleration than it can handle because it will stall first because the incident's occurring below maneuvering speed or corner velocity, and as far as that went it was almost true. What was failed to be taken into account there is that this will be asymmetric load, and that reduces the design load factor for certification by 1.3 or roughly two-thirds.

So it's not true that the airplane can't over-G in this condition. I will grant you it's fairly unlikely, but it's not true it can't.

MS. DeCARLO: And I'm sorry, can you

please explain what over-G means?

MR. ARNOLD: Well, the airplane's designed to withstand a certain amount of what's called load factor, or force on it. In straight level flight that's 1 G, a single force of gravity.

To make a turn at 60 degrees of bank, a level turn is 2 Gs. At 85 or 87 degrees of bank to make a level turn you have to pull nine times the force of gravity to make that happen. Most light airplanes are certified to standard category, which is I believe 3.8 G load limit.

So, as you fly along in turbulence you can fly into these G meter readings that were presented earlier, which I think were fairly accurate, by the way. We did calibrate the G meter by sitting on the ground, making sure it read 1 G. And then in flight did a 60 degree bank turn, level turn, which is 2 Gs, and they both calibrated very well.

So, the G limit of 3.8 on a standard category airplane is going to drop to about 2.5 or -6, something like that on an asymmetric loading. So it's not likely you're going to get that much of a G loading with one wing in, or even a

straight overflight. But it is possible that you could over-G the airplane. I don't think it would result in a structural failure, but it would be a technical over-G.

MS. DeCARLO: Now earlier you mentioned something about a missed approach. Can you please explain what that issue entails.

MR. ARNOLD: There are three certified instrument approaches to this airport, certified by the FAA in their flight check. And they are -- there's an RNAV, a GPS to runway 2-6, which comes in from the northeast at an angle. And the approach, itself, misses the power plants, either the current one or the planned one.

And there's a VOR-DME which operates off of the very high frequency omni-range navigation, which is why they call it VOR, beacon just off the field, and it also comes in from the northeast and misses.

And then there's a VOR-DME Alpha, which means -- alpha means it's a non-straight-in approach, means you have to circle and land out of it. And it comes in from the VOR towards the field. And its missed approach -- its approach misses the power plant, also. All of the

approaches miss the power plant.

The missed approaches for at least two of them, fly generally over the direction of Blythe II. There's no reason that they can't be changed. There's nothing that I could see.

I used to be a TIRPs writer in Europe, terminal in-route publications thing, the approach -- writer. And I don't see any reason they couldn't be changed. The reason they were put on where they are is to make a subsequent approach, if you missed the first approach, easier. But you could very easily change the missed approach to consider the Blythe Power Plants an obstruction. If you did that it would not be an issue. Probably should be done, however.

MS. DeCARLO: And to your knowledge has this issue been discussed with regards to FPL, Florida Power and Light, in mitigating the Blythe I issue?

MR. ARNOLD: I'm not sure if it has got to them. I do know that I had that discussion with the people from Florida Power and Light when we did the test flight on November 3rd.

MS. DeCARLO: To your knowledge has the City taken any steps towards addressing that

issue?

MR. ARNOLD: Not to my knowledge, no.

MS. DeCARLO: What type of plane are student pilots likely to fly?

MR. ARNOLD: Most initial students are probably still flying today a Cessna 150. There's other two-place airplanes out there, but a normal airplane will be a two-place, 100 horsepower or less, side-by-side seated aircraft.

MS. DeCARLO: And are there any special concerns with regard to this type of aircraft and plume issue?

MR. ARNOLD: Compared to the aircraft we did our test flight in, their normal operating weight is about one-third the weight of the aircraft we used. Their roll control, the ability to turn about their longitudinal axis, is reduced compared to the airplane we flew.

So I would expect a slower control response. And then, of course, you have the issue with the student pilot just being a student.

MS. DeCARLO: Mr. Walters, did you want to add anything to your testimony?

MR. WALTERS: I think I wanted to describe a little better what is a worst case

event, and whether or not the overflight that occurred in November of last year was a worst case event.

And I will certainly say it reflects towards the bad end of the scale, but the power plant was not operating at full load. The load factors that were provided in the testimony showed the steam turbines were running about 140 to 146 megawatt versus its design rating of 170, if I remember right.

And the main part, in terms of the data we got from the power plant that shows what the load was, the cooling tower was -- the cooling tower range numbers. The range defined is the difference in temperature between the inlet and the out-water going to the cooling tower.

Early on, at the very beginning of the test flight when they were essentially starting up the plant, all the steam was being bypassed from the steam turbine into the condenser, and there was a very high load in the cooling tower. The temperature, the range was 18 degrees Fahrenheit. But as they turned the steam turbine on, the numbers dropped all the way down to about 10. So that indicates that the load in the cooling tower

was not at its worst case during the test flight.

And while 45 degrees is a bad case, it's not a worst case, either. So I wouldn't call it an ultra worst case. It is on the bad end of the scale, but it's certainly not the extreme.

MS. DeCARLO: Okay, that concludes staff's testimony. We do have certain exhibits that we identified in our exhibit list. I don't know if you'd like to move those in now.

HEARING OFFICER SHEAN: Why don't we run through their identification, please.

MS. DeCARLO: Okay. All the documents included under traffic and transportation in Energy Commission Staff's list of exhibits. Do you want me to name each one?

HEARING OFFICER SHEAN: No.

MS. DeCARLO: Okay. And then we also have staff's traffic and transportation testimony and land use testimony, both located in the final staff assessment.

HEARING OFFICER SHEAN: Okay, so they're moving the FSA sections plus the identified --

MR. GALATI: Everything's in here?

MS. DeCARLO: Yes.

MR. GALATI: No objection.

HEARING OFFICER SHEAN: All right. Hearing none, it is all admitted.

MS. DeCARLO: Thank you.

CROSS-EXAMINATION

BY MR. GALATI:

Q Mr. Flores, --

MR. FLORES: Yes.

MR. GALATI: You had a slide up here that dealt with the areas designated under the comprehensive land use plan for the airport, right?

MR. FLORES: Yes, that's correct.

MR. GALATI: Can you turn around and look at the -- is that the same representation there?

MR. FLORES: I can't be sure, but it could be.

MR. GALATI: Okay.

UNIDENTIFIED SPEAKER: It's accurate to within 25 feet; it's been scaled at 1:800.

MR. FLORES: I had to rely on what's provided to me through the --

MR. GALATI: Okay. Assuming that that's a correct designation of the safety zones, can you show me what structure from the project is in any

safety zone?

MR. FLORES: For the Blythe II project?

MR. GALATI: Correct.

MR. FLORES: Based upon what's shown there none of the structures will be within, other than the actual -- what is it called, the -- the traffic pattern zone.

As I indicated earlier the Airport Land Use Commission indicated that if there's water vapor in any of the zones that they would not allow that as part of their condition.

MR. GALATI: Is that the same traffic pattern zone for Blythe I?

MR. FLORES: Yes, that's correct.

MR. GALATI: And didn't the Airport Land Use Commission approve Blythe I with that same condition?

MR. FLORES: I believe so, but I was not assigned to that project.

MR. GALATI: Have you looked at the conditions for Blythe I? The Energy --

MR. FLORES: No.

MR. GALATI: -- Commission conditions?

MR. FLORES: No, I have not.

MR. GALATI: Okay. We're going to take

administrative notice of the decision, though, right?

HEARING OFFICER SHEAN: Yes.

MR. GALATI: Okay. The Airport Land Use Commission is advisory, aren't they?

MR. FLORES: Yes, that's correct.

MR. GALATI: In fact, they have no land use authority?

MR. FLORES: No, they do not, other than they prepare the general plan that was for the airport. And so from that standpoint any applications that come in they review it to make sure it's consistent with the Riverside Airport Land Use Commission's --

MR. GALATI: Right. In fact, if the City of Blythe amended its general plan such that it was consistent in all respects, there would be no need to ever go to the Riverside Airport Land Use Commission, would there?

MR. FLORES: No, I don't believe so.

MR. GALATI: You don't believe there would be a need, or you believe you would still have to go to their --

MR. FLORES: They would still have to go before the --

MR. GALATI: Okay, we'll brief that one.
MR. FLORES: Are you saying because the City did an override?
MR. GALATI: No. What I'm saying is, and again I'll have to do it in brief, if you don't have any personal knowledge of it --
MR. FLORES: Okay.
MR. GALATI: -- then I can't quite ask you that question.
MR. FLORES: Okay.
MR. GALATI: Mr. Arnold, --
MR. ARNOLD: Sir.
MR. GALATI: -- how many degrees would you estimate happens when you're approaching a runway and you're not quite in this roadway for your flight, how many degrees do you think you're off?
MR. ARNOLD: Do you mean how many degrees --
MR. GALATI: From centerline.
MR. ARNOLD: From centerline would a normal person be off? Or --
MR. GALATI: Yeah, I believe that you testified that when somebody lands they're not just always in a straight inline of the

centerline, and that they could be off some portion. I wanted to get, if you could estimate, how many degrees you think that might be.

MR. ARNOLD: Normally by a mile out people are fairly close to on centerline normally. It's the abnormal question. I've seen people off as much as 30, 45 degrees off --

MR. GALATI: Within a mile?

MR. ARNOLD: Within a mile, yes. Is that one out of a hundred, is it one out of ten? I don't know. I haven't sat in -- accounted.

MR. GALATI: Does using the ILS -- does Blythe II in any way, shape or form, if it is constructed, does it in any way, shape or form prevent or affect use of the ILS to runway 2-6?

MR. ARNOLD: Not that I'm aware of.

MR. GALATI: Okay. You listed some things, I think you said if the runway -- I think you said, and I apologize, I have runway changed. Did you mean if there's a calm wind runway designation?

MR. ARNOLD: I actually don't believe I addressed the calm wind runway issue.

MR. GALATI: Okay.

MR. ARNOLD: I think that's a good idea,

I just don't think I said --

MR. GALATI: You mentioned the ASOS and the UNICOM, correct?

MR. ARNOLD: Correct.

MR. GALATI: You also mentioned if missed approaches are changed.

MR. ARNOLD: Correct.

MR. GALATI: Okay. You also mentioned if the ILS was not used during calm winds; would that be a recommendation for Blythe I or is that a recommendation for Blythe II?

MR. ARNOLD: That would apply obviously -- I shouldn't say obviously -- that applies to Blythe I.

MR. GALATI: Thank you. Mr. Walters, there's an exhibit, I think this is the one you were relying on, it said advisory circular. Was that your?

MR. WALTERS: Yes.

MR. GALATI: Okay. Could you turn to the second page. And could you read 4.5 on your exhibit.

MR. WALTERS: The risk posed by an exhaust plume to an aircraft during low-level flight can be managed or reduced if information is

available to pilots so they can avoid the area of likely air disturbance. Is that a new point I'm bringing up?

MR. GALATI: No further questions.

PRESIDING MEMBER GEESMAN: I've got a question for Mr. Flores.

MR. FLORES: Yes.

PRESIDING MEMBER GEESMAN: You indicated that in your view the City's override of the land use plan was deficient or defective.

MR. FLORES: Yes, that's correct.

PRESIDING MEMBER GEESMAN: Could you elaborate on that?

MR. FLORES: Yes. As I indicated earlier, as part of their findings, their eight findings, some of the major issues that they brought up was that the project would not have any environmental impacts.

When that override was prepared we, as staff, were still preparing our environmental documents. And so they made a conclusion based on a matter that had not even been, you know, gone through the process, from my standpoint.

And so from that aspect they were wrong on that issue.

Also, one of the points was that it would not generate smoke or vapor the -- concentrations. That had not been also addressed. I'm not exactly sure how they come up with that conclusion, when the analysis hadn't even been prepared at this point, and submitted.

PRESIDING MEMBER GEESMAN: Any other areas you considered deficient in the City's override?

MR. FLORES: Other than, again, just that -- no, that's about it.

PRESIDING MEMBER GEESMAN: Has there been any communication with the Riverside County Airport Land Use Commission since the City's override?

MR. FLORES: Yes. As I indicated earlier, the Airport Land Use Commission did respond indicating that none of these issues that were brought up as part of the override made the issue go away. And so they felt that their position still stood.

PRESIDING MEMBER GEESMAN: And is that response a written response?

MR. FLORES: Yes, it is.

PRESIDING MEMBER GEESMAN: And is that a

part of your testimony here --

MR. FLORES: Yes, it is.

PRESIDING MEMBER GEESMAN: -- in the record? Thank you.

HEARING OFFICER SHEAN: Can you tell me what you understand, if you have information or knowledge with respect to why there is a requirement related to water vapor in the prohibition in the County's findings or determination?

MR. FLORES: They make some mention there's concern. Matter of fact, they bring up the issue that there's a possibility that, from their standpoint, landfills and power plants are inherent to provide vapor plumes. And so that's actually within their land use plan that they make that statement.

And so -- but they don't really get further into it, the discussion of water vapor.

HEARING OFFICER SHEAN: Would it be staff's position that the presence of -- the potential presence of water vapor from the cooling towers is disqualifying for an override by the City?

MR. FLORES: I believe so, from a land

use perspective. Because I rely on what's provided as part of the comprehensive land use plan. I have to look at the LORS, and that is stated as one of the LORS.

HEARING OFFICER SHEAN: If the City of Blythe had information from local pilots and the operator of the facilities that actually having the cooling tower plume visible in any degree, which would mean water vapor was present, that that visibility informed pilots that the facility was operating and that there was a plume being created. How would that affect your determination as to the validity of an override if the prohibition against the water vapor otherwise was in the County's determination?

MR. FLORES: It wouldn't change my opinion as to -- it's specific what's in the, as part of the LORS. And so my position wouldn't change as to whether there's water vapor out there or not.

HEARING OFFICER SHEAN: Okay, so from a land use perspective, the presence of the water vapor, in and of itself, is disqualifying?

MR. FLORES: That's correct.

HEARING OFFICER SHEAN: Did you have any

questions, Mr Wolfe? Any redirect?

MS. DeCARLO: No, none.

HEARING OFFICER SHEAN: All right, gentlemen, thank you very much. Appreciate your testimony; you're excused.

All right, our next topic was socioeconomics as it related to labor impacts arising from the applicant's water conservation offset program. Mr. Galati.

MR. GALATI: My witness is Dr. Harvey. He's previously been sworn, and I think he's previously been qualified.

Whereupon,

JEFFREY G. HARVEY

was recalled as a witness herein, and having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION

BY MR. GALATI:

Q Dr. Harvey, did you review the final staff assessment in the area of socioeconomics?

A Yes, I did.

Q And did you file previous testimony in this matter?

A Yes, I did.

Q Do you have any changes or additions to that testimony at this time?

A No, I do not.

Q Can you briefly summarize your testimony and your review of the final staff assessment?

A Yes. Good afternoon. The issue for socioeconomics is proposed mitigation for a socioeconomic impact resulting from lost farm labor employment for lands that may be fallowed or retired in implementation of the water conservation offset program.

Staff's assessment concludes that 6.33 jobs could be displaced by the water conservation offset program, and that that level is not a significant impact.

They go on to note, however, that some crops could have higher job displacement, although no number could be quantified. And they don't say what number that is, or what number would trigger a significant level. Only that some number higher than 6.33 could occur for some crops.

And even after consulting with a socioeconomic firm, an expert firm that had prepared the socioeconomic impact analysis for the Palo Verde Irrigation District/Metropolitan Water

District water transfer, that that specialist said that he did not have a number, although he agreed for some crops the number may be higher.

Therefore, without identifying an impact staff has imposed mitigation that would restrict the use of some 25 to 30 percent of lands on the Palo Verde Valley and 100 percent of the lands on the mesa from participating in the water conservation offset program.

Staff's assessment also does not include jobs that are created by the Blythe II project as having any offset for the jobs lost. And we note that for construction there are some 400-plus jobs created over an 18-month period. And for the long-term, 25 additional jobs in the operation and maintenance of the power plant. Along with more than a million dollars a year spent locally in outsourcing for landscaping, maintenance and other services to the power plant.

That's a lot of economic input to the community that has been completely ignored in the staff's assessment as they looked at the potential jobs lost, no credit given for jobs created.

And as background relative to the water conservation offset program, it's useful, I think,

to review some of the details of that program so you can understand why we don't want to be limited with another 25 percent of lands being removed.

Other measures that the staff's employed have already caused the staff to look at, for example, irrigation of fallowed lands as mitigation. Again, where there was not really a finding of an impact in our assessment.

The water conservation offset program includes offset for all of the water used by the power plant, up to a maximum of 3300 acrefeet per year. And using a conservatively low water rate that was negotiated with the Bureau of Reclamation and Palo Verde Irrigation District of 4.2 acrefeet per acre. That precludes the need to look at every acre and determine exactly how much water they've been using in any given year, because it is such a conservatively low number.

