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CH2MHILL

November 24, 2010

382914

Mr. Craig Hoffman
Project Manager
California Energy Commission
1516 Ninth Street, MS 15
Sacramento, CA 95814-5512

Subject: Mariposa Energy Project (09-AFC-03)
Comments on the CEC Staff Assessment

Dear Mr. Hoffman:

Attached please find one hard copy and one electronic copy of of the Mariposa Energy Project's Comments on the CEC Staff Assessment. These comments were prepared in response to the California Energy Commission Staff Assessment for the Application for Certification for the Mariposa Energy Project (09-AFC-03) dated November 8, 2010.

If you have any questions about this matter, please contact me at (916) 286-0348.

Sincerely,

CH2M HILL

Doug Urry
AFC Project Manager

Attachment

cc: J. Salamy, CH2M HILL
B. Buchynsky, Mariposa Energy, LLC.

Mariposa Energy Project

(09-AFC-3)

Comments on the CEC Staff Assessment

Submitted to

California Energy Commission

Submitted by

Mariposa Energy, LLC

With Assistance from

CH2MHILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

November 2010

Listed below, for CEC Staff's consideration, are Mariposa Energy's comments on the Staff Assessment (SA) for the Mariposa Energy Project (09-AFC-3).

INTRODUCTION

No comments.

PROJECT DESCRIPTION

No comments.

AIR QUALITY

Page 4.1-16, Proposed Construction Emissions, 1st paragraph, 4th sentence: The laydown area was increased to 9.2 acres (refer to AFC Supplement B). Please change the sentence to read as follows:

> "Construction would take place within approximately ~~the 15~~ 20 acres of the MEP site, which includes approximately ~~4~~9.2 acres for laydown and parking. (MEP 2009a)."

Page 4.1-19, Proposed Operation Emissions, 3rd and 4th bullets should be edited for consistency with the BAAQMD PDOC:

- CO emissions controlled to 2.0 ppmvd at 15% O2 for any ~~1~~3-hour period;
- PM10 emissions at ~~3.0~~2.5 lb/hr based on exclusive use of pipeline-quality natural gas fuel with no provisions for an alternative or backup fuel;

Page 4.1-21, Table 14. SOx emissions were scaled below to adjust for 1,400 hours annually.

Air Quality Table 14
MEP, Expected Annual Emissions (tons per year [tpy])

Source	NOx	VOC	PM10/ PM2.5	CO	SOx
Total Four CTGs Expected (1,400 hours)	12.32	1.71	7.00	5.99	~~2.55~~0.94
Total Four CTGs Expected (startups)	10.4	0.8	1.1	10.2	0.4
Diesel Fire Water Pump Engine	0.002	<0.001	<0.001	0.001	<0.001
Total Expected Annual Emissions	**22.72**	**2.51**	**8.13**	**16.19**	**~~2.96~~1.35**

Notes: Calculation for Total Four CTGs Expected (1,400 hours): 0.34 lb SO2/hr x 1400 hours x 4 turbines = 1904 lb SO2/yr = 0.94 TPY
Calculation for Total Expected Annual Emissions: 0.94 + 0.4 + <0.001 = 1.35

Page 4.1-30 and Page 4.1-31, Table 20. SOx emissions were scaled below to adjust for 1,400 hours annually.

Air Quality Table 20
MEP, BAAQMD Offset Requirements and Offset Holdings (tpy)

Source	NOx	VOC	PM10/ PM2.5	CO	SOx
Total Four CTGs Maximum Annual	45.6	5.60	21.13	29.98	2.87
Diesel Fire Water Pump Engine	0.3	0.02	0.02	0.1	< 0.01
MEP Potential to Emit	**46.0**	**5.62**	**21.1**	**30.1**	**2.9**
Offset Requirements					
BAAQMD Offset Requirements	52.44 [a]	0 [b]	0 [c]	0 [d]	0 [e]
Effectiveness of BAAQMD Offset in San Joaquin Valley (1.5-to-1)	34.96	0	0	0	0
MEP Offset Holdings Certificate, Site of Reduction					
#1182 Owens Corning, Santa Clara	55.90	---	---	---	---
#1184 Quebecor World, San Jose	---	11.10	---	---	---
Additional Mitigation					
SJVAPCD Air Quality Mitigation Settlement Agreement, December 17, 2009	---	---	11.03	---	See PM10
MEP Mitigation Total	**34.96**	**---**	**11.03**	**---**	**---**
Reasonably-Foreseeable Emissions					
Expected Annual Emissions (from Table 14)	**22.72**	**2.51**	**8.13**	**---**	**~~2.96~~1.35**
Fully Offset?	**Yes**	**Yes**	**Yes**	**---**	**Yes**

Calculation for Total Expected Annual Emissions (from Table 14): 0.94 + 0.4 + <0.001 = 1.35

Page 4.1-36, Localized Cumulative Impacts, bullet 6. Please clarify as follows:

- Tesla Power Project, approved by the Energy Commission in 2004 (01-AFC-21, BAAQMD Facility 13424) for a site in Alameda County approximately five miles south of MEP, but construction never started. The staff's analysis did not include this project because the Energy Commission terminated the certification for this power plant on October 16, 2009.

