

on the project site. Mr. Jensen will also be cross-examined with respect to his proffered testimony with respect to socioeconomic impacts to the County contained in the applicant's Opening Testimony and Rebuttal Testimony, including the presumptions concerning necessary County service levels and environmental justice impacts.

California Energy Commission <b>DOCKETED</b> <b>11-AFC-2</b>
TN # 69590 FEB 20 2013

D. Fatuma Yusuf, Ph.D.

1. Time for Cross-Examination: 1 Hour

2. Summary: The County desires to cross-examine Dr. Yusuf concerning her proffered testimony as to the socioeconomic impacts to the County and the environmental justice impacts resulting from the project. The County desires to cross-examine Dr. Yusuf as to her presumptions concerning necessary County service levels, impacts to County departments, economic benefits flowing to the County as a result of the project from project related expenditures, taxes and other revenue sources.

E. Loren Bloomberg, P.E.

1. Time for Cross-Examination: 1 Hour

2. Summary: The County desires to cross-examine Mr. Bloomberg as to his proffered statements concerning the impacts to Old Spanish Trail and County roads as a result of the construction and operation of the project. The cross-examination will include Mr. Bloomberg's opinion that the proposed conditions of certification requiring the monitoring and repair of Old Spanish Trail from the project site to Highway 127 and the need for acceleration and deceleration lanes.

F. Thomas Priestley, Ph.D., AICP/ASLA

1. Time for Cross-Examination: 1 Hour

2. Summary: The County desires to cross-examination Dr. Priestley as to his proffered testimony that the project will not result in a significant impact to visual resources. The County wishes to cross-examine Dr. Priestley with respect to his opinion as to the adequacy of the applicant's proposed mitigation to bring reduce the impact to less than significant.

G. Tim Thompson, Dr. John Jansen, Michael Rojansky, Dr. Geof Spaulding, and Matt Franck

1. Time for Cross-Examination: 1 Hour

2. Summary: The County desires to cross-examine the witnesses offered by the applicant in its Opening and Rebuttal Testimony to support its proposed conditions of certification with respect to groundwater monitoring and mitigation, specifically the impact presumptions made with respect to the groundwater pump tests conducted by the applicant through its groundwater modeling.

## **VI.**

### **EVIDENCE**

- A. General Project Comments: Exhibits 900-904, 937, 940 and 942.
- B. Biological Resources: Exhibits 900-904, 914, 923, 924, 942, 946 and 947.
- C. Land Use: Exhibits 900-922, 925, 926, 927, 928, 929, 931, 932, 933, 934, 935, 936, 937, 938, 940, 942 and 943.
- D. Socioeconomic: Exhibits 900-922, 934, 935, 937, 938, 940, 942, 944 and 945.
- E. Traffic and Transportation: Exhibits 900-905, 925, 926, 927, 928, 929, 939, 940, 942 and 944.
- F. Water Supply: Exhibits 900-904, 923, 924, 930, 934, 940, 942, 946 and 947.
- G. Visual: Exhibits 900-904, 910, 911, 935, 937 and 942.
- H. Noise: Exhibits 900-904, 931, 932, 933, 936, 937 and 942.

## **VII.**

### **CONDITIONS OF CERTIFICATION**

- A. The County's proposed modifications to the Conditions of Certification contained in the FSA are attached hereto as Attachment 1.

## **VIII.**

### **SCHEDULING ISSUES**

- A. The County believes the hearings will exceed the current schedule of 4 days. Should additional hearing dates be necessary, and the location for those hearings is outside Inyo County, the County requests that the County's witnesses be taken during the hearings scheduled in Shoshone. Not only will it create an economic hardship for the County to have its witnesses travel outside Inyo County,

it is imperative to the public process that the County's residents be permitted to witness its elected and appointed officials testify before the Committee. Therefore, the County requests either it be permitted to offer its testimony during the hearings in Shoshone or that any continued hearing dates also be located in Inyo County.

With respect to scheduling conflicts, the Inyo County Board of Supervisors meets every Tuesday. As such, Board members and County Department Heads are unavailable to testify on Tuesdays. With the exception of that conflict, the County currently has no conflict with respect to the scheduling of future hearings.