The number that Metropolitan is now using is 4.6 as their average. The District claims the number is more like 5 or greater than 5, depending on the crop, depending on the year, how dry it is and so forth.

So that 4.2 is a very low number to begin with, as conservation. So, what I'm saying

is we are more than offsetting our water use.

The selection of the lands is intended to be market-based, meaning that it is voluntary basis by the farmers to participate. And that the applicant must negotiate contracts with individual farmers. That is done intentionally to provide some market neutrality and try to control the cost. Obviously, if we just go out and put lines on a map and say these are the lands, the people who own the lands are going to say, oh, we don't want to participate unless you pay us some premium.

So what the program allows, again negotiate with Palo Verde Irrigation District and the Bureau of Reclamation, is that any of the lands within the Palo Verde Irrigation District, and that includes 104,500 acres of farmed land on the Valley floor, 16,000 acres on the mesa. Any of those lands could participate in the program with some important caveats. And I'll get to those in just a minute.

The lands can either be, by participating that means that they can either sign up to rotationally fallow their fields and for a period of one, two, up to I believe we said three

to four years was a maximum, as we put in the measures for wind erosion control of clod tillage or stubble tillage, and maybe up to five years, I don't recall what the number is. But it doesn't matter anyway, there is a limitation in the water conservation offset program and related mitigation that the farmers have to accept during those measures if it were into rotationally fallow.

And then at the end of whatever the period is that's been agreed to, two years up to whatever the maximum is, that we would go to other lands. Either with the same farmer, or with another farmer. And that every year we have to document what lands were used and provide, as backup, the agreements with the farmers. And show that Palo Verde Irrigation District has not, through their water record keeping, that they have not delivered water to those properties.

That allows us to negotiate with all of the farmers in the Valley except for those that have Williamson Act contracts that restrict fallowing of their lands from participating; or that have contracts with the NRCS for water conservation measures that they've already agreed to fallow their lands for somebody else.

Obviously we were not duplicating participation or double counting.

And also that they're not participating with the Metropolitan Water District; 26,000 acres of land that the Metropolitan Water District is negotiating for the same kind of program; obviously we're not going to double count those lands, either.

So we already have about one-quarter of the lands in the Valley that are potentially committed under the Metropolitan Water District programs, and some 10 to 15 percent that are committed under the NRCS programs and Williamson Act limitations.

To restrict another conceivably up to 25 or 30 percent of lands on the Valley floor, and 100 percent of the lands on the mesa from participating is a severe restriction. It really limits us to a small number of farmers. And without, you know, if there were a real need here, if there were a significant impact that needed to be addressed through significant mitigation, we would understand that and be interested in working on a different basis.

In this case, no impact has been

identified. In fact, we would argue that there is less than an impact with accounting for the jobs that are created by the project, which far outnumber the jobs that are potentially lost.

Q Dr. Harvey, are you aware that Blythe II has agreed to Land-3, which says, if there's land designated as either private farmland, farmland of statewide importance, and that that land is permanently retired, that they would pay a mitigation fee to Riverside County Agricultural for the agricultural land trust for the purchase of equivalent farmland?

A Yes, I am. Thanks for the reminder. That is another one of the details of the plan that is a limitation on lands. And that if lands are to be retired, we have the wind mitigation -- wind erosion mitigation for lands that may be rotationally fallowed, for lands that are to be retired that the project will purchase other farmlands for preservation for the life of the project -- or actually, that's in perpetuity.

Q And would there be jobs associated with that land?

A Clearly, those lands that are kept in preservation to be permanently farmed will

permanently retain farm labor.

Q And did staff take into account those jobs in evaluating their effect from a positive standpoint on their proposed impact?

A No consideration was given to that, no. The only other thing I do want to note, in our testimony we did talk with the City of Blythe about this, and they are cited in our testimony, Les Nelson, City Manager, and Charles Hull, the Assistant City Manager, we asked them what they thought about this. As either impact or as a reasonable thing for this project to be mitigating. And they both stated that they realized that there was a net increase in area employment and long-term socioeconomic benefits versus the potential of this quantified at 6.33 agricultural related jobs.

The farm loss jobs to them, relative to the net benefits to the community, were not a concern to them. They felt that there was a net socioeconomic benefit to the community.

Q Mr. Harvey, are you aware that Ms. Garnica has alleged that there were jobs lost associated with the Blythe I Power Plant?

A I do recall that was one of the issues

raised, yes.

Q Okay. Do you believe that there were any farm jobs lost as a result of the Blythe I Power Plant?

A I'm not sure how complicated an answer you want. The answer is absolutely none. And intentionally done so in the selection of lands for that program.

In negotiation with the City and with discussion with Palo Verde Irrigation District lands about which lands should be selected for that, they pointed us to lands that had been irrigated within approximately the previous ten years that were under the City's control at the airport, and that were not presently in agricultural production. Therefore, no jobs were lost.

Q Are you aware that there have been some orchards that have been taken out of production since the Blythe I project was proposed?

A I know that there are some on the mesa. I know there's some orchards that have been put into place on the mesa, as well.

Q Are the orchards that were taken out of production related in any way to the Blythe Energy

Project, the reason for taking them out of production related in any way to the Blythe Energy Project?

A No, not that I know of.

Q Do you have any idea why they may have been taken out of production?

A My understanding is that it was simply a matter of productivity of the trees and economic return to the landowner.

MR. GALATI: I have no further questions.

HEARING OFFICER SHEAN: Staff.

CROSS-EXAMINATION

BY MS. DeCARLO:

Q Is the WCOP Blythe II is proposing to use the same as was used in Blythe I?

A No, it has been -- it is essentially the same, but it has been modified to include the tighter water rate of 4.2 acrefeet per acre rather than 4.6; and the additional restrictions on lands that could participate in the additional mitigation for farmland and for protection of wind erosion effects.

Q In fact, the lands that you ultimately identified at Blythe I to fallow would not be

eligible for this, for fallowing for Blythe II, is that correct?

A That is exactly right, and that came about as a result of complaints that were raised about the lands -- not complaints, but issues that were raised by Metropolitan Water District and by the Bureau of Reclamation about the lands that were selected for Blythe I.

Therefore, for Blythe II we negotiated with them, said what do you want to see, then. You never specified anything for Blythe I. We didn't put in a condition for Blythe I on any other criteria for the lands. What do you want to see? And they said we want to see five years, and we put in five years.

Q So you can't guarantee that there won't be any jobs lost with regard to the Blythe II WCOP?

A Oh, we're not stating there will be no jobs lost. We're stating that just as staff has assessed, the number is 6.33 jobs and possibly more depending on crop. And that that number is a low number, staff concludes not a significant impact by that number.

And that the jobs offset by the power

plant and by the perpetuity preservation of farmlands, if we go that route, for retired farmlands, would more than offset the potential job loss.

Q Have you calculated the potential job loss without the --

A We relied on staff's assessment for that.

Q And staff's assessment was based on the condition, correct?

A Staff's assessment was derived from the analysis that was done by a socioeconomics firm called M.Cubed. And they did an assessment for the Palo Verde Irrigation District/Metropolitan Water District transfer that was presented in the EIR for that transfer. You requested it be made part of the record yesterday.

Q Have you committed to permanently retire lands for this WCOP?

A For Blythe II?

Q Yes.

A No commitment has been made. As I indicated, it's a market-based transaction. And until there is an approved project and a need to go forward in implementing the water conservation

offset program, there has been no negotiations with any landowners.

Q So you can't necessarily rely on Land-3 then to claim that any potential impact would have been mitigated?

A Just to clarify, Land-3, the water conservation offset program allows that lands could either be rotationally fallowed, or could be retired.

And stipulates that -- Land-3 then stipulates that if they're going to be retired that would be an impact of loss of farmlands for long term. And that impact would need to be mitigated by implementation of Land-3.

So I will tell you that if, once the program is being implemented, it becomes a favorable market-based transaction to permanently retire lands, at that time Land-3 would be implemented, and then whatever job benefits would accrue from long-term preservation of those lands would be realized.

Q Only if lands are permanently retired?

A Correct. If lands are fallowed then, of course, those lands are put back into production on that rotational basis. And those jobs for

those lands are preserved.

Q Now you claimed that job creation by Blythe II will counteract any job loss with regards to WCOP. Do you know how many, if any, farmworkers will be hired for construction or operation of Blythe II?

A I do not. And I wouldn't claim that the offset of jobs was going to be one-for-one in-kind. Obviously the Blythe Energy Project is not a farm project, so it's not going to be hiring farm labor, per se.

However, some of the jobs that are outsourced, landscaping and maintenance and such, are jobs that those same farmworkers would have skills for and be eligible for.

Q Do you know if any farmworkers were hired for those jobs on Blythe I?

A I don't know. Perhaps Mr. Looper could address that.

MR. LOOPER: Actually, I -- Quenton has been in the audience the whole time, and he's the socioeconomic expert. And he has all the facts and figures, and he does want to speak later. So maybe at the conclusion of socioeconomics, if it's okay, he could stand up and address that question.

MS. DeCARLO: Sure, sure.

BY MS. DeCARLO:

Q And how many acres are you intending to fallow for this project?

A The number is 786 acres that have to participate. And that's a simple calculation of 3300 acrefeet divided by 4.2 acrefeet per acre.

Q And your testimony is that anything less than 104,000 acres from which you could choose to fallow would be unacceptable?

A Well, not anything less, no. But, my point is that right now what's proposed is that anything within the Palo Verde Irrigation District which is 104,500 on the Valley floor, 16,000 on the mesa, are eligible to participate with the limitation that 26,000 acres are already encumbered by the Metropolitan transfer.

And additional acreage is already excluded by terms of our own -- by the details of our own water conservation offset program, which say that some lands, Williamson Act contract lands that forbid fallowing, or lands that are already participating in other water conservation programs, can't participate.

So that we've already excluded a large

number of acres from that. And we don't want to exclude even more and reduce even more the number of people that we could -- that could be participating in the program.

Q So with those encumbrances, how many acres are left available to you, without staff's condition?

A I'm estimating that about 10 to 15 percent of other lands are excluded by virtue of the Williamson Act or in RCS contracts, which would make, let's say 15,000 -- so about 40,000 acres are already excluded. And that would leave about 60,000 acres on the Valley floor and 16,000 acres on the mesa.

Q Thank you.

MS. DeCARLO: I have no further questions.

DR. HARVEY: Thank you.

HEARING OFFICER SHEAN: Anything from you, Mr. Wolfe?

MR. WOLFE: No questions.

HEARING OFFICER SHEAN: Do you have any questions?

MS. GARNICA: Before I start I wanted to submit testimony. Although we talked about the

cooling, dry cooling, but I wanted to submit testimony from Bill Powers.

HEARING OFFICER SHEAN: Why don't we -- let's do this, so we can keep everything straight. Right now we're going to do the socioeconomics aspect of it.

MS. GARNICA: That's correct.

HEARING OFFICER SHEAN: When we come back to you, you have some stuff from --

MS. GARNICA: Yes.

HEARING OFFICER SHEAN: -- Michael Boyd; you have something else here now. We'll do all that --

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: -- at that later time.

MS. GARNICA: Okay. Okay. So the questions that I have in regards to what was mentioned.

First I needed to ask Mr. Looper, have you, at anytime ever assisted in any manner the owners or the operators or agents of the demolished lemon orchards?

MR. LOOPER: I think you're referring to -- if you're referring to SunWorld, the only

ones that I know of, the answer is no. I'm not aware of any other -- the answer is no, we haven't. We haven't assisted.

MS. GARNICA: Are you aware, or do you know, or have you any knowledge of any other surrounding orchards that will be taken out of production?

MR. LOOPER: No.

MS. GARNICA: Okay. Do you remember a meeting that you invited me to come here to the City and Mr. Butch Hull was there, you were there?

MR. LOOPER: Yes, I do.

MS. GARNICA: And there was another attorney present? You had your attorney present.

MR. LOOPER: Not Scott --

MS. GARNICA: No, it wasn't Galati. It wasn't Scott.

MR. LOOPER: I don't remember the other attorneys.

MS. GARNICA: He introduced himself as your attorney.

MR. LOOPER: I remember the meeting; I just am missing the other name, I'm sorry. The attorney, I --

MS. GARNICA: Okay. Do you remember the

conversation that we had?

MR. LOOPER: We talked about a lot of things at that meeting. Is there anything in particular that --

MS. GARNICA: Yes. You said that you had given money to SunWorld because they were -- they couldn't afford to meet their payroll.

MR. LOOPER: This is with regards to Blythe I?

MS. GARNICA: Yes.

MR. LOOPER: The SunWorld transaction with Blythe I involved the purchase of current property for the Blythe Energy Project and the Blythe II projects, we purchased both of those. The first transaction was for the Blythe Energy Project, and that was a monetary transaction where we paid them for the 76 or '2 acres of property. That's all we did provide them money for, the purchase of that property.

MS. GARNICA: But yet you just said right now that you had never at any time ever assisted in any manner the owners or operators or agents of the demolished lemon orchards.

MR. LOOPER: All we've ever done is purchased the original project sites from

SunWorld. The two transactions that we did with SunWorld were to purchase the Blythe I property and to purchase the Blythe II property. There's been no other transaction outside those boundaries related to demolished lemon orchards or any other existing live lemon orchards.

And there was no lemon orchards on the property we purchased. So we weren't involved; we didn't fund; we didn't assist; we had no knowledge of what they were doing on the orchards.

MS. GARNICA: Have you heard about the new orchards that were built across the freeway, also going to be demolished?

MR. LOOPER: I have not heard that.

MS. GARNICA: Have you heard that they are going to be demolished because they are going to sell a Blythe Energy Plant the land for the well?

MR. LOOPER: This is the Blythe Energy Project? Or this is --

MS. GARNICA: Yes.

MR. LOOPER: As opposed to Blythe II? I don't know what conversations Florida Power and Light has had regarding Blythe Energy Project. But with regards to Caithness Blythe II, the

Blythe Phase II project, we've had no dialogue with the owners or any other orchards about taking any wells or rights or purchasing any property.

Yeah, and I'm not so certain why Blythe I would need additional acreage, but I don't have any knowledge of that.

MS. GARNICA: I'm sorry, I didn't understand that?

MR. LOOPER: I don't understand why Blythe I would be talking to anybody. They have their wells in place, so they're pumping. But that's their issue.

MS. GARNICA: No, it's -- well, it was the same kind of -- everything was rumors prior to purchasing the first orchards. And it was heard through, you know, employer, employees from those orchards. Now we're hearing the same thing from the other orchards.

MR. LOOPER: I'm in direct contact with Tim Shaheen, who's the President of SunWorld, in these transactions. And we've had continued communication with them. But there is no transactions that involve Caithness Blythe II in any orchards at all.

(Interrupting noise.)

MR. GALATI: Hit on and off twice.

MR. LOOPER: No current or planned ones, Carmella.

UNIDENTIFIED SPEAKER: May I say something? The reason why they're doing it is because there's no money in citrus.

HEARING OFFICER SHEAN: Okay. We're going to have a public --

UNIDENTIFIED SPEAKER: They're importing from other countries and the citrus farmers are (inaudible).

HEARING OFFICER SHEAN: Understood. We're going to have a public comment period, or if you want to assist Ms. Garnica when she's coming through with her testimony, that'd be fine.

And, Ms. Garnica, let me just sort of give you the same helpful hint, I think, as I did to Mr. Wolfe, which is if you know something and you don't know whether they know it or not, it's very difficult and usually not very productive to try to get them to say what you know.

MS. GARNICA: Oh, no, I don't know. That's why I'm asking them.

HEARING OFFICER SHEAN: Okay.

MS. GARNICA: Do you have any knowledge

that there are farmworkers who are displaced by the demolition of the orchards, who actually travel to Coachella to work every morning and come home?

MR. LOOPER: I really don't have any knowledge. Because we located the projects particularly where there were no orchards. We wanted to make certain we did not impact any actively growing area. That's why we selected the site that we did. We selected directly west of the existing orchards.

MS. GARNICA: Do you have any personal knowledge of any person or people that were displaced by the demolished orchards?

MR. LOOPER: I don't.

MS. GARNICA: I'm sorry, when you obtained your data and your stats, where did you get those from?

DR. HARVEY: They came from the California Energy Commission Staff's final staff assessment for the Blythe II project in the chapter on socioeconomics.

They had derived their numbers, in turn, they cited the source of their analysis as being the environmental impact report that had been

prepared by the Palo Verde Irrigation District with Metropolitan Water District for the water transfer in the valley.

MS. GARNICA: Then what I would like to do, you know, I noticed Mr. Galati kept saying that he would submit in briefs, just, you know, since I'm a layperson I don't know a lot of this.

What I wanted to know is to what extent can you hand in in the briefs?

MR. GALATI: Excuse me, what?

MS. GARNICA: To what extent, what information can you hand in -- can I hand in, can I write down testimony from the different farmworkers that are actually displaced, and those who are trekking all the way to Coachella Valley to work every morning? Can that be handed in in briefs?