Page 4.1-36, Localized Cumulative Impacts, last paragraph:

The MEP applicant's analysis of cumulative impacts appears to under-predict PM2.5 impacts by adjusting the emission rates of the proposed cooling tower at EAEC (Response to DR13, CH2M 2009f). To compensate for the under-prediction

of cooling tower PM2.5 by the MEP applicant, staff shows the PM2.5 impact level equivalent to PM10.

Response: The predicted impacts in Data Request Set 1, DR13 (Table DR13-3) include the emissions from the EAEC and Tesla Power Plant (TPP). However, as noted by Staff, the TPP application has been terminated at the Energy Commission and the EAEC project would not be allowed to emit at the levels included in the MEP cumulative impact assessment. Therefore, the cumulative PM2.5 assessment conducted by Mariposa Energy conservatively included approximately 200 tons of TPP PM2.5 emissions which are no longer reasonably foreseeable emissions and the EAEC PM2.5 emissions are likely overestimated as well. Furthermore the cooling tower PM2.5 emission rates were based on the PM2.5 fraction of PM10 emissions published in the California Emission Inventory Development and Reporting System (CEIDARS) database. Therefore, Mariposa Energy believes that the cumulative assessment presented in response to Data Request 13 (DR13) does not under-predict the potential cumulative PM2.5 impacts and would actually represent a conservative estimate because of the inclusion of TPP and EAEC emissions as presented in their original AFCs, respectively.

Page 4.1-44 and Page 4.1-45, Condition AQ-SC7 and Verification. The Applicant requests the following revisions:

AQ-SC7 The project owner shall provide emission reductions in the form of offsets or emission reduction credits (ERCs) in the quantities of at least 22.72 tons per year (tpy) NOx, 2.51 tpy VOC, 8.13 tpy PM10, and ~~2.96~~1.35 tpy SOx emissions.

The project owner shall surrender the NOx and/or VOC ERCs from among Bay Area Air Quality Management District Certificate Numbers 1182 and / or 1184, or an alternate certificate, as allowed by this condition. If additional ERCs are submitted, the project owner shall submit an identification of the additional ERCs to the CPM. The project owner shall request CPM approval for any substitutions, modifications, or additions to the listed credits.

The project owner shall demonstrate that a sufficient quantity of local emission reductions of PM10 and/or SOx occur by providing a report that identifies the feasible timing of the reductions and the ultimate use and cost-effectiveness of the $644,503 fee in the Air Quality Mitigation Settlement Agreement executed by the San Joaquin Valley Air Pollution Control District Governing Board, December 17, 2009 (Attachment DR8-2 of CH2M *2010b)*. If insufficient emission reductions would result from the use of the fee, then the project owner shall ~~surrender PM10 and/or SOx ERCs~~ provide sufficient emission reductions ~~from the northern region of the San Joaquin Valley Air Pollution Control District in the amount and seasons~~ corresponding with the shortfall~~.~~

The CPM, in consultation with the District, may approve any such change to the ERC list provided that the project remains in compliance with all applicable laws, ordinances, regulations, and

standards, and that the requested change(s) will not cause the project to result in a significant environmental impact. The District must also confirm that each requested change is consistent with applicable federal and state laws and regulations.

Verification: The project owner shall submit to the CPM records showing that the project's BAAQMD offset requirements have been met prior to initiating construction and that the local emission reductions achieved by using the SJVAPCD fee are likely to occur prior to initiating operation. If the CPM approves a substitution or modification to the list of ERCs, the CPM shall file a statement of the approval with the project owner and the Energy Commission docket. The CPM shall maintain an updated list of approved ERCs for the project.

