

<b>DOCKET</b>	
<b>11-AFC-2</b>	
DATE	JAN 17 2012
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STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	
	)	
Application for Certification for the	)	Docket No. 11-AFC-2
Hidden Hills Solar Electric Generating	)	
System		

**HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM  
STATUS REPORT #1**

The Committee Scheduling Order issued on November 16, 2011, requested that the parties file monthly status reports to inform the Committee on the progress of the case. This Status Report for the Hidden Hills Solar Electric Generating System (“HHSEGS”), filed by Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC (collectively, the “Applicant”), provides a summary of the Discovery activities that have occurred since the HHSEGS was deemed data adequate on October 5, 2011. It also includes a status of the technical areas addressed in Staff’s Issues Identification Report. Lastly it includes an update on the Environmental Impact Statement (“EIS”) being prepared by the Bureau of Land Management (“BLM”) for the project linears in Nevada.

**DATA REQUEST/RESPONSES**

To date, Applicant has received 144 data requests from the CEC Staff, many with multiple sub-questions. Applicant has responded to 121 data requests in four sets of Data Responses (Sets 1A – 1D). Applicant has requested more time to prepare its responses for seven other requests. Applicant has objected to five of the Data Requests (one Visual Resources request and four Cultural Resources requests). The Staff recently issued a fifth and sixth set of data requests (Sets 2A and 2B) containing another 11 data requests (Air Quality, Alternatives, and Soil & Water). Applicant is in the process of responding to these requests. Applicant has also made supplemental data response filings in the areas of Air Quality, Biology, Cultural Resources, and Water Resources.

Applicant has participated in five CEC workshops, four in Sacramento and one in Tecopa. Another workshop is scheduled for January 18 in Tecopa.

**TECHNICAL AREAS**

The Staff’s Issues Identification Report identified seven technical areas as having potentially significant issues. Each of these technical areas is discussed below.

## **1. Alternatives**

Similar to HHSEGS, the project alternatives analyzed in the AFC are located in areas identified in Inyo County's Renewable Energy Land Use Designation Overlay Zones. The Renewable Energy General Plan Amendment that created those overlay zones has since been rescinded by Inyo County in settlement of litigation. Applicant believes that the alternative sites included in the AFC are sufficient to enable the Staff to conduct its analysis. Moreover, the alternative sites identified in the AFC, which were also affected by the General Plan rescission, remain viable, CEQA-compliant project alternatives. Applicant will continue to work with Staff in response to its Data Requests regarding this issue area.

## **2. Biological Resources**

Since the HHSEGS was deemed Data Adequate in October 2011, Applicant has responded to thirty-eight data requests received pertaining to Biological Resources. In addition, Applicant has hosted site visits for CEC biology staff, the California Department of Fish and Game ("CDFG"), and the United States Fish and Wildlife Service ("USFWS"). Applicant believes its data responses and these site visits have assisted the CEC staff, CDFG, and USFWS in better understanding the biology of the project site and surrounding area.

During Discovery the following biological reports and documents have been submitted or will be submitted to the CEC, CDFG, and USFWS:

- Revised Presence/Absence Survey for the Desert Tortoise and other Sensitive Wildlife, Submitted in Data Response Set 1B, December 5, 2011;
- Preliminary Draft Desert Tortoise Translocation Plan, Submitted in Data Response Set 1B, December 5, 2011;
- Golden Eagle Study Plan, Submitted in Data Response Set 1B, December 5, 2011;
- Resource Summary for Phase 1 and Phase II Burrowing Owl Surveys, Submitted in Data Response Set 1B, December 5, 2011;
- Draft Application for Incidental Take of Threatened and Endangered Species Section 2081 of the California Endangered Species Act, Submitted in Data Response Set 1B, December 2011;
- On-site Spring Survey Botany Report, Submitted in Data Response Set 1B-2, Submitted in December 2011;
- Off-site Botany Survey Report, to be submitted in January 2012
- On-site Fall Botany Survey Report, to be submitted in January 2012
- Winter Avian Bird Count and Golden Eagle Ground Survey Report, to be submitted in January 2012
- Fall Golden Eagle Helicopter Survey Report, to be submitted in January 2012
- CDFG 1600 Application for State Waters to be submitted in February 2012
- 401 Certification Application to the RWQCB for Federal and State Waters to be submitted in February 2012