HEARING OFFICER SHEAN: I would say wouldn't be handed in in a brief. The question's directed up here. But what you can do is to state here, when it's your turn and you get up and do this, that you know of people. And if you want to identify them by name, you can, or by first name or whatever, who apparently were formerly employed at an orchard; are not now employed there; and are

driving some significant distance to a job in Coachella Valley; and are returning here.

And then that is in our record, okay?

MS. GARNICA: I only know of two people who were lemon pickers. And because of the orchards they did find a new job and are employed other than farm labor. And both of those are women. And both of those ladies drive the bus for the City.

HEARING OFFICER SHEAN: Okay. Well, what we need to do, just so we -- the gentleman who's taking down this information, we're trying to, I'll call it compartmentalize it, okay?

MS. GARNICA: Yes, so my point is that if these women found these jobs within the City, and they worked in those lemon orchards, and all those other people didn't get placed like these ladies did, so there was a displacement of labor. So there was an economic impact to this community.

Also in that conversation that we had, Mr. Looper, you had also indicated that you did not want me to continue vocalizing in regards to displacing the farmworkers.

MR. LOOPER: We didn't feel that you understood the fact that the power plant had

nothing to do with the farmworkers. Yet, you continued. That meeting was facilitated by the City of Blythe; it was called by Les Nelson and Butch Hull. We attended because the City was trying to -- everybody lives in the City, and there was misinformation coming out of your radio station and other folks regarding that the power plant was displacing farmworkers.

So that's what the point of the meeting was, to try to help you understand that the power plant made no deals, took no lemon fields out of production, no ag out of production, and no way, shape or form impacted the ag production in the Valley. That's what we were trying to do.

MS. GARNICA: So why wasn't I told that I could also have an attorney present? You know, --

MR. LOOPER: Oh, okay. I was just informed that the other person, you think it was Dan Dickinson. Yeah, he wasn't an attorney. So Dan was there. Dan was just --

MS. GARNICA: No, it wasn't Dan. I know who Dan Dickinson is. I remember him.

MR. LOOPER: I don't think I had an attorney there, Carmella. And the City set up the

meeting. Butch is here; Butch is shaking his head no. We had no attorneys there. It was a meeting amongst folks to try to resolve --

MS. GARNICA: There was a guy that was, the guy on that day had a light yellow shirt; he had blonde hair and he was semi-bald, and he had blue eyes.

UNIDENTIFIED SPEAKER: Well, wait a minute --

(Laughter.)

MR. LOOPER: I don't know. Butch maybe has something to say --

UNIDENTIFIED SPEAKER: That was me.

(Laughter.)

UNIDENTIFIED SPEAKER: If you bring one attorney you bring them all, so I can't recall this individual.

MR. LOOPER: I can't, either; I'm sorry.

MS. GARNICA: So am I. Because it's your word against mine.

Also you indicated that -- Mr. Harvey indicated that there were 25 jobs added out of the 450 for the 18 months. Okay, there was 450 jobs. How many of those people were from Blythe?

MR. LOOPER: Well, I think Quenton

Hanson wants to address it. He's got -- actually we asked Quenton to keep track of employment from Blythe, and he did a pretty good job. And he's got a full submittal here tracking for the different months where he took a poll of total employment, total employment from Blythe. And I think he's going to want to submit this into the record.

But it was pretty surprising how many people were employed from Blythe in looking at the numbers from carpenters, electrical iron workers, laborers. I'm looking at the month of May 31, 2002. There was 199 people, total employment 27 of those people came from the City of Blythe.

MS. GARNICA: So those 27 were farmworkers that were trained, then, by the City or --

MR. LOOPER: They came from different, all sorts of different areas of the community. Some went back to training. It was sponsored by the College and it was a program that the College put forth that they could come forth and be trained and put in apprentice programs so that they could get qualified to work for the different contractors at the site. I think it was very

successful.

MS. GARNICA: So they were farmworkers that were impacted actually went to -- they got training and they went to go work for the plant?

MR. LOOPER: I don't have any firsthand knowledge of any farmworkers or what their history or background. Maybe Mr. Hanson does.

MS. GARNICA: For this section, because I've got other questions, but they'll be for, I guess, for later on.

HEARING OFFICER SHEAN: For something different?

MS. GARNICA: It's a little bit different, yeah. A little bit different category. Some of it indicates on water, so I guess that's not for right now, right?

HEARING OFFICER SHEAN: This would be --

MS. GARNICA: I indicated earlier when I was going to submit that.

HEARING OFFICER SHEAN: Well, this is associated with water in that it's associated with the water offset program. So if part of that is related --

MS. GARNICA: Okay, yes.

HEARING OFFICER SHEAN: If I understand

correctly, --

MS. GARNICA: Yeah.

HEARING OFFICER SHEAN: -- just let me try to capture this. It appears to me the direction you're trying to go in and the point you're trying to make is that the water offset program by fallowing farmland has a disproportionate impact upon farmworkers, which if there is a job offset, creates jobs for other people than farmworkers, is that correct?

MS. GARNICA: Yes.

HEARING OFFICER SHEAN: Have we got it?

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: Is that correct?

MS. GARNICA: Yes.

HEARING OFFICER SHEAN: Okay. Now, what I think you should do, while you can ask these people some more questions, they've indicated they don't know the answer. Okay. Is to have in the period where you're going to come forth and testify, is that that's the point you make to us. When those words come out of your mouth, that's as good for our record purposes as if somehow you were able to work them over and get them to say, oh, yes, that is as you say.

So, for your purposes, your testifying to this is just as good as trying to get that answer from them.

MS. GARNICA: Okay. Well, then I was just -- I have to step back and look at that. I have somebody here that I need them to speak in regards to answer the question about the displacement of farmworkers from the orchards.

HEARING OFFICER SHEAN: Okay, and we are going to get to that.

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: You're going to have your turn where you can speak, anybody that you've asked to come will be allowed to speak. Right now we're doing these two witnesses.

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: We'll do this staff witness, and then it's your turn.

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: Okay?

MS. GARNICA: So I have one more question.

HEARING OFFICER SHEAN: Sure.

MS. GARNICA: Is the City providing water to the Mesa Verde? Is that relevant to this

point right now?

HEARING OFFICER SHEAN: I think, well, first of all, I'll just tell you that it has been stated several times in our record that the City is going to be providing water to Mesa Verde through a pipeline that is to be constructed which will replace the well supply that is currently up there.

MS. GARNICA: So is there any documentation that indicates where the City of Blythe is installing water to the people at Mesa Verde?

HEARING OFFICER SHEAN: The answer is that is in our record already, yes. It was discussed within the last day and a half.

MS. GARNICA: Yes. There was a statement made in regards to yesterday to where I think the applicant had mentioned that the people from Mesa Verde, where they denied having the water pumped in from the City of Blythe instead of using their well. And that is yes, because they have a well; not all of them would be willing to go with the City because they do not pay for their water now. But with the City they will be paying like 90 to 100 bucks, like the way the average

citizen pays that's in the City for their water bill.

So that would be part of that.

HEARING OFFICER SHEAN: We understand --

MS. GARNICA: That question was asked yesterday. For this, I don't have anything else.

HEARING OFFICER SHEAN: All right, thank you.

MR. GALATI: Very little redirect.

HEARING OFFICER SHEAN: Okay.

REDIRECT EXAMINATION

BY MR. GALATI:

Q You got asked a question, Mr. Looper, about farm labor and training, and your answer. How was some of that training funded by Blythe I?

MR. LOOPER: Blythe I, the unions had an agreement on the union contract to donate 10 cents out of every hour to the College to pay for training. And it was those programs that helped stimulate some training and through the apprentices, and employment of some folks of the Blythe area.

MR. GALATI: Is that also for Blythe II?

MR. LOOPER: Yes, it is also our proposed Blythe II program, as well.

MR. GALATI: Dr. Harvey, you were asked a series of questions of how much land would be available. And you said some constraints. I think you ended up with about 60,000 acres available to choose from.

Was there any other restrictions that you didn't mention?

DR. HARVEY: Thanks for asking that. And I want to make sure it's not to choose from. It will be the remainder of lands that are not otherwise encumbered are where we can start negotiations.

Some people are not going to want to participate and fallow their lands with us. Some people are not going to have irrigated within the last five years, and be eligible. And in addition, there is a multi-species conservation plan which is just approved in either late 2004 or early 2005, which is looking for 8500 acres of irrigated farmland along the Colorado River. If you look at a map of the Colorado River, PVID is pretty much it. They will also be in competition for those lands.

So what -- I regret a bit that I gave a number of what was left. That's the number that's

left after the known encumbrances. Then there are these other encumbrances of the multi-species plan, lands that may not qualify by virtue of the five-year history, and then of the remainder we don't know who's going to be willing to participate or not. That will be what the market-based negotiations will be all about.

So there's no certain number of acres that will absolutely be available then to participate. Only those that would be the number that would be in the realm of the possible.

MR. GALATI: Thank you. No further questions.

HEARING OFFICER SHEAN: All right, gentlemen, thank you for your testimony. You are excused.

We'll go to the Commission Staff now.

MS. DeCARLO: Thank you. The Commission Staff's witness for socioeconomics is Amanda Stennick, and she needs to be sworn.

Whereupon,

AMANDA STENNICK

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

MS. STENNICK: My name is Amanda Stennick.

BY MS. DeCARLO:

Q Is a statement of your qualifications contained in the final staff assessment?

A Yes, it is.

Q Did you author the testimony entitled socioeconomics in the final staff assessment?

A Yes, I did.

Q Do the opinions contained in this testimony you are sponsoring represent your best professional judgment?

A They do.

Q What was your conclusion concerning the project's effect on socioeconomics?

A Well, the water conservation offset portion of the project includes a condition which would limit impacts to farm employment and the farm sector, would render them less than significant.

Staff reached this conclusion by reviewing the M.Cubed report, which has already been discussed, which was done for PVID's proposed water offset program. Primarily staff reviewed

that because it covers the same geographic area as the proposed WCOP.

And there was no information provided by the applicant regarding the economic impacts, job loss or impacts to farm labor in the WCOP provided by the applicant.

The M.Cubed report was used by PVID to determine impacts to employment and income. And the study found that only highly mechanized crops, such as hay, cotton and grain were eligible to participate in PVID's program. Labor-intensive crops, such as melons and vegetables were not used for this reason.

The report also states that based on farm economics of the region and discussions with local experts the likelihood that participants would voluntarily reduce their melon and vegetable crop to participate in the program would be fairly low.

So, staff, based on the M.Cubed study, found that only land used to grow hay, cotton and grain crops would most likely be the type of acreage that would participate in the WCOP.

We've already discussed the potential job loss, and the number that was used to

determine that. And staff found that approximately 6.33 full-time equivalent jobs would be lost based on acreage that is not labor intensive. And we found that that was not a significant number, but in order to keep the impacts to a less than significant number, that that was the number that we would be satisfied with.

Q Were you able to quantify what the additional impact would be if high intensive crops were allowed to be used in the fallowing program?

A We were not able to get a labor-to-acreage ratio using higher value crops. And therefore, the impact would really be unknown without using crops such as hat, cotton and grain.

There's really no guarantee that the job loss couldn't be 30, 40, 50, 60 jobs a year. We really don't know. And that's why we proposed the condition of certification to keep the impact less than significant.

Q In your analysis did you conclude how many acres of farmland are available to Blythe II for fallowing under the proposed WCOP?

A Based on the information that I had at the time, I realize that now there's more

information coming out regarding the encumbrances on the WCOP, but staff -- I used numbers that were contained in the M.Cubed report and also numbers that I got from the Palo Verde Irrigation District's website regarding the number of acres that are currently within their service area.

And there are approximately 132,000 -- 131,300 to 132,000 acres of which 104,500 are in the Palo Verde Valley, and the remaining acres, approximately 26,000 to 27,000 are on the mesa.

The applicant has already agreed to not use lands that are in the Williamson Act. And there are roughly -- in 2002 there were approximately 24,300 acres in the Williamson Act.

So if you subtract all of these numbers, again this is not including the encumbrances that the applicant has stated today, but I came up with an estimate of 83,000 acres that would be available to the applicant.

Q And if staff's proposed condition were applied how many acres would then be removed from this 83,000 acres available?

A Well, I went to the Palo Verde Irrigation District's website and took a look at their crop report. And based on that, roughly,

again this is an estimate based on what they've -- information that they've supplied, but roughly 11,000 acres would be excluded because they're planted in orchards, melons and vegetables.

So if we subtract that from the 83,000 we get 72,000 acres, which the applicant may choose from to find farmers who are willing to participate in their offset program.

Q In your opinion, is the loss of employment in the agricultural sector outweighed by the project's creation of jobs in other sectors?

A In my analysis I state that approximately 232 construction workers, an average of 232 construction workers will be onsite for a 20-month period. So we've got approximately two years where there will be an influx of construction workers in the City of Blythe.

And those construction workers would be drawn from Riverside County and adjacent counties. And most likely some from Arizona.

So, we're really talking about different types of jobs. We're talking about a loss of jobs in the farm sector versus creation of jobs for a 20-month period. So, yes, for 20 months there

will be an influx of workers, but that's only a 20-month period. Then there are the potential job loss for the people who live and work in the region, and specifically in the City of Blythe.

Q Does that complete your testimony?

A Yes, that concludes my testimony.

Q Thank you.

MS. DeCARLO: The witness is available for cross.

CROSS-EXAMINATION

BY MR. GALATI:

Q Ms. Stennick, are you aware of the training program for Blythe I that was conducted by the Community College?

A I just received, probably a week ago, if you're referring to this piece of information that was docketed at 2002 -- anyway, what I have is a list of potential employment from the City of Blythe. But I guess we're not talking about the same thing.

Q I was wondering if you were aware that the Community College actually, for Blythe I, conducted a training program?

A No, I'm not aware of that. I was not working on the Blythe I project. The information

that I received from the prior staff person didn't contain any information regarding a training program.

Q Did you hear Mr. Looper say that 10 cents an hour from the unions for Blythe II will go to the Community College for a training program?

A Well, I'm sure he did say it. I must have missed it, I was probably concentrating on some other information.

Q Oh, yeah, no, I wasn't trying to confuse you. I asked you first about Blythe I --

A Right.

Q This one's about Blythe II.

A Okay.

Q Laying the foundation to say do you believe such a training program that will be implemented as part of Blythe II would be a benefit to farmworkers who decided to take it?

A If there were such a training program, yes, it would be a benefit to anyone in the area who needed to be trained for specific jobs. But I have not seen any information detailing such a program.

Q Okay. Wouldn't the -- you said there

was 104,500 acres on the Valley, right?

A That's correct, that's the information I got from the M.Cubed study. And it roughly is the same information that was on the PVID's website.

Q So, 24,000 limited by the Williamson Act. Did you take those into account?

A Yes, I did. I got that information from the draft EIR that was done a few years ago.

Q Okay. Are you familiar at all with the 8400 acres that Dr. Harvey testified for the multi-species conservation program?

A I was not aware of that when I did this.

Q Okay. Would you agree that the 26,000 acres from MWD program would target -- actually would be lands that comply with your condition?

A The ones that are currently participating in MWD's and PVID's --

Q Yeah, in fact, they don't include the lands you're --

A I understand that, yes.

Q Okay. So would you believe that there's some other percentage that are involved in other conservation programs?

A Well, there are lands currently within the PVID service area that are participating in

water offset programs. And I understand that your proposed program would not be able to solicit participation from lands that are already participating. So there's one encumbrance there. And there's the Williamson Act lands. There are a species habitat program that I was not aware of that you referred to. So, --

Q Okay. According to our math, with the MWD program, the Williamson Act, the MSCP, which I know that you weren't aware of, that leaves 46,000 acres available of the Valley land.

A Okay, all right. I came up with a different number.

Q Okay. And that would not include the percent that are either involved in other conservation programs or have not been irrigated within the last five years, you'd agree?

A Yes.

Q And then the 16,000 acres on the mesa.

A Are those irrigated acres or are they just gross acres --

Q That's 16,000 available that are within PVID.

A Okay, because again I got a different number. And, I have about 26,000, between 26- and

27,000 on the mesa. But then again, that might be the gross acreage.

Q Only 16,000 is in the District.

A Oh, okay.

Q Are you aware that 12- to 14,000 --

A Well, I -- from PVID's website it says 26,798 acres of which are on the Palo Verde Mesa. So, again, --

(Pause.)

BY MR. GALATI:

Q Did you see anything that said the 16,000 acres can receive priority 3 water?

A No. The information that I have doesn't get into the different priorities, priority 1 and priority 3.

Q Okay. I'll ask Dr. Harvey. Are you aware that 12- to 14,000 acres of the acres available for priority 3 water have not been irrigated within the last five years?

A No.

Q Did you conduct an analysis for indirect jobs associated with the permanent employment at the Blythe project II?