Page 4.1-45 and Page 4.1-46, Condition AQ-SC10:

AQ-SC10 The diesel fire water pump engine (proposed rating: 220 horsepower) shall be ~~certified by the Air Resources Board to achieve an air quality-based emission limit of 0.74 pounds per hour of nitrogen oxides (NOx) emissions or~~ certified as meeting ARB Tier 3~~4 or Interim Tier 4~~ standards. Scheduled testing of the fire pump engine shall not occur during operation of any combustion turbine in commissioning mode. Any planned test of the fire pump engine lasting more than 30 minutes shall occur only during times when the combustion turbines are not operational.

Page 4.1-61, Definitions:

Commissioning Activities: All testing, adjustment, tuning, and calibration activities recommended by the equipment manufacturers and the MEP construction contractor to insure safe and reliable steady-state operation of the gas turbines, balance of plant systems, ~~heat recovery steam generators, steam turbine,~~ and associated electrical delivery systems during the commissioning period

BIOLOGICAL RESOURCES

General Comment: The alternative water supply pipeline route is not part of the project description. The Applicant suggests removing references to this feature throughout the text, as noted in various locations below, to minimize confusion and for consistency with the remainder of the SA.

Page 4.2-1, Summary of Conclusions, 2nd paragraph, 2nd sentence: The Applicant suggests the follow change be made due to the lack of certainty that construction, without mitigation, would result in CTS or CRLF mortality:

"Construction of the MEP c~~w~~ould result in direct mortality to California tiger salamanders and California red-legged frogs within the disturbance area."

Page 4.2-1 and Page 4.2-2, Summary of Conclusions, bullets 1 through 6:

- Survey Results: The applicant needs to submit final burrowing owl surveys results, before staff can complete the impact analysis and mitigation requirements associated with this species."

Response: Burrowing owl survey results were provided to CDFG and CEC on November 23, 2010.

- Adequate information provided to USFWS to complete formal consultation: The applicant needs to address comments provided by USFWS (September 29, 2010). These comments include the need for further details delineating permanent versus temporary impacts, more discussion of construction impacts and aquatic habitat impacts, and a complete compensation and mitigation plan.

Response: The September 29, 2010 USFWS comments were addressed in a submittal provided to the agencies on October 22, 2010.

- Consultation with the USFWS Migratory Bird Office (MBO): The applicant must consult with the USFWS MBO to determine whether project construction would affect nesting golden eagles, and, if this potential exists, appropriate measures to avoid this impact.

Response: The Applicant received concurrence from USFWS MBO on November 23, 2010 confirming that the project will not negatively impact nesting golden eagles.

- ~~Streamed Alteration Notification: If the alternative water supply pipeline route is selected, the applicant would need to prepare a draft Streambed Alteration Notification and submit the notification to the CDFG. Energy Commission staff would use CDFG's comments to complete analysis of impacts and mitigation requirements for the alternative water supply pipeline.~~

Response: Please delete reference to the alternate water supply pipeline.

- Compensatory Mitigation: Details of a feasible compensation plan for the Mariposa Energy Project need to be finalized in coordination with the Energy Commission staff, CDFG, and USFWS.

Response: The Applicant's October 22, 2010 submittal to CDFG, FWS, and CEC identified the primary mitigation plan (Mountain House Mitigation Bank) and back-up plan if bank is not approved within 18 months of project construction start up. Please clarify any current additional information requirements.

The following information is pending from agency personnel:

- Streambed Alteration Notification: The applicant submitted a draft Streambed Alternation Notification for the proposed project. The CDFG will be providing comments on this notification, which Energy Commission Staff will use to complete the impact analysis and mitigation requirements for state waters.

Response: CDFG provided input via an e-mail from Marcia Grefsrud dated November 8, 2010.

Page 4.2-9, Wetlands and Other Waters, Ephemeral Drainages, Paragraph 2, last sentence: Applicant suggests the following clarification: "D-2 continues as small well defined ditch (D-2a) devoid of vegetation which has been realigned through the PG&E facility to the ~~we~~east." Please make the same correction in Table 2, page 4.2-10 under the "Ditch-1, D-2a" row of table.

Page 4.2-9 thru Page 4.2-11, Table 2: Please remove the portion of the table relating to the alternate water supply pipeline, beginning with the row titled *Wetlands/Waters Along the Alternate Water Supply Pipeline*. Additional suggested text deletions relating to the alternate water supply pipeline are included below.