- Pedestrian Golden Eagle Nest Surveys, report to be submitted late spring/early summer 2012
- Phase III Burrowing Owl Survey Report, to be submitted in Spring 2012
- 404 Application to the Army Corp of Engineers for Federal Waters to be submitted in mid-2012
- Biological Assessment from the Bureau of Land Management for submittal to the USFWS; to be submitted to the CEC once it has been deemed complete by the USFWS.

In addition, an Anabat monitor was installed on the project site and started collecting bat presence data on January 1, 2012. With the understanding that this process will not affect Staff's schedule for production of the Staff Assessment, this data will be provided to the CEC, CDFG, and USFWS on a quarterly basis

Substantial progress is being made in the area of Biological Resources, and Applicant will continue to work with the Staff and relevant agencies on the biological issues.

### **3. Cultural Resources**

On January 6, 2012, the Applicant provided responses to twenty-nine Cultural Resources Data Requests. Applicant has requested additional time to prepare responses for five requests. These responses will be provided in January 2012. Notwithstanding Applicant's objection to four requests, the Applicant continues to work with CEC Staff to resolve these issues. They will be discussed at the CEC workshop scheduled for January 18, 2012 in Tecopa, CA. The Applicant has also hosted a site visit for the CEC Cultural Staff and Native American representatives.

### **4. Land Use**

Applicant has been engaged in discussions with Inyo County regarding project consistency with applicable local land use laws, ordinances, regulations, and standards and what, if any, actions need to be taken in this regard. These discussions are ongoing. The Applicant will update the CEC Staff once those discussions conclude.

### **5. Socioeconomics**

The Applicant has been in discussions with the Southern Inyo Fire Protection District ("SIFPD") and the Inyo County Sheriff's Department. It has hosted a site visit for SIFPD representatives at the Ivanpah Solar Electric Generating System. Representatives from the San Bernadino County Fire Department also attended to assist in answering questions of the Inyo County responders. The Applicant will continue to work with the SIFPD and the Inyo County Sheriff's Department.

## **6. Visual Resources**

The Applicant has provided responses to five data requests pertaining to Visual Resources. The Applicant has also hosted site visits for the Visual Staff. The Applicant will continue to work with the CEC Staff on this issue.

## **7. Water Resources**

Applicant has responded to twelve data requests pertaining to Water Resources. In addition to discussing this issue with CEC Staff at recent workshops, the Applicant has been engaged in discussions with, among others, the BLM, the United States Geological Survey, USFWS, CDFG, the Lahontan Regional Water Quality Control Board (RWQCB), Nye County and Inyo County. The Applicant has also hosted a site visit for the Lahontan RWQCB. The Applicant will continue to work with these entities in developing appropriate mitigation for the project. .

## **EIS UPDATE**

BLM is preparing an EIS for Valley Electric Association's right of way (ROW) application for a transmission line and gas pipeline. The scoping period for the EIS ended on December 12, 2011.

## **CONCLUSION**

Progress is being made on the resolution of the outstanding issues. The Applicant looks forward to timely completion of this proceeding.

January 17, 2012

Respectfully submitted,

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By 

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STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

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HILLS SOLAR ELECTRIC GENERATING ) Docket No. 11-AFC-2  
SYSTEM PROJECT )  
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**PROOF OF SERVICE**

I, Karen A. Mitchell, declare that on January 17, 2012, I served the attached *Hidden Hills Solar Electric Generating System Status Report No. 1* to all parties on the attached service list via electronic mail and to those parties on the list that specify U.S. Mail only, the document was sent by U.S. Mail.

I declare under the penalty of perjury that the foregoing is true and correct.



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Karen A. Mitchell

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