A We did not conduct an analysis of secondary or indirect benefits. We assume, based

upon what was presented in the AFC, that yes, some indirect benefits will occur based on construction spending for the 20-month period. And obviously from operation spending.

Q Yeah, and during the life of the project there'll be about 20 to 25 full-time employees?

A I believe what was in the AFC was 20 full-time jobs.

Q Okay. Do you believe there'd be any indirect, long-term jobs associated with those jobs?

A It's a fairly common economic assumption that there will be secondary impacts from employment, spending from operations, employment spending in the area. So, yes, certain jobs from that spending will be created. Did we do an analysis of that? No.

Q Did the 786 acres that is part of the fallowing program, or the permanent retiring program, did I hear you say that there would be 50 to 60 jobs lost per year from that program?

A No. No.

Q Okay. I thought I heard you say that, and I put a note down. So I wasn't sure.

A No, I just said that 6.3, approximately

6.33 full-time equivalent jobs would be lost.

Q Again, we don't want to do socioeconomic-2 and your condition. How many jobs do you think would be associated would be lost if we did not implement socioeconomic-2?

A I have no way of determining that at this time. What I do know is that socioeconomic condition 2 was put in place to insure that impacts to the farm community employment and impacts on the farm sector within this region, in general, and the City of Blythe, in particular, would not be significant.

Q But that was done without taking into account any secondary jobs that are created as a result of the permanent fixture of Blythe II being in the community, correct?

A Well, I based my analysis on what I had from the AFC, and from what I could find that was relevant to the water offset program, absent information -- absent any kind of an economic analysis or socioeconomic impact that was done by the applicant to give an assessment of what the impacts would be of the WCOP.

Q Would you agree that if somebody who is trained in the Community College in one of the

trades to support construction, that that person would take with them a lifelong skill?

A Yes.

Q Would you agree that that training just doesn't provide the construction job, but provides a long-term job?

A Well, if you're referring to construction skills that are learned in the training program, I don't know what other skills you're referring to besides carpentry, electrician or plumbing. I don't know what other skills you're referring to.

Q Just the type that --

HEARING OFFICER SHEAN: I think there was confusion in the question. Because you asked her about obtaining the skills and that job, and you were referring to that BEP job, as opposed to other construction work in the future.

MR. GALATI: Yeah.

BY MR. GALATI:

Q My question goes to once somebody is trained, they can certainly live in the Blythe area and work on other construction jobs, correct?

A That's correct.

Q Okay. So that training that may be

taking place at the Community College as a result of Blythe II, may also have a direct positive benefit on long-term jobs?

A That's correct.

Q Is it possible that that effect, as well as the indirect job effect, is equal to or greater than the loss of farmworker jobs that your --

A Well, as I said, we know that using the number to determine the job loss in the PVID study that was done by M.Cubed, we know what that number is, applied to the WCOP. And it's 6.3 jobs.

Q Yeah, but I'm talking about the jobs if you do not exclude row crops. Those are the only jobs I'm concerned with. I agree with you, we agree 6.33 is not a significant impact. What I heard in your testimony was that you can only say it's not a significant impact if you impose a restriction on the use of the lands. And that if you remove the restriction on the use of lands to allow row crops and other crops, that it would be a significant impact.

But you aren't able to quantify how many jobs would be lost in that case. And my question is, could that be offset, whatever those jobs you think might be lost, could they be offset by the

indirect jobs that you haven't taken into account, and the training program that provides long-term benefit jobs?

A Yes. Hypothetically, theoretically what you're -- not hypothetically, theoretically what you're saying is correct. However, there has been no information provided to staff to determine what kind of short-term or long-term jobs could be created in a training program through the Community College with Blythe II's economic support.

Q Thank you, appreciate it.

MR. GALATI: No further questions.

HEARING OFFICER SHEAN: I have a question. Have you heard some of the testimony with regard to -- I mean obviously you have -- the greater and greater use of water offset programs that continue, whether or not for this project, for the MWD and other either projects or programs to fallow or retire agricultural lands in the PVID?

MS. STENNICK: Am I aware of them?

HEARING OFFICER SHEAN: Yes.

MS. STENNICK: Yes.

HEARING OFFICER SHEAN: And is that

trend increasing, stable or decreasing?

MS. STENNICK: I can't answer that question at this time. I don't know.

HEARING OFFICER SHEAN: Okay. If it --

MS. STENNICK: I don't imagine it would be difficult to find the answer, I just don't know it right now.

HEARING OFFICER SHEAN: Socioeconomics-2, the proposed condition, is fundamentally a job saving condition?

MS. STENNICK: Yes.

HEARING OFFICER SHEAN: Okay. If the trend for the implementation of offset programs in the PVID is increasing, and represents over -- and will represent, over time, the contraction of the farmlabor job market, do you have, other than socioecon-2, type of mitigation in mind that you could use to address that fact, or that potentiality?

MS. STENNICK: Well, if that was a trend, as you say, that's current throughout the PVID service area and beyond, and if it's going into Imperial Valley and San Diego County, then the training program that the applicant is referring to would be of a benefit certainly over

the life of the project, which would be 30 years, would be an economic benefit. And specifically a benefit for displaced farmworkers who sought to be retrained in other areas.

HEARING OFFICER SHEAN: So if that is the mitigation for a longer view, is there any either enhancement or anything else that you would do with that in lieu of socioecon-2 to try to best assure, from the Energy Commission Staff's perspective, that the impacts to farm laborers in terms of their employment can be mitigated by retraining?

MS. STENNICK: Certainly; yes, certainly. Staff could work with the applicant --

HEARING OFFICER SHEAN: Well, here's your shot. Do you have anything in mind?

MS. STENNICK: Well, the program that the applicant has mentioned would have to insure that farmworkers were the target of the employment and the training. If the applicant were to set up any kind of training program through the Community College or other source, it would specifically -- it would have to specifically target the farmworker community.

PRESIDING MEMBER GEESMAN: I've got a

couple questions. Is the Metropolitan Water District program subject to any limitations similar to those that you're recommending?

MS. STENNICK: The PVID program, which is their water offset program, which is overseen by MWD, one of the assumptions that was made in that program were that only lands that use highly mechanized crops would be allowed to participate in the program.

So, the parameters of the program don't necessitate having a condition like that put on this project.

PRESIDING MEMBER GEESMAN: Okay, thank you.

HEARING OFFICER SHEAN: Any redirect? I'm sorry, do you have any cross-examination or you, Mr. Wolfe?

MR. WOLFE: No, thank you.

HEARING OFFICER SHEAN: All right, any redirect?

MS. DeCARLO: Yes, a couple questions.

REDIRECT EXAMINATION

BY MS. DeCARLO:

Q From what you've heard regarding this training program that the applicant has in mind,

is there any evidence to date that it specifically targets farmworkers or it will specifically benefit farmworkers?

A From what little the applicant has stated regarding a potential training program, it's just been talked about as an idea. There have not been any specifics regarding which group in the community would be targeted.

Q So you don't know?

A I don't know, that's correct.

Q Regarding the indirect benefits associated with project construction and operation is there any evidence that those benefits will accrue to farmworkers?

A No, there's no evidence that the direct and indirect benefits from construction spending or operation spending will go to farmworkers.

Q And with regard to staff's proposed condition, if it were eliminated and there were no equivalent condition in place, would you feel comfortable relying solely on the rationale provided by M.Cubed that farmers would most likely avoid row crops in their fallowing program? Would you feel comfortable using that as your sole basis for finding no impacts?

A Well, I would feel comfortable using that, and also the findings of the draft EIR and the final EIR that were done for PVID's program. There is that document and the socioeconomic assessment that was done.

Q But without a condition --

A Without a condition. I would be comfortable in relying on the results from the M.Cubed study which showed that to avoid significant impacts.

Q But you testified earlier that without such a condition there could be no guarantee with regard to how many jobs are ultimately lost.

A Maybe I jumped the gun, because I got a little confused. What was your question?

Q And perhaps I added to that by the phrasing of my question. Do you feel that you need, a condition should be in place in order for a conclusion to be made that impacts to farmworkers are less than significant with the proposed WCOP?

A Yes, I feel that the condition socio-2 addresses that. And I feel that without a condition there would be nothing that would lessen any significant impacts to job loss.

Q Thank you.

MS. DeCARLO: That's all.

HEARING OFFICER SHEAN: Any recross?

MR. GALATI: No.

HEARING OFFICER SHEAN: Okay. Thank you, Ms. Stennick, for your testimony. You're excused.

MR. GALATI: Will you allow public comment on this topic, or are you allowing public comment at the end?

HEARING OFFICER SHEAN: Yes, and why don't we get -- if that's what you're going to do, and that may lay a foundation or be of some assistance with regard to the matters we're going to consider from Ms. Garnica.

Just so you know, we're going to set you up to go, let's say at about 3:00 or a little bit before. Is that all right with the people that you have that you want to assist you? 3:00?

MS. GARNICA: What was that you're speaking? Sorry.

HEARING OFFICER SHEAN: Would you be ready to go at about 3:00?

MS. GARNICA: Yeah, sure.

HEARING OFFICER SHEAN: Okay. Well,

then why don't we do this public comment, because this gentleman has appeared before us before from the Junior College.

MR. GALATI: Right.

HEARING OFFICER SHEAN: We're not going to swear you in because since you're not a called witness, but everyone who is here gets a chance to speak.

MR. HANSON: Okay. Let me, first of all, --

HEARING OFFICER SHEAN: Until I can help them and --

MR. HANSON: I'll look for --

(Laughter.)

MR. HANSON: I'm Quenton E. Hanson; I work at the Palo Verde College, Small Business Economic Development Center. I've been a resident of this town for ten years now, working all that time for the College. The first three years as a faculty member. I'm a CPA of the County and Business Management Instructor. And for the last six and a half years as the Executive Director of the Small Business Economic Development Center.

Basically my duties involve certainly the economic -- any way I can, not just here in

Blythe, but our different colleges; it also goes up to the Needles-Nevada border up there. So it's all along the Colorado River down to the Imperial County line is basically our college district.

In addition, for Blythe Energy Project I, I ran two job faires, had over 272 individuals come out to those job faires. Those job faires involved all the trade unions on the job site that they're taking applications, interviewing and so forth.

The Blythe Energy Plant II was basically a union-only job, and therefore most of the unions tend to be a somewhat closed family as far as new apprentices and so forth. However, for the Blythe job they did, in fact, look at an application and so forth. So I handled that end of it.

My testimony basically is basically this. On a personal note, last night was a rather sad evening in my home, because when I called my mom, she's 84 years old, her pet bird had died. And a lot of -- realize it was just a bird from my viewpoint, but it's someone she talks to every day and so forth. She's almost blind, hard of hearing. She said when she gets up in the middle of the night she would talk to the bird; the bird

would answer her and so forth.

I remember my mom, my first memories as a young child, four or five years old, we were living in the midwest at the time. And one -- it's not the log cabin story, but we did have outside toilets. We did, in fact, have no electricity and so forth. And one day we got electricity, and that evening mom standing in the kitchen turning the light on and off, on and off, on and off. That was one of her happiest memories. She finally had electricity.

I was only four or five years old at the time, really didn't think it was any big deal. But, you know, realizing that she no longer had to worry about the kerosene lamps and so forth, electricity was really fantastic.

Blythe, very frankly, is a small, isolated desert town, very similar to the small towns I grew up on in the midwest. The midwest, my dad worked for Northern Pacific Railroad, and we moved from small town to small town, and therefore you usually didn't have the luxuries and so forth that larger communities had.

We were basically, Blythe's 125 miles from nowhere. We have some of the common problems

in American very frankly. We have a drug trade problem in the City. And there's always pictures on the front page as far as people being arrested for drugs and so forth.

About two weeks ago, right in front of my church, when we were having vacation Bible school, about ready to lead 80 children out, there was a shooting and an individual was killed, and so forth.

So we have that problem, too. And very frankly, for the most part, the people in the City of Blythe are God-fearing, hard-working individuals. And especially when you go past the fields here you see the farm hand out in the fields. They are hard working. I thank the good Lord every day that I was the first and only one in my family to get a college degree, and I'm not out in the fields. Sitting in an office and probably gaining too much weight.

Economically here in Blythe life has always been a struggle for residents and also for businesses here in town. The impact the water transfer is going to have in the area is going to be significant. At least 29 percent of our land is going to be fallowed. That means there's not

going to be any farm production on that, or crops raised on that land.

It's going to be economically painful. The worst fears of the city fathers were realized several months ago when MWD was notified -- when MWD notified formally PVID that they wanted the full maximum allocation starting immediately when the program began. There's no gradual phase-in. They're going to take the maximum amount of water possible. So there's going to be maximum impact when the program hits us in the Valley here within the next seven to eight months.

Also that when it come to agricultural activity within the Valley, very frankly it's been decreasing. It's been a diminishing part of our economy. From 1988 we had $250 million with crop sales. That's not counting the multiplier effect as far as jobs, sales, seeds, fertilizer and so forth. But basically referring to $250 million sales.

It's now down to about $100 million annually. And when the fallowing program kicks in there is going to be another significant drop. It will not be a 29 percent drop, meaning that we're not going to have 29 percent of our land fallowed.

We're not going to lose 29 percent of our, you know, the $100 million. But there is going to be probably about a $15- to $17-million decrease in direct crop sales. And there's a multiplier effect as far as not selling any seeds, not selling the fertilizers, not having the farm labor there and so forth.

PRESIDING MEMBER GEESMAN: Is that reduction from 250 down to 100 million in constant dollars or nominal dollars?

MR. HANSON: That's basically in constant dollars. That's just the sales dollars. 1988 was 1988 dollars. The $100 million is today's dollars.

PRESIDING MEMBER GEESMAN: Okay.

MR. HANSON: Realize the farmers, very frankly the farmer's at the bottom of the totem pole when it comes to selling product and so forth. The intermediary processors, very frankly, make a lot more profits, I think, off the crops that are raised than the farmers do.

What I'm trying to get at here is we need the Blythe Energy Project II as far as the economy of the local area. Blythe is a long way from Sacramento. Sacramento and other big cities,

you're very diversified; you have different avenues and opportunities and so forth. And you can roll with a lot of different punches and so forth. And there's jobs down the street and so forth.

Blythe is not that way. We definitely feel the effect when Sacramento makes decisions and so forth. We are grateful to have two state prisons outside of town, a decision by Sacramento about 15, 16 years ago, to locate them here.

On the other hand, nothing is always 100 percent positive. We're somewhat disconcerted by the fact that our school teachers are applying for jobs out in the prison. Why? Because COs get paid about twice as much as what our school teachers do. In fact, with overtime, COs get paid more than our highest paid professor at the College. So there's some type of warped values there, but it's something we can't do. That's policy set by, you know, the state and so forth.

Just ten days before the start of the multi-million dollar rehabilitation and beautification project at Hobson Way, which I'm sure you've had the occasion to drive on here, the City was told they lost $1.2 million in funding.

Why? Because our state is broke, and Sacramento was keeping those funds in Sacramento.

Well, our City is very nimble on their feet and arranged, I believe, a loan in order to cover that shortfall. And we did go ahead with the beautification project.

But what happens in Sacramento, they make decisions, but we've got to implement them here. Here is where the rubber hits the road in the small towns and cities and so forth. And very definitely has a direct impact upon us.

During the past two days, very frankly, I've been observing the drama being played out in these hearings. From my vantage point, as a simple citizen and taxpayer, it's a fantastic drama.

We have the entrepreneurialship and capitalism located on one side of the room, and then we've got bureaucracy located on the other. And realize to my right is earnest, I guess it's to my left -- never was good with my right and left -- to my left we have earnest, young lawyers and experts and so forth, trying to make sure that we adhere to regulations and so forth of the California Energy Commission.

They're examining all the nuances of the project. To my left we have elderly and seasoned lawyers and their experts to defend the business plan they've submitted for approval.

(Laughter.)

MR. HANSON: Young ladies always get a little deference.

MR. GALATI: Thanks, Quenton.

MR. HANSON: The California Energy Commission Staff, it's great theater over their concerns, for example conserving the 3300 gallons of water not for use in our Valley. And the struggling residents.

But for MWD and the residents of southern California, they're taking 100,000 acrefeet out of here. And they're going to be using it for their industrial development, I'm sure. And so there's some question, you know, you quote the Colorado Water Board, which essentially in one of your paragraphs you quoted, is that they're not really that concerned with economic development here in Palo Verde Valley.

Well, I'm sorry, the residents here, we are very concerned with economic development here in the Palo Verde Valley. This is our jobs, this

is our homes and so forth.

Thus, when we hear that you're trying to save water for Metropolitan Water in L.A., and not allow us to develop an economic project here, we take that with some suspect. And wish there was more of a can-do attitude rather than a can't-do that we often hear.