Page 4.2-12, Seasonal Wetlands, 1st paragraph, last sentence: "This wetland was determined to be a potentially USACE-jurisdictional feature (CH2M 2009g; CH2M 2010r, Attachment 3, Preliminary Jurisdictional Determination). ~~There is a fourth seasonal wetland (SWL-3) located along the alternate water supply pipeline route that is also considered a potentially USACE-jurisdictional feature (CH2M 2009g; CH2M 2010r, Attachment 3, Preliminary Jurisdictional Determination).~~"

Page 4.2-12, Erosional Ditches, Swales, 2nd paragraph**:** "~~Three additional ditches (Ditch-2, Ditch-3, and Ditch-4) are located along the alternate water supply pipeline route. One ditch is characterized as a small drainage channel which flows under Kelso Road via a culvert and is vegetated with annual grasses. The other two ditches are agricultural drainages. These features were all determined to be potentially USACE-jurisdictional features (CH2M 2009g; CH2M 2010r, Attachment 3, Preliminary Jurisdictional Determination).~~"

Page 4.2-13, Canals and Creeks, 1st paragraph: "The Byron Bethany Irrigation District (BBID) Canal 45 is located at the northern end of the water supply pipeline route. The portion of the canal in the project area is routinely maintained and devoid of vegetation. The lower banks of the canal are characterized by cement rip rap. Canal 45 would supply service water to the project. ~~BBID Canal 70 is a constructed and maintained irrigation canal located adjacent to the alternate water supply pipeline route. Canal W1D, located adjacent to the alternate water supply pipeline route, is a large diversion canal that is routinely maintained and devoid of vegetation. Mountain House Creek passes through the alternate water supply pipeline route entirely within existing culverts. All four are considered potentially USACE-jurisdictional features (CH2M 2009g; CH2M 2010r, Attachment 3, Preliminary Jurisdictional Determination).~~"

Page 4.2-17, Biological Resources Table 3, Special-status Species Potentially Occurring in the MEP Study Area, Reptiles and Amphibians, Line 2 (California tiger salamander): Please update California tiger salamander status from "State Endangered" to "State Threatened." Please make the same correction on page 4.2-21, 1st Heading: *California Tiger Salamander (Federally Threatened, State Threatened~~Endangered~~)*

Page 4.2-19, Biological Resources Table 3, Special-status Species Potentially Occurring in the MEP Study Area, Birds, Line 1 (white-tailed kite): There is a minor typo in the last column: "High (foraging)"

Page 4.2-29, Project Impacts and Compensatory Mitigation, 3rd paragraph. The Applicant requests that mitigation credit purchase be required within 18 months of project construction, as discussed and agreed upon with USFWS and CDFG during the August 12, 2010 project meeting: "If the proposed Mountain House Mitigation Bank is finalized and approved by both the CDFG and USFWS for the species discussed above, this would likely be an appropriate way to compensate for project impacts. However, credits must be purchased within 18 months following construction initiation ~~and before commercial operation commences~~." This change is also requested in Condition of Certification BIO-16.

Page 4.2-30, Biological Resources Table 6, Row 2: Please make the following correction:

Resource	Acres Impacted	Mitigation Ratio	Recommended Compensation (acres) [1]
Branchiopods/Wetlands			
Permanent Total	0.018	3:1	0. 0<u>5</u>4

Note: Calculation for Permanent Total: 0.018 x 3 = 0.054

Page 4.2-32, Impacts to Wetlands and Waters, 2nd paragraph, 2nd sentence: "The applicant submitted a Notification of Lake <u>or</u> Streambed Alteration to the CDFG. CDFG will be providing comments on this notification. Whether these impacts would be mitigated below a level of significance, and what additional measures will be added to the conditions described above, will be determined after receipt and review of these comments." A minor typo correction is noted above. Additionally, CDFG has now provided comments in an e-mail from Marcia Grefsrud dated November 8, 2010.

Page 4.2-33 Special-status Wildlife, Special-status Invertebrates, Last paragraph: "However, the USFWS has requested further information from the applicant before they can complete consultation with the USACE for federally listed species. This request includes questions about potential indirect impacts to seasonal wetlands from construction, construction during the wet season, and mitigation for impacts to federally listed branchiopods. Until complete information is provided, staff cannot determine whether impacts would be reduced below a level of significance."

Response: The Applicant provided a submittal to USFWS addressing these questions on October 22, 2010.

Page 4.2-33, San Joaquin Kit Fox, 1st paragraph, 3rd sentence: The Applicant suggests a minor wording correction to this sentence: "If present on the project site during construction, San Joaquin kit fox could be killed by heavy equipment or ~~could~~ ground disturbance could entomb them within a den."

Page 4.2-34 and Page 4.2-35, California Red-legged Frog, Last sentence: "Construction of this project would result in the loss of suitable dispersal and upland refugia habitat and disturbance to dispersal ~~and potential breeding habitat~~ for this species; this impact would be significant."