Dated: February 19, 2013

Respectfully submitted,



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**ATTACHMENT A  
PROPOSED MODIFICATIONS TO  
CONDITIONS OF CERTIFICATION**

**Requested Conditions of Certification – General**

In order to lessen the significant impacts to the residents of Charleston View, the following Conditions of Certification should be ordered.

GENERAL COC-1: Project owner shall construct and maintain a facility in the community of Charleston View at which the local residents may use for a meeting place. The facility may be combined with other uses, such as fire, emergency services and/or law enforcement.

Verification: Within 180 days of the commencement of construction, project owner shall provide the location and plans and specifications for the facility, which shall be constructed and become operational no later than the commencement of operations.

GENERAL COC-2: Project owner shall construct a cellular communications tower on the project site and allow its use by any cellular communications company for the purpose of expanding and/or improving cellular communications service to the vicinity of the project site, including the community of Charleston View. To the extent necessary, the project owner shall work with the County to secure a cellular communications company to provide such service.

Verification: Within 180 days of the construction of a cellular communication tower, the project owner shall provide the status and progress made toward fulfilling this condition to the CPM and the County of Inyo.

GENERAL COC-3: Within 30 days of the commencement of construction, project owner shall provide financial compensation to each resident in Charleston View in an amount which would be sufficient for the resident to relocate to a location away from the project site at the sole discretion of the resident. The amount of mitigation compensation shall be approved by the CPM after consultation with the County of Inyo and, to the extent practical, the residents of Charleston View.

Verification: Within 30 days of the commencement of construction project owner shall provide proof of the agreed upon amount of the economic mitigation and proof of payment to each resident of Charleston View.

**Requested Modifications to Conditions of Certification – Land Use**

-Modify COC Land-1 as follows: The project owner shall comply with the Subdivision Map Act (Pub. Resources Code Section 66410-66499.58) by adhering to the provisions of Title 16, Subdivisions, Inyo County Code of Ordinances to merge the parcels and extinguish the roads and easements on the parcels in a manner acceptable to the County ensure legality of parcels and site control.

-Modify COCs BIO-26, COM-14 and COM-15 so that they are consistent with LAND-2.

-Add new COC Land-5 as follows: The project owner shall demonstrate a good-faith effort to process a General Plan Amendment and Zoning Reclassification for the project site.

**Verification:** At least thirty (30) days prior to construction of the HHSEGS project, the project owner shall submit evidence to the CPM indicating that it has worked with the County to process the GPA/ZR application for the project. Such evidence may consist of an Order from the Inyo County Board of Supervisors approving or disapproving of said application.

### **Requested Findings of Fact and Conditions of Certification – Socioeconomics**

Requested Revision of Proposed Finding of Fact Number 5 (additions are shown by underlining and deletions are shown by strikeover)

5. The sales tax and other revenue generated for Inyo County during the construction and operation periods ~~would~~ may or may not be greater than the estimated potential County expenditures resulting from the project. ~~Therefore~~ With the imposition of the proposed conditions of certification, including Socio-4 & 5, the County would have adequate financial resources to provide appropriate Sheriff’s protection and other services to the project site and southern Inyo County.

#### Requested New Condition of Certification—SOCIO- 4

SOCIO-4: In order to ensure that the fiscal revenues received by Inyo County as a direct result of the project are adequate to cover Inyo County’s costs of providing project-related services and infrastructure as a result of the HHSEGS, the project owner and Inyo County shall:

1. Within 180 days of the first June 30th after the start of construction of the project, the County of Inyo shall submit to the project owner a statement of costs of providing project-related services and infrastructure that were incurred by the County since the start of construction of the project together with a statement of the total amount of sales and use tax received pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (the Bradley-Burns local tax allocation) and property tax received by the County as a direct result of the project since the start of construction. Each year thereafter, the County of Inyo shall submit to the project owner an annual statement of costs of providing project-related services and infrastructure that were incurred by the County during the previous year together with a statement of the total amount of the Bradley-Burns local tax allocation and property tax received by the County during the previous year as a direct result of the project.
2. If a statement submitted by the County of Inyo to the project owner shows that the project-related costs incurred by the County exceed the total amount of the Bradley-Burns local tax allocation and property tax received by the County as a direct result of the project during the period of time covered by the statement, unless the project owner challenges the statement as provided below, within 60 days of receipt of the statement, the project owner shall pay to the County the difference between the costs and the tax revenue.
3. If the project owner believes that the amount of the costs or tax revenues presented in a statement is incorrect, within 30 days of the receipt of the statement, the project owner shall provide to the County a written notice setting forth its reasons why it believes that the amounts are incorrect. If the project owner disagrees with the amount of sales or use tax received pursuant to the Bradley-Burns local tax allocation, the written notice shall be accompanied by an audit, undertaken at the project owner’s expense, by a qualified auditor of the amount of the sales and use tax received by the County pursuant to the Bradley-Burns local tax allocation. Unless otherwise agreed by the County and the project owner, within 10 days of the receipt of the notice, the County and the project owner shall meet and confer in good faith in an attempt to resolve the objections. If the County and the project owner are in agreement on the amount to be paid by the project owner, the project owner shall pay the agreed upon amount to the County within 30 days of the date of agreement.