I see the entrepreneur capitalist explain in great detail the niche market that they're trying to address as far as this power plant. I mean, we see that during a certain time of the day 370 percent of whatever the spot price or market price is there, and they'll be operating at certain hours and what-have-you, guess what, folks, our small businesses in town know what niche markets are. Most of our small businesses in town have to depend on hopefully snagging an occasional vehicle passing through on the freeway.

That's why we're very excited about possibly having a WalMart coming to town in the future; possible a casino and so forth. Because short of throwing spikes out on the freeway out there, it's very hard to get people to stop and spend their dollars here, except for fast food restaurants and maybe a hotel stay occasionally.

HEARING OFFICER SHEAN: Can I interrupt you and ask you, since we sort of promised her her opportunity to come on at 3:00, do you have some information that you can help us with this training program, and its impact. Whether or not it targets or at least embraces farm labor?

MR. HANSON: Yes. During the studies we did, and I did what we call monthly surveys of all the trade unions, as well as management and non-management, and (inaudible) of management, here's what we discovered.

First of all, during the construction period there was $2 million a month spent in hotels, fast food restaurants, gas stations and so forth, as far as increased economic development here.

There's a substantial increase in revenue from the hardware, construction supply firms, as well as our concrete suppliers here in town.

The sales tax revenue, there's a provision there as far as the City of many purchases possible be made locally of the construction equipment and so forth, so that the City, in fact, benefits from the sales tax

revenue.

In addition, of the 385 workers, when it reached its peak out at the job site, 80 of those 385 workers were, in fact, local people here within the Blythe area.

Now, what we did as far as job faires and so forth at the College, we have several programs that address directly. The most important program for the construction trades out there was the welding program, okay. When it came to laborers and so forth, invariably welding was needed for boilermakers, laborers and so forth.

The trade unions did, in fact, take applications. And in fact, the IBEW, the electrical workers, came out and used our college facilities to train their apprentices two evenings a week. Normally our apprentices would have had to travel to, I believe, Colton, where they had their apprentice program.

The IBEW agreed to send their faculty and trainers out from Las Vegas here, two nights a week, use our classrooms and so forth at the college to, in fact, train the apprentices here. It gave our workers the opportunity to, in fact, you know, get into the trade unions and so forth.

Now, the one problem I have here is I've not seen socioeconomic condition-2; it seems to be aimed just at farmworkers and so forth. That is very difficult for the college, because under the California Education Code, which is a monstrosity in itself, it's the most complicated education code there is in the United States, we have to have open enrollment in our courses. We cannot simply structure courses for farmworkers and what-have-you.

We have a welding class, and anyone that wants to sign up for that welding class at the time it's being offered, they're eligible to attend unless the class if full because of enrollment.

Same with automotive class; same with our building trades. The building trades, as far as concrete work, framing and so forth.

In addition we discovered many of the unions, except for two of them, actually required a high school degree or GED. So our GED, the number of individuals that sign up to take the GED rose significantly.

So there was significant, like I say, I did surveys each month to see just what the

numbers were. We reached a high point about 24 percent on the site, in fact, from local residents. I realize it was higher toward the front end of the project when we had like laborers, concrete workers and so forth. It very frankly dropped off when we got to the IBEW, the boilermakers, because they're highly specialized, highly trained and so forth.

Operationally, as far as when the plant was finished, I believe the current plant had about 21 highly skilled technicians. Realize we did not have those trained technicians located locally here in Blythe and so forth. So most of those 21 were, in fact, hired from outside of the local area.

Initially, the percentage of them lived outside of town. I can tell as a personal fact, however, that the current manager of the plant has just sold his home in Lake Havasu and he is, in fact, moving here to Blythe.

And it's the same with the prisons. Initially when the prisons came to town about 17 years ago, the percentage of the COs lived in Coachella Valley and Palm Desert and so forth. Now they've finally reached the point where over

50 percent of the COs in fact are living locally here and so forth. So, it's a very good sign that, you know, the workers out at the plant are, in fact, moving to town and so forth.

In addition, human resource, landscaping, administrative personnel were hired locally. In fact, a couple of our college graduates were, in fact, hired at the power plant and so forth.

Periodic maintenance teams come to the area as far as serving the turbine and so forth. They also do what, increases the money given to our hotels, restaurants, gas stations and so forth.

Also the plant management and so forth, very involved in the local area, as far as we've got about $25,000 annually donated to local community charities and so forth. In addition, they have Rotary memberships, employees and managers are now members of our Rotary Club. They have served on the Chamber of Commerce, Board of Directors. They're also serving in the Palo Verde College Foundation Board. So they've been very active here and not just, you know, operating a power plant, but active in the community and so

forth.

In the long term, as far as sales tax, very frankly the power plant is one of the biggest property tax generators that the City of Blythe has. And realize the local City only gets technically about 25 percent of that. But I understand, Butch Hull can address this more thoroughly, they formed a redevelopment district so a good share of that property tax is staying within the area around the Airport, Mesa Verde and so forth, as far as future water systems, roads, and so forth. These are all positive impacts.

A couple papers I brought here -- first of all, our paper's only twice a week, Monday and -- excuse me, Wednesdays and Fridays. And you made banner headlines here as far as the Energy Commission Staff back, I think that'll be May, when the staff made an announcement that they were going to rule against the power plant and so forth. We don't see that in any banner headlines there. Good news gets the headlines, of course. But very frankly, we need a can-do attitude for this project.

It is important to us. Blythe Energy Plant II is critically important economically as

far as agriculture is diminishing; it's important to the Valley. In all likelihood, especially with the fallowing program, going to continue diminishing in importance within the Valley. We need to diversify. And that means there's going to be WalMart, a casino or power plant. And of those three, I'd ask you, what do you think has the highest salaries, the casino, WalMart or the power plant technicians. It's a no-brainer; technicians at the power plant are going to make a heck of a lot more.

And when we talk about replacement jobs, we talk about 6.3 jobs perhaps being lost in the farm sector. This is regrettable. I want to point out the farm laborers tend to earn between $8.25 and $9.25 an hour. I'll submit to you that the technicians at the power plant probably have a higher wage level than $8.25 or $9.25 an hour. Plus they have full benefits and so forth.

So as far as the community is concerned, it's very definitely it's a positive/positive all the way around.

That's about all I have to say concerning the project. We definitely need the Blythe Energy Project II here.

The fallowing program is sort of front-loaded in that the farmers, when they signed up, they got paid $6,170 per acre for the acre they committed. Upfront, that they could take over a two-, three- or four-year period. Most of them selected the two-year program. They're farmers; they know cash on the table.

So the first two years now, 2005, 2006, very frankly the impact of the fallowing program won't be that greatly felt, because we got this upfront money that the farmers are using to pay off the equipment dealer, the deal that they have with the seed producers and so forth.

However, starting in the year 2007, about the third year of the program, we are going to feel the negative impact of the fallowing program. And therefore, the timing of Blythe Energy Plant II is almost perfect as far as construction, you know, gearing up at that point in time and so forth.

And so, I speak very favorably, in favor of the program. Are there negatives? Yeah. One little incident one of the hotel owners told me, he had to break up a fist fight in one of his hotel rooms. Of course, fist fights between males

are usually alcohol or women. Well, this was a woman. Why? Because the young lady chose to date one of the construction workers out at the plant rather than one of our local boys here. Why? Because she was very clear about the fact, the construction worker was making real good money and probably had a real good future, okay.

We need the opportunity of the power plant here of having our local individuals have that future. I want my mom, and I never want us to fail to be able to go to that light switch.

UNIDENTIFIED SPEAKER: Shut them all down -- one in the back or one of the other ones.

MR. HANSON: Okay. There was one other paper there, you got two there, I guess that one there, another headline that we had here. This was in April 20th. Being in the Town of Blythe you never want to forget to mention the Mayor. Okay. Mayor Crane made the announcement, once again front page news, "Mayor warns of blackouts." Okay.

We may have a power plant located only seven miles out of town, but we're still subject to blackouts here. And I don't want to have to be like my mom, go and wonder if there's going to be

electricity at that switch when I turn it on.

Thank you very much.

HEARING OFFICER SHEAN: Thank you. All right.

MS. DeCARLO: Mr. Shean, I apologize. With regard to socioeconomics, I forgot to identify the one document we had listed as an exhibit and moved in. I don't know at what point you want to handle that.

HEARING OFFICER SHEAN: Let's go back and take a look here. This may be one that's already identified in her testimony.

MS. DeCARLO: She did reference it both in her written testimony and in her testimony here today, the M.Cubed study. And we did identify it in our exhibit list.

MR. GALATI: Which document was it?

HEARING OFFICER SHEAN: Yes.

MS. DeCARLO: It's the M.Cubed study.

HEARING OFFICER SHEAN: September 2002 revised October 2002?

MS. DeCARLO: Yes.

MR. GALATI: We have no objection.

MS. DeCARLO: And I'm not sure, did we move in the socioeconomics portion of staff's

final staff assessment? I can't remember.

MR. GALATI: No objection, and --

HEARING OFFICER SHEAN: Absent objection it --

MR. GALATI: -- I didn't move mine in, either.

HEARING OFFICER SHEAN: It's in. Okay.

MS. DeCARLO: Okay.

HEARING OFFICER SHEAN: Now, it's 3:00. Ms. Garnica, we have saved this time for you so we are assured that you will have an opportunity to present to us. We will have a public comment period immediately following this before we close for the day. So, if you'd like to come forward here, you can either operate from the podium or from one of these chairs here.

MS. GARNICA: I really don't have a lot of prepared statements because we live the situation here, so it's like repeating the same stuff over and over.

But, anyway --

HEARING OFFICER SHEAN: Let's make sure you're sworn in, so that if you're going to be stating any facts, you're at least doing this under oath.

MS. GARNICA: Okay.

Whereupon,

CARMELLA GARNICA

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT TESTIMONY

MS. GARNICA: In the beginning of when we first heard of the power plants coming into our community, Mr. Looper was handed a petition of about 1000 signatures. And they were signatures of community citizens who did not disapprove of a power plant, but who instead advised to move the power plant 20 miles out along the side of the two state prisons, Chuckawalla Valley State Prison and Ironwood State Prison, so that they would -- put themselves there so that they could even use the water for the aquifer. And now they could have even used it to recycle the water that the two state prisons use.

But Mr. Looper, as he said, he bought and paid for land for SunWorld. They created a problem by displacing these workers. Every worker displaced has a hardship of families because of the purchase of that land. And whatever other

land they intend to purchase, regardless if it is a direct purchase or an indirect purchase, still they are making an economic impact. And families who have no other skills are struggling to make ends meet.

Any person that builds within the City of Blythe is a property tax owner and payer. I pay property tax. And I do not consider myself as contributing to the community.

Perhaps through the stats there are facts that money is brought into the town. And there is. Anything that comes into the City, I have not heard anyone saying that they do not want any type of economic enhancement in our City of Blythe.

We have always pushed for a City development. We have built -- in the town we have built childcare daycares to enhance the community; to provide the service to the needs of low income families.

The hotel association have remodeled, there is a constant remodeling of -- there is nobody rebutting or refuting the fact that economics is needed in this community. That money is needed in this community to keep it better.

Because we are geographically isolated. And because we are geographically isolated should not in no time ever indicate that we do not achieve or can attain the services and the economic status that any other town gets.

Just by having the hearings here in Blythe although farmworkers cannot attend here because it is not to anybody else's benefit, it is to everybody else's benefit except for the farmworkers to attend here at these hearings. They are made only from a regular person's paying job. Everybody here is paid to be here. Everybody submits mileage; everybody's going to submit their meals. And yet the farmworker can't come here and be here and say their story.

And that is unfortunate because we are geographically isolated. That this type of stuff has to happen.

Although we had part of the hearings that ended at 10:00 last night, but that was not the part to where we could have had the socioeconomic impact parties be here.

We have never said that -- I had never indicated at all ever that we didn't want the power plant. And we did indicate, however, that

we did not want -- as a matter of fact there was a statement made, it's on record, to where one of the experts had testified and indicated that if we put our mouth onto that stack we would still live, that we would never be impacted.

Well, as time has gone by there has been people who work around gas that said that if we -- that we even get impacted by smelling the gas from when we cook, in comparison to the amount of gas that comes out of the stacks.

I'm just a community citizen. And whatever information that I get it's because I've done a lot of homework, because there's been a lot of people who have contributed to the aid and the assistance of me attaining information. I don't have the funds for attorneys; I don't have the funds for experts.

But, yet, this is our community. And sometimes we know that, like it was in power plant I, we testified, we gave it everything we had. We submitted tons of documentation. And we know that it's just a matter of procedure to have the community talk, come up to the podium and give their say. We know it's not really taken into account because we don't have the experts to prove

that.

So I will say that to an extent, because of the way that the system is set up, it impacts the way the people of the community can present themselves. Because they cannot be here at times that are beneficial to the way the system is set up, and to the applicants.

And through this experience of power plant I, we have also learned that a lot of these power plants are set up where there is communities of people of color, the majority of the plants. And those are studies that have been done. So that only leads us to believe that there is no justice for the people who are low income. And there is discrimination because we are low income and we cannot afford to hire and to have experts.

And yet, and yet we will use vocabulary that will deviate from the fact of being able to present what's truth. And through that vocabulary that is not a layman terms sets a barrier. And which sets it between those of us who do not have the study and the expertise within the area to further away put ourselves from a system that is supposedly set up to give us the opportunity to participate in a fair and just system in the State

of California.

I don't know if this is the time, also, that I can present what I have, or --

HEARING OFFICER SHEAN: Yes, it is. So if you have --

MS. GARNICA: Okay.

HEARING OFFICER SHEAN: -- papers, I know you brought one yesterday. You said you had one about an hour ago.

MS. GARNICA: Yes, I do.

HEARING OFFICER SHEAN: If you have people in the audience you would like to come up and talk, --

MS. GARNICA: Yes, I do.

HEARING OFFICER SHEAN: All those things are --

MS. GARNICA: Are now.

HEARING OFFICER SHEAN: -- are now.

MS. GARNICA: Okay. I have a declaration here from Mr. Bill Powers, and it's his testimony. And included in here he has his r,sum,.

I brought two because I didn't know if they -- Lisa, you give them, or --

HEARING OFFICER SHEAN: Well, how about

one to them and one to us?

MS. GARNICA: Yes, that one's yours, yeah.

The testimony I presented yesterday was by Mike Boyd. And today is by Mr. Bill Powers. I'd like this to be accepted into the record as testimony on their part.

MR. GALATI: At this time I'd have to object to that. I don't mind it going into the record as public comment, but I have no ability to cross-examine or prepare my witnesses ahead of time.

I would like to state --

MS. GARNICA: Okay, well, in that case --

HEARING OFFICER SHEAN: No, just a --

MR. GALATI: I would like to state the objection is that the process is set up to have prefiled testimony so that I could prepare. In the case of Mr. Wolfe, he didn't have prefiled testimony. We extended the time to Mr. Sheble to file his testimony just a week before hearings. And so we accommodated that.

I understand that this process can be somewhat frustrating. Ms. Garnica has been

involved in Blythe I, and has been in contact with the Public Adviser's Office. And Mr. Powers and Mr. Boyd very specifically know the Energy Commission rules, as they have testified in numerous cases before this Commission.

And I believe that we are significantly disadvantaged if this is allowed as testimony.

HEARING OFFICER SHEAN: Okay. Do you have any other papers, just so we can -- let's get everything sort of out on the table, if you will.

MS. GARNICA: You mean besides the people that I have here?

HEARING OFFICER SHEAN: Well, you have Mr. Boyd, and then you have Mr. Powers. Do you have something else you want us to have?

MS. GARNICA: No, I do not.

HEARING OFFICER SHEAN: Okay.

MS. GARNICA: So, because -- it won't be accepted as their testimony, won't be able to -- then I'll read it. I would like to read it, then?

HEARING OFFICER SHEAN: Well, --

MS. GARNICA: First, would you like for me to read Mr. Boyd's r,sum,, and --

HEARING OFFICER SHEAN: Ms. Garnica, let me, since I'm a lawyer and I can tell you this.

Each of these documents, notwithstanding everything that Mr. Galati has to say, each of these documents relate to testimony that's already been given.

Now, I had, in just this brief couple of minutes here, an opportunity to review Mr. Powers' testimony in which he states that he thinks the dry cooling, which has been offered by the staff, is a superior alternative. And in this he also talks about the use of the zero liquid discharge system. And that the evaporation ponds which were initially proposed to receive the liquid waste from the project, as we now know there is going to be a zero liquid discharge system implemented at the project. That the evaporation or retention ponds will only be used for emergencies or for maintenance, okay.

So, given that, these can come into our record and they will be allowed to supplement, as hearsay comments, the staff's position so that, for example, as the Committee or the Commission is discussing and writing in a proposed decision what is your position as an intervenor, we get to say that you used information from Mr. Powers to supplement what had been presented in the

testimony of staff.

So that's a significant thing for you to have. And the same thing happens here with respect to Mr. Boyd's document. And he discusses transmission issues that largely align with the position taken by the Commission Staff.