Response: The Applicant does not agree that potential breeding habitat for CRLF will be lost as a result of the project. Aquatic habitat temporarily affected by construction of the water supply pipeline includes SWL-1, D-2, ASW-1, and Canal 45, none of which are considered potential breeding habitat for CRLF. In general, CRLF require approximately 4-7 months of ponding for breeding and to allow larvae to develop. Typically, CRLF are found in ponds (including cattle stock ponds) and in backwater areas, and in slow moving creeks. Lack of emergent vegetation is not necessarily a contra-indicator.

- SWL-1 is a very small (0.018 acres) roadside seasonal wetland which does not support sufficient hydrology for CRLF breeding. Maximum ponding in SWL-1 is less than 6 inches.
- D-2 is a shallow (OHWM < 1 foot) and narrow seasonal swale. D-2 becomes inundated likely only in response to significant rain events and there is no ponding potential in D-2 within the project area that could support the breeding lifecycle for CRLF.
- ASW-1 is an alkali seasonal wetland that appears to be subject to at least seasonal inundation and most likely a prolonged seasonally shallow water table. There are no distinct ponding areas within ASW-1 in the project area that could support CRLF breeding.
- Canal 45 is an actively managed irrigation canal. The canal within the project area is heavily disturbed and the rapid flow rates preclude breeding potential for CRLF.

Page 4.2-35, 1st Heading and following paragraph: "California Tiger Salamander (Federally Threatened, State Threatened~~Endangered~~)"

> There are multiple California tiger salamander breeding sites in close proximity to the proposed project, including a site within approximately 100 feet of the ~~proposed access road and~~ water supply pipeline disturbance area (CH2M 2010i). In addition, the proposed water supply pipeline route crosses drainages that may provide suitable breeding, dispersal, and cover habitat. Construction of this project would result in the loss of suitable dispersal and upland subterranean burrowing~~,~~ and dispersal, ~~and potential breeding~~ habitat for this species. Staff has concluded that these impacts would be significant. Implementation of staff's proposed Condition of Certification **BIO-16**, Compensatory Mitigation, would minimize impacts from loss of habitat.

Response: In an email dated November 19, 2010, Staff stated that CTS Occurrences 205 and 150 both are within 100 feet (the polygon actually overlaps with the project site) and both occurrences included larvae. CNDDB # 150 describes CTS larvae west of Bruns Road near its intersection with Christensen Road on the property which is currently known as the proposed Mountain House Mitigation Bank. The CNDDB record describes larvae in vernal pools on both the north and south side of Christensen Road. Based solely on the latitude and longitude coordinates provided in the CNDDB record, #150 is approximately ¼ mile from the MEP access road at Bruns Road. Based on satellite imagery (Google Earth), the exact location of the "vernal pools" are not apparent. The CNDDB accounts for a margin of error when mapping record occurrences, which likely explains why the #150 polygon overlaps with the project site.

The large polygon associated with #150 is the result of imprecise location data, which is mapped as a larger, non-specific circle (of varying sizes). The applicant agrees that CTS occurrence #205 is less than 100 feet from the water supply pipeline, north of Kelso Road and west of Bruns Road in the vicinity of PG&E's gas compressor station.

The Applicant does not agree that the project will impact potential CTS breeding habitat. Aquatic habitat temporarily affected by construction of the water supply pipeline includes SWL-1, D-2, ASW-1, and Canal 45, none of which are considered potential breeding habitat for CTS. CTS require significant ponding duration of sufficient depths for larval protection and development. These conditions do not exist at SWL-1, D-2, ASW-1, and Canal 45.

Page 4.2-36, Western Pond Turtle, last paragraph: The Applicant requests the following revision:

> "There are multiple CNDDB records of this species in the project vicinity, and the proposed water supply pipeline route would cross drainages that may provide suitable dispersal, cover, and foraging habitat. ~~Construction of this project would result in disturbance of suitable aquatic habitat present along the water supply pipeline route.~~ If present on the project site during construction, western pond turtles could be injured or killed by construction equipment…"

Response: For generally the same reasons listed above for CRLF and CTS, SWL-1, D-2, ASW-1, and Canal 45 are not considered suitable aquatic habitat for WPT. With the exception of Canal 45, these areas are dry for most of the year. Canal 45 is a routinely disturbed irrigation canal and the flow rate is fairly rapid in the project area. WPT generally inhabit slow moving water bodies and are more classically associated with ponds.

