

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

DOCKET	
09-AFC-8	
DATE	JUN 25 2010
RECD.	JUN 25 2010

In the Matter of:) Docket No. 09-AFC-8
)
 Application for Certification for)
 the Genesis Solar Energy Project)

Staff’s Prehearing Conference Statement

On May 28, 2010, the Committee assigned to Genesis Solar Energy Project proceeding issued a **Revised Committee Scheduling Order**, directing parties to this proceeding to file Prehearing Conference Statements no later than June 25, 2010. This is staff’s Prehearing Conference Statement, addressing the issues identified by the Committee in its April 1st **Revised Notice of Prehearing Conference and Evidentiary Hearing and Order**.

Topic Areas that are Complete: All topic areas are ready or are expected to be ready to proceed to hearing.

Topic Areas that are not Complete: On June 30, 2010, Energy Commission staff will publish a Supplement to the June 11, 2010 Revised Staff Assessment (RSA). This Supplement will primarily be comprised of the following component chapters:

Air Quality: Air Quality: Augmentation of the RSA Air Quality section in terms of the description of project impacts compared to the federal nitrogen oxide 1-hour ambient air quality standard, including the revisions to Conditions of Certification due to the revisions contained in the soon to be published Mojave Desert Air Quality Management District Final Determination of Compliance, and including minor revisions to the staff Conditions of Certification to address continuity between similar solar projects and to resolve Energy Commission Legal Counsel comments obtain after publication of the RSA.

Biological Resources and Cultural Resources: Updated analyses and suggested mitigation for the "spur road" requirement specified in the **WORKER SAFETY-6** Condition of Certification, as well as the six additional poles added to the Blythe Energy Project Transmission Line (BEPTL) as the last point of interconnection to the Colorado River Substation (see Transmission System Engineering, below).

Socioeconomics: Updated Socioeconomics section from the original draft version of the document that appeared in the March 26, 2010 Staff Assessment/Draft Environmental Impact Statement.

Transmission System Engineering: TSE Appendix A will describe, review and analyze certain transmission-related components of Genesis' transmission system from the solar fields to the first point of interconnection at Southern California Edison's Colorado River Substation.

Waste Management: Updated operation and maintenance requirements for the Land Treatment Unit (LTU) apparatus.

Disputed Topic Areas: Staff anticipates adjudication in the following areas:

Air Quality

Disagreement about conditions of certification.

Alternatives

Disagreement whether technology alternatives, e.g. rooftop solar distributed photovoltaic technology, are valid alternatives to the GSEP.

Biological Resources

Disagreements over impacts and mitigation for desert tortoise, Mojave fringe-toed lizard, golden eagle, burrowing owl, special status plants, Couch's spadefoot toad, groundwater-dependent resources, and evaporation ponds, as well as other species.

Cultural Resources

Issues unknown as of this date.

Hazardous Materials/Waste Management

Disagreement over handling of HTF spills.

Soil & Water Resources

Disagreement over whether the GSEP will have significant impacts to water resources, including the Colorado River and the flow between Chuckwalla Valley Basin and the Palo Verdes basin. Disagreement over whether GSEP will create a cumulatively considerable impact to the Chuckwalla Valley basin. Disagreement over the feasibility of dry cooling.

Visual Resources/Land Use, Recreation, and Wilderness

Disagreement over cumulative impacts and whether the project's contribution is cumulatively considerable.

As ordered by the Committee, Staff will work with the parties to reach resolution on minor edits and minor changes to Conditions of Certification during the July 1, 2010 afternoon continuation of the prehearing conference.

Identity of Witnesses, Topic Areas, Summary, Qualifications, Time, Method of Testimony: Direct: Staff will testify in person at the hearing. Each witness will be prepared to give a 5-10 minute summary of his or her testimony. Witnesses for Biological Resources may require 20 minutes to summarize his or her testimony.

The identity of staff witnesses by topic, a summary of the testimony, and the qualifications of each witness are provided in the Revised Staff Assessment. The following expert witnesses will also appear for staff at the evidentiary hearings to testify and be available for cross examination in the following topic areas:

Biology

Tamika Engelhard, Staff Biologist, U.S. Fish and Wildlife Service. Resume attached.
Magdalena Rodriguez, Environmental Scientist, California Department of Fish and Game. Resume will be included in the Supplemental Staff Assessment.
Kimberly Nicol, Environmental Program Manager, California Department of Fish and Game. Resume will be included in the Supplemental Staff Assessment.

Alternatives

David Vidaver, Electric Generation Systems Specialist, CEC. Resume attached.