So, we're going to let them come into our administrative record. Since these gentlemen are not here in person to testify and be cross-examined, and I notice that -- I mean you've been here and you've seen how that process works -- we can't elevate it to the highest level, but we can put it into our record in a position that is allowed to do just exactly what I described.

And we don't need you to read it because this will go back to Sacramento; it will be reproduced; a couple of copies will be put in our docket unit, which you're familiar with. And the rest will be distributed among the Commission Committee Members, the attorneys, myself and the Commission Staff.

So, that's what's going to happen. And I think that fulfills essentially what it is that you want to have happen, and preserves the legal integrity of our process, which means that if

somebody wants to express an opinion, as a professional, that opinion needs to be, in our process, capable of being challenged by cross-examination.

So, that's where we are with these.

MS. GARNICA: Okay, because my intentions of handing in documentation is so that any decision that's going to come from the Energy Commission, the documentation I hand in, I want it to be considered, and to take into account. Not just because I'm an intervenor, and then just put aside and docketed.

I've submitted other information that has just been docketed.

PRESIDING MEMBER GEESMAN: What Mr. Shean said was that we will consider it and take it into account. He explained that because those two gentlemen aren't here so that Mr. Galati and Ms. DeCarlo can cross-examine them, it can't be admitted as what's characterized as evidence. We will take it into the record as public comment.

HEARING OFFICER SHEAN: And we will consider it.

MS. GARNICA: Okay, because --

HEARING OFFICER SHEAN: But that doesn't

mean you win, okay?

MS. GARNICA: No, I know.

HEARING OFFICER SHEAN: Any more than it means the staff wins or the applicant wins.

MS. GARNICA: No, I know.

PRESIDING MEMBER GEESMAN: It's in our record. We're going to consider it.

MS. GARNICA: But you made a statement yesterday that an intervenor carries more weight than a public comment.

PRESIDING MEMBER GEESMAN: That's correct.

MS. GARNICA: So I want to know if I can read this so this can carry the weight.

PRESIDING MEMBER GEESMAN: You can't be cross-examined on it. It's not your statement.

MS. GARNICA: No, I can't.

PRESIDING MEMBER GEESMAN: If Mr. Powers were here, and could be cross-examined, it could come in as evidence. If Mr. Boyd were here and could be cross-examined, it could come in as evidence. Both of those gentlemen have been in a lot of cases in front of this Commission.

MS. GARNICA: Yes.

PRESIDING MEMBER GEESMAN: They fully

understand those rules. They have chosen not to be here today. They can't be cross-examined. We'll take their statement into our record; we will consider it. But it can't be considered as evidence.

HEARING OFFICER SHEAN: And if you want to know further what that means, technically it is this. If the staff had not testified anything about dry cooling, then we would not be in a position potentially to say dry cooling is preferable.

If your witness were here, let's leave it at this. Staff still hasn't testified to this, but you and your witness are the lone hold-out on dry cooling. And you had Mr. Powers here, and he was sworn in, testified as to what he testified to, and was cross-examined, then and only then we could make -- let me say, that kind of evidence would support a determination, hypothetically, that dry cooling would be used.

Now, so that -- we cannot put your document up to that level if, standing alone, with no other evidence, it would be capable of supporting a finding.

What you do have, however, is that the

staff has already put that level of evidence in. So your comment here rests here as support. Okay? And that's as good as we can do it without them being present.

MS. GARNICA: If I had the money I would have been able to bring them down, but I didn't.

HEARING OFFICER SHEAN: Well, and you --

MS. GARNICA: I didn't have the money to bring them down, so I couldn't. I had to -- this is what I asked for.

HEARING OFFICER SHEAN: And you should understand, you haven't lost anything significant. You may have spent a lot of money just to gain the difference of going from here to here.

(Pause.)

HEARING OFFICER SHEAN: Let's take a ten-minute break. That way you can sort of reassemble what you want, because I think you think you've come out on the short end of this. And maybe with a little break you'll see that you really haven't.

(Brief recess.)

HEARING OFFICER SHEAN: All right, we had a break in the middle of Ms. Garnica's testimony. And we'll come back to you now.

MS. GARNICA: I'd like to have Mr. Juan Peserra come up to the microphone, please. And I'm going to ask Mr. Juan Peserra -- he handed in a declaration, and it's already docketed.

HEARING OFFICER SHEAN: Oh, one of the prior ones?

MS. GARNICA: Yes.

HEARING OFFICER SHEAN: Okay.

MS. GARNICA: And I have some questions for him.

Will you please state your name first.

MR. PESERRA: Juan Peserra.

HEARING OFFICER SHEAN: He's going to testify?

MS. GARNICA: Yes.

HEARING OFFICER SHEAN: Let's do this.

Whereupon,

JUAN PESERRA

was called as a witness herein, and after first having been duly sworn, through an Interpreter, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. GARNICA:

Q Where do you live?

A Mesa Verde.

Q How long have you lived there?
A Viente y cinco.
Q Where did you work?
HEARING OFFICER SHEAN: You need to --
THE INTERPRETER: Yes.
HEARING OFFICER SHEAN: -- blurt out whatever he says.
MS. GARNICA: I'm sorry.
THE INTERPRETER: He's lived there 25 years.
HEARING OFFICER SHEAN: And --
THE INTERPRETER: He works with Coachella Growers.
HEARING OFFICER SHEAN: Young lady, this is the one that broadcasts to the building, the bigger one, up on top.
UNIDENTIFIED SPEAKER: Just speak out loud in front of both of them, it'll be fine.
THE INTERPRETER: Okay.
BY MS. GARNICA:
Q How long have you been a foreman for the Coachella Growers?
A (Through Interpreter) Since 1982.
Q Who owned the land where you worked at for Coachella Growers?

A He doesn't know.

Q Do you know where SunWorld -- do you know about SunWorld?

A From his knowledge the offices are in Bakersfield, that's where he receives his check.

Q When was the peak of the workers and when did it decline?

A When I started working there job was abundant. It started to decrease in the 1975 -- 1995, excuse me.

HEARING OFFICER SHEAN: As loudly as you can.

BY MS. GARNICA:

Q How many workers did you oversee when you were the foreman?

A About 500 men.

Q How many workers is there now?

A Sixty.

Q Do you know of farmworkers who have hardships because of the demolition of the orchards purchased?

A I believe so; I'm not sure of how many.

Q Do you know of any farmworker that travels to Coachella, to the Coachella Valley to work every day and comes back home every day?

A The only one is a supervisor, but it's a different type of job in Coachella.

Q Do you know of other farmworkers, of the 500 farmworkers -- let me rephrase that.

How many hours do the farmworkers work now that are in your -- the ones you supervise?

A The hours of work are 40, but the work labor has cut drastically; we're working two and a half months.

Q And has this cut been since the purchase and demolition of the orchards?

A Yes, correct.

MR. GALATI: Ms. Garnica, could I just get you to clarify when you say the demolition and purchase of the orchards what you're referring to?

MS. GARNICA: The orchards that were demolished.

MR. GALATI: But when you say purchased, are you implying that Blythe Energy or Caithness Blythe II has purchased some orchards?

MS. GARNICA: Yes.

MR. GALATI: Are you aware that -- did you hear Mr. Looper testify that Blythe Energy and Caithness Blythe II did not purchase any orchards? So I'm not sure which ones you're talking about.

MS. GARNICA: Well, I kind of don't either because everybody buys everybody back and forth. And from the plant I was going on, first it was Caithness that owned it. And then it was longer, and then it was bought by some other company. And then they bought themselves back. So, you know, I don't understand that part, either.

MR. GALATI: Yeah, I'm not --

MS. GARNICA: I just know that Mr. Looper was in both projects. So, anytime I want to direct myself I'm just looking at Mr. Looper and you, because you guys have been in the beginning of the get-go. So you were in power plant I, and you're now in power plant II. So, I think --

MR. GALATI: Can you show me --

MS. GARNICA: -- for the record from now on I could just say, when Mr. Looper purchased, and see, this is the one that says that he did -- I mean how else am I going to state this?

MR. GALATI: No, actually, I'm sorry. I want to clarify my question. Can you show me on the map which orchards you're talking about that were --

MS. GARNICA: That was --

MR. GALATI: -- purchased by anybody that Mr. Looper or I have ever represented?

MS. GARNICA: The ones across the street from the power plant. The ones that SunWorld owns.

MR. GALATI: Okay. We have a map over here. Do you know which ones? Because I'm not sure what you're referring to, and I just want to clarify the record so I can understand what it is later when we read it.

MS. GARNICA: The ones in the corner of Hobson Lane and what's that, Buck? Bucke or Buck Road, or whatever.

MR. HULL: Ma'am, power plant number I, power plant number II. This area is the area in question, I believe, which is exactly that area on the other map that's in dark green.

MR. GALATI: Are those what you were talking about?

MR. HULL: That map you're talking about, that map is ten years old. This map is one year old.

BY MS. GARNICA:

Q Mr. Peserra, the orchards that were

demolished, are they across the street from the power plant?

A Correcto.

MS. GARNICA: That's what those orchards I'm talking about.

MR. GALATI: Can I just clarify the record with Mr. Looper. I thought the record was clear --

HEARING OFFICER SHEAN: It is clear.

MR. GALATI: Okay.

HEARING OFFICER SHEAN: He stated earlier in his testimony that the applicant had not purchased any property other than the site for the facility.

MR. GALATI: Okay.

BY MS. GARNICA:

Q Mr. Peserra, do you know of where else these 500 farmworkers, where they're working at now? Or are any of them that you know of not working?

A Some of them back home and others have moved away from Blythe.

MS. GARNICA: I don't have any more questions.

HEARING OFFICER SHEAN: Mr. Galati, do

you?

MR. GALATI: No.

HEARING OFFICER SHEAN: I actually do. Senor, I am looking at the English translation of your testimony. In number 6 you say, "to date we have had no training on any other vocational skill." Is that what you think the farmworkers who have been displaced need?

MR. PESERRA: Yes, that's what I think they need.

HEARING OFFICER SHEAN: Is there any training available in the Valley or nearby?

MR. PESERRA: From what I know, no.

HEARING OFFICER SHEAN: That he knows of, no?

THE INTERPRETER: No.

HEARING OFFICER SHEAN: All right. I think I agree. Retraining is what is needed.

Do you have anything, Ms. DeCarlo?

MS. DeCARLO: No, I have nothing.

HEARING OFFICER SHEAN: All right. Mr. Peserra, muchas gracias.

Ms. Garnica.

DIRECT TESTIMONY - resumed

MS. GARNICA: There used to be a

training program in Blythe a long time ago where -- not too long ago, when the first power plant was coming up. And it was a training program. And it was geared specifically for farmworkers. And they trained diesel people that can -- I'm sorry, not diesel, semis, learned to drive trucks. And that was a skill.

But, you know, all that takes funding. And all that takes money. So that program left from Blythe, and there's where those two ladies that were trained here, that are now employed by the City, there's where they received their training.

A training program is needed that's specifically geared for the farmworker. It's unfortunate that out of these 500 families of farmworkers that they had to leave the area of Blythe. And here we are talking about seeing how we can bring more, you know, productivity to our community, and here there's families that were displaced and had to leave town.

But since they were poor families I guess they never made an economic impact. Five hundred families, to me, seems -- or people, seems to me like that's a lot of people.

And the training, it's too bad that we couldn't have talked, talked about how in the planning stages how we could have avoided having all these families leave Blythe, to where we could have had a training for them so that they could -- there was no need for them to leave.

So, you know, it does make an economic impact. The power plants have made an economic, they've made a negative impact. They've made a negative impact on the low income people and on the farmworkers.

On that subject, I think I've communicated my --

HEARING OFFICER SHEAN: Okay. Did you have any questions of her?

MR. GALATI: No, I don't.

HEARING OFFICER SHEAN: Okay.

MS. GARNICA: I have -- now when we go into the cultural I have for the cultural resources.

HEARING OFFICER SHEAN: Okay, why don't you just --

MS. GARNICA: I can go on that?

HEARING OFFICER SHEAN: -- lead right on into that.

MS. GARNICA: Then I'd like to call, the cultural resources, I'd like to call Mr. Loivas.

HEARING OFFICER SHEAN: Yes, sir. Let's do this.

Whereupon,

GILBERT LOIVAS

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT TESTIMONY

MR. LOIVAS: My name is Gilbert Loivas. I'm a member of the Colorado River Indian Tribes at Parker. I'm a taxpayer here in Blythe; have a little piece of land over here across the street.

And last, two meetings ago -- I want to go Indian way, can't remember dates too well -- but it would be last year in October when we met in San Bernardino. And I was with Mr. Figueroa and this young lady here, her husband.

And the last tone of conversation was that we were talking about Blythe Energy Plant I. We weren't talking about II.

And one of the things is that I'm here as an Indian, an enrolled member of the Colorado River Indian Tribes, and federally recognized

under H-51 under the Bureau of Indian Affairs. That's a number that they give us on the reservation.

And the plant is situated in a place where we felt was a crossroads of our ancestry, going back to the Astikas, and since the Chemawean is a Yuto-Astikan, we're a descendent of those people. And so are the Shoshones, so it's a group that I belong to, which is predominately Mojave. And there's a cultural difference between them and I, or our tribe.

Our tribe is located at Havasu Landing, California. That's where the Chemaweans are living. But this is our ancestral grounds; and some people on the Council, especially (inaudible), wait for you people to send them a notice of anything that's going to be done.

However, because they're predominately Mojave, they don't understand the Chemawean, and we're such a small minority of California Indians -- some of us reside in Arizona because we chose to stay at Parker and live on that reservation with the Crete Indians.

The area that you're building your plant that's been built already, Blythe I, is in the

heart of the Aslan, la (indiscernible) Aslan, which is said in Spanish, it's the heart of all creation for our Chemaweans or our ancestral people which are the Astikas.

Since most (indiscernible) and most other Indian tribes that do recognize, that belong to our Sacred Sites Protection Committee, those are nonIndians that are along with us, that sympathize and help us recreate our history, not recreate it, but to give it foundation out of the (indiscernible) that are in Mexico and other parts of the world.

The area that your plant is, and just west of it, is a area that we don't want to have disturbed; because Mr. Wolfe took us over, flew us there and we took pictures of some of the sites that have been destroyed.

One of the crossroad sites have been destroyed, no doubt by the farmers, not knowing the ancient trails that were there, and the orchards were put in. Then, of course, the construction came along of Blythe Energy Plant I.

Our concern is that if you could relocate, which almost sounds impossible, your plant to a location that is not impacted us as

much as this area where all these (indiscernible) and picture-graphs and designs that are out in the desert, that most people walk over them and don't even see them. You have to look for them; you have to be an Indian to understand those, and to look at them.

That's the culture that is being obliterated. You would say, well, perhaps there's no more Aztecs, or there's no more people that are descendants. We are still here, and some of those people do come here approximately 15 years ago. The Aztecs came from Mexico, and they blew the conch shell, or the sea shell, right at the Colorado River Indian Reservation where Blue Water is now. Not the casino, but the old Blue Water. And had a ceremony there to remember when they were here.

And the places, they came on foot; they didn't get a car; they didn't drive. I may be a Indian but I sure as hell get in a car and drive, okay. I'm just as white as you are, because I got a little bit of Jew blood in me and everything else. My grandmother's -- great grandmother's name was Goldson and it was easy to change into Garcia, so that they wouldn't be chased during the

inquisition in Mexico.

And because I can relate to it from my Indian side and from my Mexican side, is because of our parentage. They weren't at war, I guess, and they got along fine.

But we want you to consider the area that you're going to build -- I guess you've already decided to build Blythe Energy II -- in an area that has some significance. What we'd like to have you do is where is the studies going to that are done on the native culture.

And is there somebody that has been appointed in your group that understands and has made contact with a Indian group? And the Indian group that really needs to be addressed is the Chemaweans at Lake Havasu, not Parker, even though Parker's the closest. Because they are part of the culture group that I belong to.

So, it's definitely important to us that we save this American heritage. It's not just me; it's not me as a Chemawean. There's a lot of young people going to school. I went to school here in Blythe, the Junior College. But they have to preserve, or you people have to help us preserve this area that is being impacted.

Because when you wipe out the American Indian completely, you've wiped out all that stands for what is America, really. You may be ignorant of it, but some of us are ignorant on the reservation, also. Because I wasn't aware of our culture until I got a little older. My dad refused to be a Indian. All he wanted to do was work; he worked at Parker Dam and all these other places. He didn't care about it. All he wanted to do was work and live. The depression made it hard on him.

So, these places have to be preserved so that other young people that are in the school system here in Blythe, that are in the school system in Parker and on down to Yuma, get a chance to inherit this culture. We're not trying to convince you to destroy it because that would be mass suicide for all of us. It's an enhancement of who we are, both Indian and nonIndian.