Page 4.2-42, 2nd Heading and following paragraph. Please remove heading and text referring to the alternate water supply pipeline:

> ~~Alternate Water Supply Pipeline Route~~
>
> ~~After both the AFC (MEP 2009a) and wetland delineation report (CH2M 2009e) were submitted, an alternative water supply pipeline route was identified. This alternative route would extend from the proposed project site northeast to Kelso Road, east to the Byron Highway, southeast along Byron Highway to Wicklund Road, north along Wicklund Road to the Mountain House Waste Water Treatment Plant (CH2M 2009g). The survey area for this route is approximately 75 acres, and this route would affect approximately 0.88 acres of wetland and water features. These features include drainage ditches, seasonal wetlands, a creek, and canals, and include state waters, USACE potentially jurisdictional waters, and potential habitat for special-status species. Because of this, these impacts would be considered significant. Implementation of staff's proposed conditions of certification **BIO-7**, which minimizes habitat disturbance and off-road access, and **BIO-17**, which includes provisions to protect water quality and wetlands, would minimize impacts to these resources. The applicant currently does not propose this alternative, and has not prepared a Streambed Alteration Notification for this alternative. If this alternative is selected, the applicant would need to submit a draft Streambed Alternation Notification to the CDFG for~~

~~comment. Energy Commission staff would complete impacts, significance, and mitigation analysis based on CDFG's comments.~~

Page 4.2-44, Thermal Plumes, 2nd paragraph: "Energy Commission staff has reviewed the information provided by the applicant (CH2M 2010l, CH2M 2010u), reviewed information provided by Alaska Game and Fish staff (Coltrane, pers. comm.), and discussed these topics with other Energy Commission Staff with experience with both thermals and airport issues (Walters, pers. comm.) and with CDFG personnel (Weight~~ait~~man, pers. comm.)."

Page 4.2-57, Condition BIO-6, Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP), item #10. The Applicant requests flexibility in meeting the intent of the condition to allow for cost-effective means of verifying disturbance footprint:

10. aerial photographs, at an approved scale, a GPS foot survey, or other verifiable means to document ~~of~~ all areas to be disturbed during project construction activities — one set prior to any site (and related facilities) mobilization disturbance and one set subsequent to completion of project construction.

Page 4.2-62 and Page 4.2-63, Condition BIO-10, California Tiger Salamander and California Red-legged Frog Impact Avoidance and Minimization Measures and Management Plan. The Applicant requests the following revisions:

BIO-10 The project owner, in consultation with the Designated Biologist, shall prepare and implement a California Tiger Salamander and California Red-legged Frog Management Plan that presents measures to manage the construction site, and related facilities, in a manner to avoid and minimize impacts to California red-legged frogs (CRLF) and California tiger salamanders (CTS). The measures should be developed in coordination with the CDFG and USFWS, shall be approved by the CPM (in consultation with the USFWS and CDFG), and shall include, at a minimum, the following:

1. Minimize Construction Impacts.

c. Clearance surveys. Clearance surveys within the exclusionary fence shall be conducted by a qualified biologist 48 hours to 1 week prior to ground disturbance. In addition, after the first major rain event (as agreed upon with the CPM (in consultation with the CDFG and USFWS), clearance surveys must be conducted within the exclusionary fence before construction can commence. If CRLF or CTS are discovered during pre-construction surveys, individuals shall be relocated to a CDFG- and USFWS-approved site. Only biologists with the appropriate permits or those having conditional approval by the USFWS and CDFG for the project shall capture and relocate these species.

d. Linear Routes:

i) Prior to ground disturbance, linear routes will be mapped, marked in the field, and surveyed for burrows. Burrows will be avoided to the extent possible as described above. Burrows that could be crushed within a vehicle access route that cannot be avoided will be temporary reinforced with pvc pipe or by other measures as deemed effective by the biological monitor (dry ~~season~~ conditions only) prior to allowing vehicle access, and removed immediately after access is completed. A biological monitor shall be present during all linear route construction.

e. Timing: ~~Construction of the project linears shall be scheduled to occur during the dry summer months between April 15 and October 15.~~ Please refer to October 22, 2010 submittal for Applicant's proposed revision to this seasonal work restriction: Overland vehicular travel within 250 feet of Branchiopod habitat will occur only during dry weather and when soil conditions are dry to significantly minimize the potential for the direct effects from runoff and indirect effects of tire rutting. Wet weather work will be confined to work sites previously excluded from adjacent habitat by wildlife exclusion fence (silt fence) including the MEP site and main access road, laydown area, and gas line. Wet weather work may also occur for the water supply pipeline but only with a partial wildlife exclusion fence (on east side of Bruns Road) and presence of a biological monitor.