Cross examination:

Air Quality 15 Minutes (Applicant)

Alternatives 30 Minutes (Center for Biological Diversity “CBD” and Budlong)

Biological Resources 90 Minutes (Applicant, CURE and CBD)

Hazardous Materials/Waste Management 30 Minutes (Applicant and CURE)

Soil & Water Resources 90 Minutes (Applicant, CURE and CBD)

Visual Resources/Land Use, Recreation, and Wilderness 20 Minutes (Applicant and Budlong)

Exhibit List: Staff plans to present the following exhibits:

Exhibit 400. Revised Staff Assessment for the Genesis Solar Energy Project, dated June 11, 2010 and docketed on June 11, 2010. (Opening Testimony)

Exhibit 401. Cultural Resources Assessment for the Genesis Solar Energy Project, dated June 17, 2010 and docketed on June 22, 2010. (Opening Testimony)

Exhibit 402. Rebuttal Testimony for the Genesis Solar Energy Project, dated June 25, 2010, and docketed on June 28, 2010.

Exhibit 403. Supplemental Staff Assessment, for the Genesis Solar Energy (expected July 1, 2010).

Exhibit 404. Air Quality-- Mojave Air Quality District Final Determination of Compliance (expected July 16, 2010)

Exhibit 405. Transmission Systems and Engineering--CAISO Phase II Interconnection Study (expected July 2, 2010)

Exhibit 406. Biological Resources--BLM CDD 2002. Bureau of Land Management California Desert District and California Department of Fish and Game Inland, Desert, and Eastern Sierra Region. Proposed Northern and Eastern Colorado Desert Coordinated Management Plan and Final EIS, July 2002. (selected portions, including Chapter 2, Alternatives, and Appendix D, Desert Tortoise Mitigation Measures, and Appendix A, Maps).

Exhibit 407. Biological Resources--BLM 2009 (tn# 57197). Survey Protocols for Special-status Plant Species. Information Bulletin No. 2010-. US Bureau of Land Management.

Exhibit 408. Biological Resources--CDFG 2009. Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities. California Natural Resources Agency, Department of Fish and Game, November 24 2009.

Exhibit 409. Biological Resources--Dimmitt M.A. 1977. Distribution of Couch's spadefoot toad in California (preliminary report). Unpublished report filed with the United States Bureau of Land Management, Riverside District Office, California, Under C-062, 6500, and 1792 Sundesert, May 10, 1977, Riverside, California.

Exhibit 410. Biological Resources--USFWS 2008. U.S. Fish and Wildlife Service, Draft revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California. 209 pp.

Exhibit 411. Biological Resources--USFWS 2009. Desert Tortoise Field Manual. U.S. Fish and Wildlife Service, Pacific Southwest Region, Ventura Fish and Wildlife Office.

Exhibit 412. Biological Resources--USFWS 2009. Final Environmental Assessment – Proposal to Permit Take Provided Under the Bald and Golden Eagle Protection Act.

Exhibit 413. Biological Resources--CBOC 1993. California Burrowing Owl Consortium. Burrowing Owl Survey Protocol and Mitigation Guidelines. April 1993.

Exhibit 414. Biological Resources--CDFG 1995 – California Department of Fish and Game, 1995. Memorandum: Staff Report on Burrowing Owl Mitigation. DFG, Sacramento California.

Exhibit 415. Biological Resources--Mayhew 1965. Adaptations of the amphibian, *Scaphiopus couchi*, to desert conditions. American Midland Naturalist. 74: 95-109.

Exhibit 416. Soil & Water Resources--AECOM, 2010. Hydrogeologic Investigation Report. Application for Certification Blythe Solar Power Project Riverside, California. Appendix J3 Data Response in Technical Area: Soil and Water Resources (AFC Sections 5.12 and 5.17) Dated August 24, 2009, docketed August 25, 2009.

Exhibit 417. Soil & Water Resources--California Energy Commission, 2005. Blythe Energy Project Phase II, Commission Decision, December 2005, docketed December 14, 2005.

Exhibit 418. Soil & Water Resources--Metzger, D.G. and others. 1973 Geohydrology of the Parker-Blythe-Cibola Area, Arizona and California. U.S. Geological Survey Professional Paper 486-G. 130 pages.

Exhibit 419. Soil & Water Resources--U.S. Bureau of Reclamation, 2008. Accounting Surface Rule to Eliminate the Unlawful Use of Colorado River. July 16, 2008 in the Federal Register (73 Federal Regulation 40,916).

Exhibit 420. Soil & Water Resources--U.S. Supreme Court, 2006. Consolidated Decree, State of Arizona v. State of California. 547 U.S. 150 (2006).

Exhibit 421. Soil & Water Resources--Whitt, Allen, and Jonker, Kevin, 1998. *Groundwater survey of the Joshua Tree and Copper Mountain subbasins, Joshua Tree, California.* Western Water Surveys report prepared for the Joshua Basin Water District.