But we'd like to have you address maybe perhaps to the Chemaweans. They would be receptive if they got a letter from you people that you're working on preserving this area. Some commitment, we don't know. At least to this day haven't found out.

That's about all I have to say. Is there any questions?

HEARING OFFICER SHEAN: I was looking through here because I believe we -- let me see, typically when we have new construction, this site has already been disturbed and graded for Blythe I. And fundamentally graded for the construction of Blythe II.

I have just been looking through the Blythe I decision and I'm not seeing the same type of cultural resource conditions that --

MR. GALATI: Mr. Shean, --

HEARING OFFICER SHEAN: Excuse me, yes.

MR. GALATI: -- if I could add some light here. There's, I think probably since this was coordinated with the federal government, that most of the contacts, although some initiated by the applicant, some done and followed up by staff, I think we're primarily -- the consultations occurred from federal government to the Indian tribes, as well.

And we may -- we have members of Western here who might be able to talk about all the contacts that were made since the 1999 timeframe with Blythe I and through Blythe II.

HEARING OFFICER SHEAN: My recollection was it was fairly extensive.

PRESIDING MEMBER GEESMAN: There's a pretty extensive discussion in staff's FSA of that.

MR. LOIVAS: Perhaps I can clarify our position as individual Indians. Obviously you work for an organization or a governmental body or a company, and tribal governments, as a government, usually the Bureau -- what you're referring to as the Bureau of Indian Affairs under the Department of the Interior would notify the tribes, okay.

So those are the people that run tribal government, the politics. As traditionalists we don't get into their politics. Our concern is, as individual Indians, we seek help from nonIndians. They seem to have a better feeling for what we're after in preservation. Because most of them are people in universities in California and back east and all that, that assist us as traditionalists.

I don't like to call myself a traditionalist because if I do, it may make you think that I'm in a cocoon and don't want to come out of it. Because just what the young lady said,

if we talk we can understand ourselves, both of us. You don't have to be of any color. As long as we talk we understand and we don't get into a fuss.

And as traditionalists there's Indians from up there at Needles, Chemawean, Parker and then some from down south around Yuma, that have the same feeling that we do about preserving cultural sites. Right now the Pechango are kind of protesting the plant down there near Yuma that they want to install over there.

But we need to talk. And you need to find someone that will do a walk-over, somebody that is a traditionalist. Not somebody sitting in the office at Crit (phonetic), because they go from the office to the casino. And that's their lifestyle. I don't go to the casino, period. I'm not that backwards, but I just, you know, what I'm saying to you folks. Please, please understand where we're coming from.

Mr. Wolfe has had the privilege of seeing some of the things that we talk about. They were right there next door to him. And he's known about other places. He doesn't go chattering about it because they'd get destroyed.

So that's all I'm asking; and that's all I have unless you want to ask me some questions.

HEARING OFFICER SHEAN: I think you've explained yourself very well.

MR. LOIVAS: Thank you very much.

HEARING OFFICER SHEAN: Appreciate it.

MR. LOIVAS: (indiscernible).

HEARING OFFICER SHEAN: Thank you, sir.

MS. GARNICA: I'd like to call Mr. Alfredo Figueroa.

MR. FIGUEROA: This?

HEARING OFFICER SHEAN: Yes, please.

Whereupon,

ALFREDO FIGUEROA

was called as a witness herein, and after first having been duly sworn, was examined and testified as follows:

DIRECT TESTIMONY

MR. FIGUEROA: My name's Alfredo Figueroa and I'm also a descendent of the Chemaweans. I was born in Blythe. I'm going to be 72 pretty soon.

And I've been working here all my life. Studied the culture. And working with the farmworkers. I was involved in the AWC,

Agricultural Workers Committee, in 1960. So I know the problems and the struggles that farmworkers go through.

But I'm a traditional; we have been trying to protect our sites. And like Gilbert said, we have other people that share our views. And I want to, like you said, for the record, I want to read -- enter the archeologist Goma Johnson's report that we did for the first plant.

HEARING OFFICER SHEAN: All right.

MR. FIGUEROA: Where do I -- to you?

HEARING OFFICER SHEAN: To me.

MR. FIGUEROA: Okay, thank you.

I really want to thank you guys for coming down here, the Commission. Because the last time we had to go way up to Sacramento; we had to take two vanloads. We'd like you to know that we didn't have a monitor, a Native American monitor on none of these projects.

And now we have a bill, which people know, SB-18, which our fine senator from here, Senator Ducheny, and Senator John Burton was able to introduce. And that really we have not received -- we are the recognized organization here in the Palo Verde Valley, called the Sacred

Site Protection Circle. We are recognized all over. We are recognized by the Commission; people that have come down here. And they know that who are the people that know the sacred sites. And we were never, never, never contact for this.

And I want to give you this, because this is going to be made public now, because the time has come, we have to (inaudible). And people like these people can continue to lie. The time has come. That's why I'm going to present this to you, too. This is a map of the sacred sites, right there. You can take it with you and you can publicly all over the world of the destruction that's being committed here.

But I know big bucks, yes, big bucks. But what about the people? What about the concerns? You will know pretty soon. You will know pretty soon. The time is now approaching.

I just wanted to give you another, just for the record, newspapers. My friend over there, he's introducing newspapers. Newspapers, newspapers, newspapers.

The last time we were here we had the workshop, October the 4th. And one of the major problems was what's going to happen. Is the

airport going to have to be rerouted? Or is the plant going to be -- have to be moved? But the two cannot coexist. No way.

And now we're talking about plant number two. My lands, what happened to the final, the results of plant number two -- of number one, I'm sorry. You know, we got a lawsuit right now going with California Rural Legal Assistance. I used to have a Governor, his name was Gray Davis. And his chief consultant was Keith Brachpool. Where are they at now? Definitely, where are they at?

They fast-tracked, they made this law as a fast-track to do away with the CEQA laws. But now that's why we got the suit. And we got a suit pending right now in the federal Ninth District in San Francisco.

So the whole thing of plant number one, it's not over. This trouble is not over. This trouble is very beginning because we are now opening more of our eyes, because we see that what the Blythe plant was trying to do.

They totally disregarded our findings, our archeological sites, our community on Mesa Verda. So I, you know, the other day we were left here, we were there when they were making this

compaction. And Josh Coleman was from The Desert Independent newspaper.

And we were there together seeing the very heavy duty equipment (verbal motor noise). So he calls Florida and, Florida Light and Power. And they, no, the people say, no, there's no heavy duty equipment compaction going on. Because Josh told them, you don't even have a permit to be doing the compaction for Blythe II. So how come you're doing this construction on it. Have you got a license? No, there's no kind of compaction.

Well, here you are. This was taken by Josh Coleman. I don't have it identified real quick, but that's the plant and this is where the construction is going on.

And let me tell you, before you do any kind of a new development, you get all these people with a little shovel and you break ground. Break ground, my lands, break ground. There was no groundbreaking there for doing that.

And they totally denied Mr. Josh Coleman; they said no, there's no heavy duty equipment right there. And by golly, we were seeing that big carry-alls compacting that land already like nothing. You know, then you have to

go through this procedure of trying to get a license. My lands.

So, anyway, we are totally against the power plant. And the only way, you know, when we went and negotiated with CRLA lawsuit, the negotiations there with the mediation service, one of the things that was spoken was the vocational, a health clinic, oh, a lot of good things. But that's all, just talk. Talk is ((indiscernible), the talk the wind takes.

So we're not here to talk. We're here to get specifics and do the thing right if we're going to do it. We're not going to fade away. As a matter of fact, we're growing, growing in numbers, because people fear us now. Why should they fear us when we are a peaceful people that come here.

We are here because we were put here by the Great Creator. And nobody, nobody's going to tell us or do that's contrary to the Creator's story. You want to talk -- that's why the Aztec calendar has its tongue sticking. It's just communication, it's just the word. This is the word. They call it (indiscernible).

But we don't, because who are we. I was

just born in the oldest neighborhood in the western hemisphere which is called (indiscernible). The oldest neighborhood. (indiscernible).

So, I just leave you with that in mind. Please do the right decision. We thank you for coming to Blythe because I hate to travel to Sacramento, you know. I got my good friends over there, Cruz Bustamante and all them. But I just getting kind of old and feeble.

But I still have the truth that we can prove it. And you, some of you, I know you have some archeologists back here. I can take you to the sites. I can pick what it is. Because I don't talk just to talk, or I don't talk myth. We talk facts.

When you go before an attorney or before the Supreme Court, like your honorable servant has, I've gone to the Supreme Court and I won. Why? Because we had the facts.

Thank you very much.

HEARING OFFICER SHEAN: Thank you. Let me just indicate now with respect to --

MR. FIGUEROA: Whatever you want to do. You got me here.

HEARING OFFICER SHEAN: Okay, with respect to this map that you brought up front indicating that there are sacred sites that you say are previously not made public.

MR. FIGUEROA: Exactly.

HEARING OFFICER SHEAN: Correct?

MR. FIGUEROA: Yes.

HEARING OFFICER SHEAN: Okay. I think, my understanding of my legal duty, as an employee of the State of California, would be that I cannot merely make this public, okay.

And we have one of two choices here. Either is to return this to you today so that we are not disclosing this into the public record. Or give it to the staff counsel or the staff's project manager with so far a confidential designation so that this may be treated appropriately, which is confidentially.

There is a public policy in the State of California that supports the preservation of sacred sites such as the one you've described. So, we are not going to be publicly putting this in the record in the manner that will put this out there. We either have to return this to you today nor, or give it to the staff's project manager.

It will be received under a confidential designation which will assure that we are not disclosing the site of a cultural resource.

MR. FIGUEROA: That's very good. I appreciate that because let me tell you we're between the spade and the wall because right now some of our sites are being rapidly destroyed and we're working with the Bureau of Land Management to get some funding to get the approval from them so that we can do the fencing and all that.

Now, that's another thing, we talked about before, but like on deaf ears.

HEARING OFFICER SHEAN: Okay, I want you to make a choice right now whether you --

MR. FIGUEROA: Yes, I'll make it right now. Go ahead and we'll give it to the staff, because I want them to know we're talking the truth.

HEARING OFFICER SHEAN: All right. Thank you.

MR. FIGUEROA: Thank you very much.

HEARING OFFICER SHEAN: Thank you.

MS. GARNICA: Well, in closing, in reference to the questions that were brought up earlier in regards to whether a training program

for farmworkers exists, and in Blythe it does not. But, Escuela la Sandia is an educational institution that provides education from infant to adult. And it has provided literacy programs to adults; it provides child care for families of low income; and it also provides education to children from families of low income.

And in order to be able to keep a training program for the adult schooling of farmworkers to be trained a year the cost would be $150,000 a year. And that is through the past experiences that we have had in the training or the teachings that Escuela la Sandia has done.

So when that other program that was here in Blythe and left because of their funding. It left a hole as far as for a continuity of a program to continue to by now it might have made an impact.

And I think that if the power plant would set up some type of a training program for the life of the plant to continue the program of training these farmworkers, for the life of the plant, I truly feel that when they are done they will have made a significant positive impact in the community. Because these families will not

have to leave Blythe, they would stay here.

And the education that these low income families would make would contribute to the job market of this valley. Instead of them just purchasing the land and letting anybody just take off wherever they go, the people on the land.

I would also just like to state that hopefully our statements will be taken into consideration. And although we know that it will probably just get built like the way power plant I was, but at least we made the effort. And at least we are here today.

HEARING OFFICER SHEAN: And we appreciate -- number one, we appreciate it. And as the Commissioner has indicated, we will consider everything that you have said.

MS. GARNICA: Because we, too, are taxpayers.

HEARING OFFICER SHEAN: We absolutely understand that. Thank you very much.

MS. GARNICA: Thank you.

HEARING OFFICER SHEAN: Now, Mr. Galati, with respect -- I know that you've talked a lot about looking forward to what you can put in your brief. I guess if one of the items that you have

wanted to discuss is why we should not impose socio-2, and I assume your feeling is that mitigation is not required under these circumstances, whether or not there's an alternative or a project enhancement that you think might address any of the concerns that have been publicly expressed.

So that if you're part of a trend here in the Valley that will have a social impact, I'm quite sure that the corporate conscience of the applicant, you know, will believe that in some nature you should address that.

So, if that appears in your brief that will be fine.

MR. GALATI: We certainly will address this issue in our brief. Thanks.

HEARING OFFICER SHEAN: All right, thank you.

We have a couple more items to cover here, and then we have your blue cards, and we're going to get to public comment. So a couple more housekeeping measures and then we are ready for the public comment.

We have some discussion between the applicant and the staff on visual resources. Can

we cover that?

MR. GALATI: Yes, we can cover that, I think, without any witnesses. My understanding is we have come to an agreement that there is no need for visual-1, so the staff has agreed to delete visual-1.

And we have agreed to modifications in vis-5 that basically make the landscaping consistent with what is done for Blythe I.

And I think we are comfortable with those and we haven't yet reduced the language to writing. But we will do so in our briefs.

Is that staff's understanding, as well?

MS. DeCARLO: Yes, it is. That we have reached agreement and vis-1 is no longer necessary. And the applicant will proposed changes to vis-5 that staff has agreed would still allow for staff's conclusions that impacts are mitigated and LORS compliances attained with this project.

HEARING OFFICER SHEAN: All right.

MR. GALATI: With that, I'd like to move in our visual, both our written testimony and the photographs which were sent electronically previously, and identified on our exhibit list.

HEARING OFFICER SHEAN: Without objection, it's admitted.

And let me just make sure that what you're referring to, among other things, includes the new simulation at KOP 7, which previously did not depict the power plant project, but now has that visually simulated in the landscape.

MR. GALATI: That's correct.

HEARING OFFICER SHEAN: All right. Do you have --

MS. DeCARLO: And staff would like to move in our visual resources testimony contained in the final staff assessment.

HEARING OFFICER SHEAN: In the absence of objection it's admitted.

Now, as far as we know, let's just recap here. The entirety of your FSA and your water and soils supplement should be in, right?

MS. DeCARLO: Yes. That's my understanding.

HEARING OFFICER SHEAN: Okay. And as far as your materials, it would include the entirety of the AFC, your data responses, and the testimony that was submitted here, plus the exhibits you've brought in the last two days, is

that correct?

MR. GALATI: Correct. There are also some things specifically already docketed that we incorporated into the record, as well.

So, I think we have everything moved into the record.

HEARING OFFICER SHEAN: Okay. Now, are there modifications to other conditions that you wanted to discuss here?

MR. GALATI: Not any more.

MS. DeCARLO: We've worked out all the remaining condition issues that were first identified at the prehearing conference.

HEARING OFFICER SHEAN: Well, that would mean we might finish early. That can happen.

UNIDENTIFIED SPEAKER: Don't bet on it.

(Laughter.)

HEARING OFFICER SHEAN: All right. We won't bet on it, but that moves us into the public comment period then. Is there anything further from the applicant?

MR. GALATI: No. Once again, thank you very much for the dress code not requiring a tie.

(Laughter.)

HEARING OFFICER SHEAN: And from the

staff?

MS. DeCARLO: Nothing further.

HEARING OFFICER SHEAN: All right. Let's see, Mr. Figueroa, you spoke. Is he still here?

UNIDENTIFIED SPEAKER: He went outside to --

HEARING OFFICER SHEAN: All right. And, Mr. Gilbert, this was you?

MR. LOIVAS: Yes.

HEARING OFFICER SHEAN: Rodolfo Pi¤o¤, is he here? Yes, sir. Welcome.

MR. PI¥O¥: Good afternoon to Commissioner, the staff and the applicant and all the public.

My name is Rodolfo Pi¤o¤ and I work for an agency that's doing community development work throughout east Riverside County. And the reason we're doing work in the area is because it's been designated as a (inaudible) zone, meaning that the federal government found that there was a significant amount of high unemployment rates, high poverty rate, poor substandard housing, lack of facilities, lack of infrastructure in a lot of rural communities that we work with.

Well, Mesa Verde is one of them. And I'm coming here to express several concerns that I have. One of them is regarding the water aquifer. As the applicant has demonstrated the intent to withdraw from the local aquifer, I believe that at the start of the first plant the water tables went down significantly in the initial testing that I remember.

And I believe that in the second construction of the second plant the water table is going to be significantly impacted. And it's going to impact several families around the Mesa Verde area.

I know that the community of Mesa Verde has a adequate water system right now; it's compromised, but it has an adequate water system. But there's a lot of families living in the area, rancherias, small ranches, that if the water table goes under some more it will have a significant impact.

So, one of our recommendations as a requirement is a condition that I think should be given to the applicant, is that they put a mitigation fund in case any of the families lose their water source because of the lowering of the

water table, because of the drawing of the water into the plant without adequate recharge to the aquifer.

The other concern that I have is that the entire eastern Riverside County, including the Valley, has a significant high level of unemployment. And we kind of mirror some of the unemployment rates that we see in the Central Valley, in Imperial County, most of the agricultural areas.

