

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	216505
Document Title:	Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings
Description:	N/A
Filer:	Paul Kramer
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	3/10/2017 2:30:18 PM
Docketed Date:	3/10/2017



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE
PUENTE POWER PROJECT

Docket No. 15-AFC-01

COMMITTEE ORDERS FOR ADDITIONAL EVIDENCE AND BRIEFING
FOLLOWING EVIDENTIARY HEARINGS

Following the completion of four days of Evidentiary Hearings on February 7-10, 2017, and its initial review of the evidence, the California Energy Commission (Energy Commission) Committee¹ assigned to conduct proceedings on the Application for Certification (AFC) for the Puente Power Project makes the following orders.

Submission of Additional Evidence

In order to decide the issues presented in this proceeding, we desire that additional evidence be developed and offered as described below. The Applicant and Energy Commission Staff are **ordered**, and the other parties invited, to prepare and submit the following additional evidence:

Biological Resources

1. Applicant shall provide results from one or more focused biological surveys of the proposed project site. These focused surveys shall be conducted during the period beginning with the issuance of this order and ending July 31, 2017, at time(s) within that period that are appropriate for detecting the identified species. If the appropriate time for detecting the species would normally be after July 2017, the survey will nonetheless be conducted during the above-specified period, modified as necessary to account for observable information available during that period. Applicant shall file a survey plan for party and public comment and invite and allow for the participation of the Energy Commission Staff, the California Coastal Commission, and the California Department of Fish and Wildlife in the design and conduct of these surveys. The public and party comment period shall be no less than seven days. Applicant may proceed immediately with any survey for which the most appropriate survey period may pass before completion of agency consultations and public and party comment on its survey plan. These surveys shall determine the likelihood for the presence of the following species:

- a. Ventura marsh milk vetch (*Astragalus pycnostachyus* var. *lanosissimus*);

¹ The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner Karen Douglas, Associate Member.

- b. Globose dune beetle (*Coelus globosus*);
- c. Two-striped garter snake (*Thamnophis hammondi*);
- d. California legless lizard (genus *Anniella*); and
- e. Blainville's horned lizard (*Phrynosoma blainvillii*).

Soil and Water Resources

2. Regarding CoSMoS 3.0, describe:

- a. The relevant validation process for the model and the current state of that process;
- b. Any relevant feedback received on the validity of the CoSMoS 3.0 model to present, and the degree to which feedback has resulted in modifications to the model; and
- c. How the model currently incorporates sand, beach, and dune erosion/accretion, and beach angle change. If it does not, are there any plans to incorporate these issues in the future?

3. Within 30 days of the filing of these orders, Energy Commission Staff shall conduct a noticed workshop to discuss and identify the best approach or approaches to supplement the assessment of coastal flooding risk for the Puente Power Plant through 2050. The workshop should include, but is not limited to, discussion of the following:

- a. The utility and applicability of using CoSMoS 1.0 instead of, or as a supplement to, the analysis conducted using CoSMoS 3.0;
- b. The utility and applicability of using CoSMoS 3.0 as it was used in the FSA or modified in some way, including by utilizing any additional model information that may have become available since the publication of the FSA;
- c. The utility and applicability of using a combination of CoSMoS 1.0 and 3.0;
- d. The utility and applicability of utilizing Dr. Revell's projection of 2050 conditions as the worst case for flood/sea-level rise risk.

After identifying the best approach or approaches for assessing coastal flooding risk, Energy Commission Staff shall conduct an analysis using that approach or approaches, taking into consideration the effects of potential dune erosion, beach erosion, and change in beach angle. The analysis should also discuss how the modeled level of risk compares with the flooding risk identified in Federal Emergency

Management Agency maps that reflect current conditions with 2 feet of sea level rise. The other parties may prepare their own analysis using either staff's identified approach(es) or those of their choosing.

Invited workshop participants should include, but are not limited to, all parties; U.S. Geological Survey, California Coastal Commission; Coastal Conservancy; Ocean Protection Council; and Energy Commission, Research & Development Division staff.

4. Identify and discuss the feasibility of mitigation necessary to maintain reliability of the proposed project against flood water levels identified by the methodologies analyzed as described above.
5. Identify and discuss any mitigation measures in addition to those identified under item 4, above, necessary to maintain reliability of the proposed project if the beach and dunes in front of the project substantially narrow or erode, for example as caused by diminished sand replenishment or major storm events.

Alternatives

6. Analyze the use of one or more smaller (50 – 100 MW) turbines instead of the larger turbine proposed by the applicant at the two alternative sites analyzed in the Final Staff Assessment, the Del Norte/Fifth Street Off-site Alternative and the Ormond Beach Area Off-site Alternative, to determine whether it is feasible to reduce or eliminate the previously identified potential impacts on aviation.

Compliance and Closure

7. Analyze a possible requirement that the Puente facilities be demolished and removed when they are decommissioned and mechanisms for providing financial assurances (i.e., bonding) for their demolition and removal.
8. Supplement the existing analysis of the demolition of existing Mandalay units 1 and 2 to the extent necessary to analyze the environmental effects of Puente's demolition and removal.

Briefing

We committed to identifying issues for the parties to address in their post-hearing briefs. Briefing on the topics for which we call for additional evidence above – Biological Resources, Soil and Water, Alternatives, and Compliance and Closure – is best postponed until after that evidence is presented. The topic of Land Use, however, appears unlikely to be affected by the additional evidence and can be briefed now. We therefore request that the parties file briefs on the following questions and any other issues they believe are relevant to the environmental impacts and LORS compliance of the proposed project regarding the Land Use topic.

1. Identify the City of Oxnard General Plan and other policies, development standards, zoning ordinance provisions and any other development regulation or standard that the proposed project does not comply with, explaining the basis in the evidence and law for that conclusion.
2. Identify and apply the City of Oxnard policies and regulations applicable to the height of the proposed project, including any mechanisms such as a variance that could allow those height limits to be exceeded.

Opening briefs shall be filed no later than **April 10, 2017**. Reply briefs shall be filed no later than **April 24, 2017**.

We will identify other issues and afford the parties an opportunity to file briefs on other topics at a later date.

Schedule

Energy Commission Staff shall propose a timetable for the preparation and filing of the additional evidence described above. That proposed timetable shall be filled as soon as possible, but no later than **April 5, 2017**. The applicant and other parties shall file their comments on the proposed timetable no later than 10 days after its filing. The Committee will then conduct a Status Conference to discuss the timetable and a schedule for the remainder of this proceeding.

Dated: March 10, 2017, at Sacramento, California.

Original signed by

JANEA A. SCOTT
Commissioner and Presiding Member
Puente Power Project AFC Committee

Original signed by

KAREN DOUGLAS
Commissioner and Associate Member
Puente Power Project AFC Committee