i. Bruns Road and Access Road Monitoring: Road surveys will be required during wet-season construction if there will be large volumes of construction traffic (25 vehicles or more) after dusk or before dawn. Biological monitors shall walk (or slowly drive if deemed necessary for personnel safety) along ~~either side of~~ Bruns Road from Canal 45 to the project site access road, and along the access road, to detect and move any California tiger salamander or California red-legged frogs. This shall be completed prior to the expected construction traffic arrival time before dawn, and prior to departure after dusk. Alternately, construction worker traffic may be directed east on Kelso Road and either north or south on Mountain House Road, in which case Bruns Road monitoring would be performed from the MEP access road to Kelso Road. Any CTS or CRLF that is detected will be moved by the biologist only if the animal is in eminent danger from vehicle mortality. Thus in most cases, the animal will be allowed to continue on its path across the road unharmed.

Page 4.2-71, Condition BIO-16, Compensatory Mitigation for Impacts to Special-status Wildlife Species and Wetlands, Bio-16 Table 1, line 1: The USACE and RWQCB are

requiring a 1:1 ratio (offsite creation) for permanent impacts to wetlands. Applicant requests that staff adhere to the USACE and RWQCB requirements and not the additional ratios for long-term temporary and short-term temporary impacts.

BIO-16 Table 1

Species	Mitigation Ratios for Impacts		
	Permanent	Long-term Temporary	Short-term Temporary
Wetlands	1:1	~~-~~1:1	~~1.1:1~~ ~~-~~

Page 4.2-72, Condition BIO-16, Compensatory Mitigation for Impacts to Special-status Wildlife Species and Wetlands, Bio-16 Table 2, line 2:

BIO-16 Table 2

Species	Compensation (Acres)
Wetland	0.018
Branchiopod	0.054

Page 4.2-76, Condition BIO-16, Compensatory Mitigation for Impacts to Special-status Wildlife Species and Wetlands, Section A, 4, h, 4th sentence. The Applicant requests the option to use a corporate guarantee as a financial assurance mechanism:

h. Mitigation Security. The project owner shall provide financial assurances to the CPM with copies of the document(s) to CDFG and the USFWS, to guarantee that an adequate level of funding is available to implement the mitigation measures described in this condition. These funds shall be used solely for implementation of the measures associated with the project in the event the project owner fails to comply with the requirements specified in this condition, or shall be returned to the project owner upon successful compliance with the requirements in Section A. The CPM's use of the Security to implement measures in this condition may not fully satisfy the project owner's obligations under this condition. Financial assurance can be provided to the CPM in the form of an irrevocable letter of credit, a pledged savings account, corporate guarantee, or another form of security ("Security"). Prior to submitting the Security to the CPM, the project owner shall obtain the CPM's approval, in consultation with CDFG and the USFWS, of the form of the Security. Security shall be provided in the amount as follows:

Page 4.2-77, Condition BIO-16, Compensatory Mitigation for Impacts to Special-status Wildlife Species and Wetlands, Section A, 4, i, top of page. The Applicant requests return of any excess money following initial protection and improvement.

> "Initial deposits for this purpose must be made in the same amounts as the acquisition, initial protection and improvement, and other expenses Securities required in BIO-16 Table 3, above, and may be provided in lieu of these Securities. If this option is used for the acquisition and initial improvement, the project owner must cover the actual acquisition costs and administrative costs and fees of the compensation land proposed for purchase once land is identified and the actual costs are known. If the actual costs ~~for acquisition and administrative costs~~ and fees are less than the Security described in BIO-16 Table 3, the excess money shall be returned to the project owner. ~~Money deposited for the initial protection and improvement of the compensation lands shall not be returned to the project owner.~~ "

Page 4.2-77, Verification for Condition BIO-16, Compensatory Mitigation for Impacts to Special-status Wildlife Species and Wetlands, last paragraph:

> "The project owner, or an approved third party, shall complete and provide written verification to the CPM, CDFG, and USFWS of the compensation lands acquisition and transfer within 18 months of the start of project ground-disturbing activities~~, or prior to commercial operation, whichever occurs first~~."

CULTURAL RESOURCES

No comments.

HAZARDOUS MATERIALS

Page 4.4-1, Introduction, last paragraph, 2nd sentence:

> "Aqueous ammonia will be used to control oxides of nitrogen (NOx) emissions through selective catalytic reduction and is proposed to be stored in one-~~8,500~~10,000 gallon tank."