Blythe, really there's a serious lack of jobs here. Local governments have not been successful in bringing in job opportunities, other than construction projects. And we, the local economy, just get benefit from construction project while the construction workers are here. But once they leave and the plant is in operation the jobs are limited.

And I understand that there's going to be a loss of employment for specifically farmworkers. And one of the concerns that I have is that with everything that's going around in the Valley, including the water transfers that the gentleman earlier, that left, was addressing, the Metropolitan Water transfer deals, that we're

looking at some significant losses of direct jobs to farm labor families.

And one of the recommendations I'd like to give the Commission is that they consider establishing a mitigation fund of some sort for economic losses directly related to employment.

The Metropolitan Water deal, when they cut the deal in regards to the water transfer, set up a $6 million fund to mitigate economic losses. And I think that with this project that we're going to lose many jobs directly related to the agricultural sector, that we consider the establishment of some type of fund in regards to that.

The other concern that I have, and it was an experience that we had, is that a few months ago the community of Mesa Verde, which is directly in the path of the electrical generator, suffered a critical event that was really really poorly organized in terms of the response.

I don't know if you know it, but there was an incident where there was an escape of ammonia. And you really look at the structure of Mesa Verda, Mesa Verde only has one entryway. I mean, yeah, there's some other exits out of Mesa

Verde, but they're all dirt roads.

And so I believe that in reviewing this application that there has to be some concern addressed to the handling of critical events, and how to inform directly 350 homes or 400 homes that exist in Mesa Verde, because it could be a critical situation. That we develop a system that everybody could leave home properly, and in the proper language, because there's a lot of people there that speak Spanish only. That we should address those concerns, also, in regards to the application.

I think it would be beneficial to everybody, the applicants, the Commission, the residents of Mesa Verde and everybody, to have a system in place that if an incident happens, that everybody has its proper notice in regards to what's going on.

And lastly, I would like to say that we work in about eight communities, rural labor communities, that lack infrastructure. They have no sewage systems. They have -- most of them have compromised water systems. Some of them even have contaminated water systems. And Mesa Verde is one of them.

And I would ask the Commission to consider the possibility of establishing a fund of some sort to help in the development of some of the systems in Mesa Verde. I know that there's some plans, the community has been waiting for a long time, there's some plans to develop a water system that's going to be hooked up to the airport pumping station.

But there's other needs that community has. Like I said, about 85 percent of the community is trailers. And a lot of the housing there is very substandard.

And so I would recommend, strongly recommend that the Commission establish some type of a recommendation to the applicant that they establish some mitigation fund to specifically benefit the community of Mesa Verde.

With that, I thank you. If there's any questions, I'm here to answer them.

HEARING OFFICER SHEAN: I don't have any specific questions, and I'm aware already of some of the matters that you've raised, because we've heard them from representatives of Mesa Verde. And we got, from one of the prior witnesses, the newspaper article about the ammonia leak.

MR. PI¥O¥: Thank you.

HEARING OFFICER SHEAN: Thank you very much.

Ms. Rios.

MS. RIOS: Hello. My name is Michelle Rios and I'm representing myself. Do you need a street address?

HEARING OFFICER SHEAN: Pardon me?

MS. RIOS: Do you need a street address for this --

HEARING OFFICER SHEAN: No.

MS. RIOS: Okay. I'm here because I'm listening to all of this talk and all this testimony and it really really makes me sad.

So I thought that you guys ought to know that I moved to Blythe in 1996, in November, as a single mother of a little boy, a beautiful little boy. I worked in Blythe, minimum wage jobs, low income housing. So I know what it's like.

I was then hired by the chief building official for the Blythe Energy Project. And after being hired through the CBO's office and working there until the plant became just about operational, I was picked up by Florida Power. And I have worked there for over three years now.

So, to say that the farmworkers and low income and everybody else doesn't have a chance to obtain these jobs is incorrect. Currently there's five of us from Blythe that have lived here and have very good jobs. And I just thought that you ought to know that.

HEARING OFFICER SHEAN: Thank you, Ms. Rios.

MR. HANSON: what college did you graduate from?

(Laughter.)

MS. RIOS: Palo Verde Community College, of course.

HEARING OFFICER SHEAN: She's one of your poster students. There you go.

Sam Patel.

MR. PATEL: My name is Sam Patel. I'm a business owner in this town since last 25 years. And I walk in this meeting, I knew was energy to many, but what I was starting listening I thought, I don't know, maybe I'm in the wrong place. They were talking about loss of farm job, water deal, fallowing the land. Gosh, that was Metropolitan steal of our water a few month ago. We already lost that one.

And farm job loss, let me give you the history of this town. When I came 25 years ago in this town, this town was booming due to agriculture. Agriculture was good business at that time, and everybody was doing good.

First came labor movement, so the farmworkers industry, different costs, so they don't need more labor. Because labor become expensive.

Then came pesticides. Farmworkers industry again, and we lost more farm jobs. Then came NAFTA, North American business trading. We got a company in from Mexico, Central America, South America. Farmers cannot survive without income because they lost money on vegetables because they cannot compete with Mexico.

Here we go again. They start growing more alfalfa, more cotton, more wheat, but they don't have to use the labor, it's machines. Continuation of loss of job of farmworkers, and business start going down.

I'm working owner, so I know who's coming in my front door and giving me the business. They were farmworkers, many many of them. Seed salesmen, fertilizer salesmen, they

all gone. We lost business, ourself. Sometimes people don't realize indirect effect of anything happen in town.

You have personally casualty of farm labor losses. Is anybody talk about us? No. Because if we try to tell, they don't listen. They say, we have motel, mostly traveling business. I don't know, people don't travel every day. There's other businesses, too.

Now what to do with this one? So, yes, there is a farm labor loss. And then came what Metropolitan Water District. I was the one who always spoke, they are stealing our water. Because once the water gone, our economy will go down.

And I didn't see any government agency that time came, social -- socio-2 or something, what they were talking about. There nobody came to talk about loss of job in this town.

Energy plant maybe losing, what, six job maybe. No. There's a lots of consequences when farm labor, we lost farm labor jobs.

What can we do? Nothing. Yes, there is can be done before, but we never spoke until this time. Metropolitan Water District took our water

and we going to lose more job still to come. We didn't fight with them. We could have got more money than $6 million. But I don't know where -- labor union, or anybody here. Nobody came to speak against. There was no government agency telling what loss would be. There was couple report, what impact will be; and there were three, about three different amount. None matched the $6 million we got from Metropolitan Water District. Well, that's gone.

This plant is important for Blythe for job growth. Yes, we are going to lose a few here and there job maybe, farm job, but I don't think we going to lose more farm job because of power plant. We're losing because we're losing water. We lost because of other things.

But we need to protect those job in different way by education, training them. That's important part. We losing lots of job to China and India, where I come from. But still we have only 5 percent unemployment because we training in different direction. New technology, computers come, everything else changes. If we can continue changing ourself to new education, new technology and we can change the farmworkers to do different

job.

Right now construction job is tremendous, growth in this town. I know many people, if they can train them, that will be very helpful to farmworkers. But, funding, yes, that's the important part now. So we have to think of some kind of funding like they were talking about last time, they did some funding to train them. Maybe this time we have to do the same thing. And that's helpful.

But casualty I have, I've been the casualty of low job, and that's why I need to have that power plant. First power plant, if hadn't come, I wouldn't be in this town. Probably I have lost my business. Only power plant I, energy I, they save us. They save a lot of businesses in town. You can check with many motel owners. Lots of restaurant, talk to them. We saved because of power plant I.

And we still losing farm jobs, and we still losing lots of other business come to our door. Only way we can protect those one and people who losing the job, retraining. And construction job, which power plant can use it.

College has building program. I don't

know how many people we going to have. Was talking about bus driver. There is also transportation job can be created. They can learn. But, yes, money has to come from somewhere to train them. You going to have truck drivers training school over here pretty soon, hopefully; that's what they were talking about. Those people can learn driving the trucks.

So I hope power plant II can come up with a little bit extra money to retrain the people who losing the job. And I'm sure it will benefit, power plant II will benefit, no doubt.

And second casualty like us, only people don't notice it. The only way we can survive is some kind of a growth industry comes with the power plant. When power plant II comes, I know there will be a lot more other industry might looking to Blythe.

So, for us, we need that power plant. And we need now. Thank you.

HEARING OFFICER SHEAN: Thank you, Mr. Patel, appreciate it.

Mr. Hull.

MR. HULL: Good afternoon, again, gentlemen. Charles Hull, the Assistant City

Manager. I've never owned a parrot. I'm one-eighth Cherokee according to my dad, so I have some qualifications as I stand before you this afternoon to plead the City's case.

Blythe Energy I Power Plant has been a good neighbor, corporate neighbor, since the onset of their project. They contribute $25,000 annually to the nonprofit communities and clubs in the City. And that money is used to great benefit for most of our kids and homeless in town.

We have an MOU in place that promises 50 megawatts of direct connection to the first power plant should Sacramento figure out the exit fee situation costs, whatever that's going to be. And the state gets their obligations paid down to where we can get out of the system.

Blythe II, I'm sure, will be equally a good neighbor. The economic benefit that both those plants will provide to the entire community, that's from the river all the way through from county line to county line. The first power plant, back in January, we floated a $19.3 million bond. Half of that belongs to Supervisor Wilson and the County. And that is the funding mechanism to hook the community of Mesa Verde to the Blythe

Airport. So that piece of pipe that will give that community safe, wholesome, potable water is on the drawing board now as we speak. They should be out to bid by the end of this year.

The other half, the City's money, is being spent for quality of life issues down here. The community of Fallsberg is getting water through that entire neighborhood. Premier Drive, where we have some private wells and septic tanks right next door to each other, those problems will soon be erased.

I happen to agree with Mr. Loivas and Mr. Figueroa wholeheartedly, that genuine verifiable sites that deserve that respect need to be protected. That that map should be made public would be absolute unforgivable. You don't want the public to know where they're at.

I think the protection measures that are in place by the state today are appropriate. And certainly should be employed here to make sure that any of those genuine sites are protected.

As you can see on the map the Army Air Base that General Patton utilized back in 1941, and I have the site print dated September of 1941, that measures three miles by five miles. That's a

huge footprint that you can see the traces of the outline on that aerial photo.

Unfortunately, any of those sites that were in that footprint prior to the General's arriving in those training days of 18,000 square miles that he utilized, those are gone. And that's why it's so important that we protect the rest of them. Please do not let that map out of your possession.

The MWD fallowing program is something that I was hoping Mr. Quenton Hanson would delve into with great detail because it was a project that the City got behind and supported, as long as the impacts to the community, as a whole, seed sales, fertilizer sales, farm equipment, car dealers, the grocery stores, everybody who would be impacted by the transfer of that water from the irrigation district here to points west, were made whole.

And you can imply with that, training programs, cash, funding mechanisms for whatever project. That's initial $6 million contribution, is in our hands, basically. But the biggest thing is that we reopen the book in five years and see what those actual impacts are.

The initial cash payment to the farmers is still being spent. They're paying off loans, lands, equipment, debt. And when that flood of money runs its cycle, changes hands several times in this community, it will run out. And then we will have impacts. We will have job losses that are real and something that we can verify. So, in five years we'll revisit and make sure that t was $6 million or ten times that amount.

The MWD document versus the water conservation offset program that's being volunteered by the applicant is not an apples-and-apples comparison. There's 29,000 acres, and again, it's been two days since I looked at the thing. It's not a true comparison. The 6.3 jobs, I think it was, that they figured they lost versus the 758 acres roughly that the applicant is willing to pay for and doesn't have to pay for, depending on who you talk to and who's in charge of this regulation, again goes to their being a good corporate neighbor and trying to take care of all of the corners.

So I respect that. But is it money well spent if it may be more appropriate to put it into training for job creation? And not just get the

guy a drivers license and then so he can sit home and watch soaps all day. Put jobs out there so that young people coming through schools can have a job once they graduate and stay here in the Valley and raise their families here.

Is Blythe Energy II paying their way through the door? Yeah, they are; certainly they are. They need to do that. They have to offset the impacts. I have every confidence that the Commission, the staff and the applicant will do everything in their power to make sure that nobody is compromised in the long run. For the life of that plant, if there are impediments or impacts that hit an airport, hit the water table, hit roads, transportation, cultural, any other impacts that need to be mitigated for the life of that project, the wordsmithing will be crafted and the applicant will pay those appropriate amounts.

Once again, I'd like to offer my thanks for your visit here to our community and doing the right thing. We look forward to seeing Blythe II go up in the very near future.

Thank you.

HEARING OFFICER SHEAN: Thank you, Mr. Hull. And let me thank you again for the City's

hospitality, your help with the food, the help keeping the building open and the generally cordial reception that we've always had when we come down here.

MR. HULL: Absolutely, our pleasure.

HEARING OFFICER SHEAN: Thank you. Is there anyone else in the audience who would like to address the Committee before we conclude our meeting here today?

Hearing none, let's move on to housekeeping matters here. I'm informed that because of the length of the hearings that we had yesterday and, to some degree, the remoteness of our location here, it's going to take a little while longer to get transcripts of the proceedings.

So, we could either attempt to establish a briefing schedule, or we can have the attorneys talk to one another and see if you can figure this out based upon a schedule that will get the transcripts to us in a little bit more time than usual. So, instead of ten days or two weeks, we're talking two to three weeks in terms of the availability of those.

So, --

MR. GALATI: One thing that we can do is we can offer to, as the applicant, pay for expediting of those transcripts. Let me tell you why and I'm sure you hear it all the time, why there's a rush to get to the decision stage.

But the rush in this case is, once again, we are in the middle of negotiation with SCE on that RFO process. And some of the key decisions that the Committee needs to make affect that negotiation so substantially that the sooner that we could understand some of those, the better.

So, we would hopefully be filing briefs within a week of the time we got our transcript. I think that much of what was said here, other than cross-examination, is in the written documents and exhibits that we have done. And so I would argue, although I know Lisa's already frowning, that you can start preparing your brief tomorrow. And then get the transcript and fill in the blanks and add additional arguments that are created by cross-examination.

So, I would like to get the transcript expedited and have a very aggressive briefing schedule. I know we can have ours done within a

week of getting the transcript.

HEARING OFFICER SHEAN: Okay, I'm just going to speak for the reporting service, because like them, I understand about being at the short end of the funnel. Because there's only one person who can transcribe them, and that's just, you know, there's a physical limit in terms of the amount of time required to do that.

So, understanding what you've said, which is you can be in preparation awaiting this transcript, and then plug in some of the information there, that I don't think it substantially compromises the expeditious and diligent prosecution of the case.

MR. GALATI: I would propose that we have briefs due one week after the receipt of transcripts. I would also like to, to the extent that I can talk to the court reporter service, as in other deposition transcribing service, sometimes there's an expediting fee.

HEARING OFFICER SHEAN: Well, you can talk to them. So if you want a week after that, --

MS. DeCARLO: I will actually be out of town from the 12th through the 17th, so if

transcripts are not expedited, that schedule for works for me. However, if transcripts are expedited, I might have difficulty getting a brief in within a week of receipt of the transcripts.

But I agree with Scott that I can start work on the brief now, so.

HEARING OFFICER SHEAN: And do you want reply briefs?

MR. GALATI: I think the Committee has heard everything that we need to say, and will hear it in briefs. I don't believe that we need to have reply briefs.

MS. DeCARLO: I would like the opportunity to reply, just in the event that the applicant raises new legal issues. I would like the ability --

HEARING OFFICER SHEAN: And I think you probably will, too. Just knowing you, Mr. Galati, you might.

All right. What do you want to do then, ten days thereafter?

MS. DeCARLO: Yes, that sounds fine.

MR. GALATI: Well, if it's a week from the transcript, certainly a week for reply briefs.

HEARING OFFICER SHEAN: Sure. Okay.

So, seven and seven, which sounds like a good idea for other reasons.

(Laughter.)

HEARING OFFICER SHEAN: All right, that's the way we're going to do it.

MR. GALATI: Thank you.

HEARING OFFICER SHEAN: Thank you.

MS. DeCARLO: And do we, if the transcript is expedited do we have an idea as to what that turnaround time would be?

THE REPORTER: I'd have to check with the office. Like you said, I don't know if it's physically possible --

MS. DeCARLO: Okay.

THE REPORTER: I will make a call --

HEARING OFFICER SHEAN: All right, with that is there any other matter either party wants to bring to us, or member of the audience has for us to consider?

Then we're going to close our evidentiary hearing proceedings, and absent the two items we've talked about here, the draft and final EIR portions that we talked about coming into the record, we will close the record and adjourn our hearing. And thank you all very much.

MR. GALATI: Thank you.

MR. LOOPER: Thank you.

MS. DeCARLO: Thank you.

(Whereupon, at 4:50 p.m., the hearing was closed.)

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CERTIFICATE OF REPORTER

I, CHRISTOPHER LOVERRO, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, 2005.