Exhibit 422. Soil & Water Resources--Wiele, S.M., Leake, S.A., Owen-Joyce, S.J., McGuire, E.H., 2008. Update of the Accounting Surface along the Colorado River. Scientific Investigations Report 2008-5113.

Exhibit 423. Biological Resources--USFWS 2010. Preparing For Any Action Than May Occur Within The Range Of The Mojave Desert Tortoise (*Gopherus agassizii*). 2010 Field Season Protocol. U.S. Fish and Wildlife Service, Pacific Southwest Region, Ventura Fish and Wildlife Office.

Exhibit 424. Biological Resources--USFWS 2009. Preparing For Any Action Than May Occur Within The Range Of The Mojave Desert Tortoise (*Gopherus agassizii*). 2009 Field Season Protocol. U.S. Fish and Wildlife Service, Pacific Southwest Region, Ventura Fish and Wildlife Office.

Staff respectfully reserves the light to augment the proposed exhibit list and the time requested for direct and cross-examination depending on written testimony filed by any

other parties, if such is admitted, their Prehearing Conference Statements, and comments made at the Prehearing Conference.

Override Topics: Staff is aware of a need for a Commission override for CEQA unmitigable impacts, per California Code of Regulations, Title 20, section 1755, in two areas: Land Use and Visual Resources.

Proposals for Briefing Deadlines/Scheduling: Staff proposes an opening briefing deadline of July 30, 2010, and a reply brief deadline of August 6, 2010.

Modifications to the Conditions of Certification: Modifications are incorporated into Proposed Conditions of Certification in Staff's Revised Staff Assessment and Supplement. If any further changes are made during the July 1, 2010 afternoon prehearing conference, staff will update the Committee.

Respectfully Submitted,

Date: June 25, 2010

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Education

BA, Political Science University of California, Berkeley
MS, Agricultural Economics, University of California, Davis

Relevant Coursework: Microeconomic Theory, Econometrics, Time Series Analysis, Operations Research, Game Theory

Employment (all with the California Energy Commission)

Electric Generation System Specialist I, Electricity Analysis Office, 1998 – 2002

Simulation modeling of WECC for studies of resource adequacy, market price forecasts, emissions and fuel use studies; assessments of market conditions; contributing and principal author of numerous papers, reports and presentations.

Electric Generation System Specialist II, Electricity Analysis Office 2002 – 2005

Supervisor of Electricity System Modeling Unit; supervised four staff responsible for studies of resource adequacy, market price forecasts, emissions and fuel use studies, assessments of market conditions, role of aging power plants; contributing and principal author of numerous reports, papers, and presentations,

Energy Commission Specialist II, Demand Analysis Office, 2005

Monitoring near-term load growth at utility and regional level across the WECC; assessing load-temperature relationships for California and major western utilities and long-term changes in temperatures and load-temperature relationships.

Electric Generation System Specialist III, Electricity Analysis Office, 2005-

Supervisor of Procurement and Resource Adequacy Unit, supervise nine staff responsible for evaluating utility procurement and resource adequacy, combined heat and power and distributed generation issues, role of aging and once-through cooled power plants, compiling and maintaining office databases.

Tannika Engelhard

Work Address: U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, CA 92011

Work Phone: 760-431-9440

EDUCATION:

- Texas A&M University, Corpus Christi, Texas
Master of Science, Biology - December 1998
- California Polytechnic State University, San Luis Obispo, California
Bachelor of Science, Biological Sciences - December 1994

WORK EXPERIENCE:

January 2008 to present

- FISH AND WILDLIFE BIOLOGIST, U.S. Fish and Wildlife Service, Carlsbad, California

Duties include conducting informal and formal consultations with Federal agencies under section 7 of the ESA, primarily for projects in the California desert; evaluating potential impacts to desert tortoise and their habitat related to resource development projects, primarily large-scale solar projects; providing technical assistance to Federal agencies to assist in compliance with section 9 of the ESA.

April 2004 to January 2008

- LISTING BRANCH CHIEF, U.S. Fish and Wildlife Service, Carlsbad, California

Duties included supervising Listing staff in the completion of listing actions under section 4 of the ESA, including listing petition findings and proposed/final critical habitat determinations.

June 1999 to April 2004

- FISH AND WILDLIFE BIOLOGIST, U.S. Fish and Wildlife Service, Austin, Texas

Duties included implementing recovery actions and completing listing actions under section 4 of the ESA, including listing petition findings and proposed/final critical habitat determinations. Duties also included conducting informal and formal consultations with Federal, State and local entities under sections 7, 9 and 10 of the ESA.