4. If, following the meetings between the County and the project owner, the County and the project owner remain in disagreement over the amount to be paid by the project owner, unless otherwise agreed by the County and the project owner, not later than 45 days after the receipt of the statement, the project owner may submit a written statement of the areas of disagreement to the Energy Commission for resolution. A copy of the written statement submitted to the Energy Commission shall be concurrently provided to the County. If the project owner does not submit such a written statement to the Energy Commission within the specified time, the project owner shall be deemed to have waived the right to challenge the amount in disagreement and shall pay the amount of the statement, to the County within 60 days of receipt of the statement.

5. A disagreement between the County and the project owner over the amount of a statement submitted to the Energy Commission shall be resolved by the Energy Commission as described in the section titled “Noncompliance Complaint Procedures” described in the “General Conditions Including Compliance Monitoring and Closure Plan” of the FSA. If the CEC makes a final determination that Hidden Hills Solar should pay any amount to the County, the payment shall be made to the County within 30 days of such determination. Such a determination by the CEC shall not be appealable by Inyo County or the project owner.

6. County shall be reimbursed all costs of auditing and verifying BOE remittances.

**Verification:** Within 30 days of a payment by the project owner to the County of Inyo as provided in 2, 3, 4 or 5 above, the project owner shall provide evidence of such payment to the CPM.

#### Requested New Condition of Certification—SOCIO-5

SOCIO-5. In order to assure that the County is fully mitigated for economic impact resulting from the placement of mitigation lands within the County of Inyo, the project owner shall:

1. The project owner and the CEC, in coordination with the County, shall investigate and implement means to enhance degraded public lands (including lands designated Wilderness), rather than use private lands in Inyo County for compensatory mitigation, including investigating and advocating for means to quantify restoration activities on public lands in lieu of direct compensatory mitigation.

2. If private lands within Inyo County are to be used as compensatory mitigation for impacts of the project, whether such lands are selected before or after certification of the project and whether such lands are selected by the project owner, the Department of Fish and Wildlife or another wildlife agency using funds paid by project owner to satisfy any mitigation condition, prior to selection of such lands, the CEC will cause a study of the lost economic opportunity costs which the County would suffer as a result of the conversion of the private lands to mitigation lands and the environmental impacts what would result from such conversion and, if any such lands are selected, that the CEC will impose appropriate mitigation, including economic mitigation mandated by Title 21 of the Inyo County Code of Ordinances, to fully offset any identified adverse impacts to the County and/or to the environment.

#### Requested Findings of Fact – Noise

Add a new COC to Noise as follows: If a resident or residents in Charleston View notify the CPM of disturbing construction noise and request mitigation, the project owner shall immediately cease the disturbing construction activities and work with the resident to install noise-reduction features on the primary residential structure, such as noise reducing windows, walls, ventilation systems, and/or other features determined in consultation with the resident. Once the features have been installed, the disturbing construction activities may recommence.

**Verification:** Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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**APPLICATION FOR CERTIFICATION FOR THE  
HIDDEN HILLS SOLAR ELECTRIC  
GENERATING SYSTEM**

**Docket No. 11-AFC-02**

**PROOF OF SERVICE  
(Revised 2/14/13)**

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Member

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**DECLARATION OF SERVICE**

I, Debra Gonzalez, declare that on February 19, 2013, I served and filed copies of the attached Prehearing Conference Statement Intervenor, County of Inyo, dated February 19, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at:  
<http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

**(Check one)**

**For service to all other parties and filing with the Docket Unit at the Energy Commission:**

- I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: February 19, 2013

  
Debra J. Gonzalez