Page 4.4-7, Aqueous Ammonia, 1st paragraph, 3rd sentence:

> "MEP would use 19 percent aqueous ammonia solution stored in one stationary 10,000-gallon above-ground storage tank, with a maximum fill quantity ~~capacity~~ of 8,500 gallons to minimize the potential for overflow during filling (MEP 2009a)."

Page 4.4-12, Seismic Issues, 1st paragraph, 3rd sentence:

> "The failure of all of these preventive control measures might then result in a ~~vapor cloud~~release of hazardous materials, but modeling conducted by the Applicant for the offsite consequence analysis demonstrates~~shows that~~ there would be no impacts offsite. ~~that could move off site and affect residents and workers in the surrounding community.~~ "

Page 4.4-16, Condition HAZ-2 and Verification:

HAZ-2 The project owner shall concurrently provide a~~n updated~~ Business Plan, a~~n updated~~ Spill Prevention, Control, and Countermeasure Plan (SPCC), and a~~n updated~~ Risk Management Plan (RMP) prepared pursuant to the California Accidental Release Program (CalARP) to the Alameda County Department of Environmental Health (ACDEH) and the CPM for review. After receiving comments from the ACDEH and the CPM, the project owner shall reflect all recommendations in the final documents. Copies of the final ~~updated~~ Business Plan, ~~updated~~ SPCC Plan, and ~~updated~~ RMP shall then be provided to the ACDEH and the Alameda County Fire Department (ACFD) for information and to the CPM for approval.

Verification: At least 30 days prior to receiving any hazardous material on the site for commissioning or operations, the project owner shall provide a copy of a final ~~updated~~ Business Plan and ~~updated~~ SPCC Plan to the CPM for approval. At least thirty (30) days prior to delivery of aqueous ammonia to the site, the project owner shall provide the final ~~updated~~ RMP to the ACDEH and the ACFD for information and to the CPM for approval.

Page 4.4-17 and 4.4-18, Condition HAZ-7. The Applicant requests the following changes to HAZ-7:

HAZ-7 The project owner shall also ~~revise the existing or~~ prepare a ~~new~~ site-specific security plan for the commissioning and operational phases that will be available to the CPM for review and approval. The project owner shall implement site security measures that address physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).

The Operation Security Plan shall include the following:

4. B. a statement(s) (refer to sample, Attachment B), signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner), that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractors who visit the project site. Background investigations shall be restricted to determine the accuracy of employee identity and employment history and shall be conducted in accordance with state and federal laws regarding security and privacy.~~;~~

Page 4.4-33. Hazardous Materials Appendix B. The Applicant reviewed the proposed hazardous materials storage quantities and updates based on current design and operations information.

Hazardous Materials Appendix B

Hazardous Materials Proposed for Use at the MEP*

Chemical	Use	Quantity	Storage Location (GA Location Code)	State
Aqueous Ammonia (19% NH3 by weight)	Control oxides of nitrogen (NOx) emissions through selective catalytic reduction	8,500 gallons	Onsite storage tanks with secondary containment (38)	Liquid
R 134A (1-1-1-2-Tetrafluoroethane)	Refrigerant in the inlet air chiller system	110,000~~26,960~~ pounds	Inlet air chiller system (21)	Liquid
Cleaning chemicals/detergents	Periodic cleaning of combustion turbine	Varies (less than 300~~25~~ gallons liquids or 100 pounds solids for each chemical)	Chemical storage tote or drums at a protected temporary storage location onsite (40)	Liquid
Diesel No. 2	Fuel back-up fire pump	200 gallons	Permanent onsite storage in above ground storage tank with secondary containment (32)	Liquid
Hydraulic oil	High-pressure combustion turbine starting system, turbine control valve actuators	270~~150~~ gallons	Onsite 55-gallon drums (9),160 gals in CT tanks	Liquid
Laboratory reagents	Water/wastewater laboratory analysis	Varies (less than 5 gallons liquids or 10 pounds solids for each chemical)	Laboratory chemical storage cabinets (stored in original chemical storage containers/bags) (43)	Liquid and granular solid
Lubrication oil	Lubricate rotating equipment (e.g., gas turbine and steam turbine bearings)	~~400~~ 3,240 gallons	Onsite 55-gallon drums, ~~and~~ 200-gallon waste oil storage tank (5), and 2600 gallons in CT/ Gen tanks	Liquid
Mineral insulating oil	Transformers/ switchyard	~~28,800~~36,000 gallons	Inside the transformers; no mineral actually stored on site (18)	Liquid
Sodium carbonate	Alkalinity source for nitrification reactor	200 pounds	Dry storage area	Solid Powder
Sodium hypochlorite (12.5 % solution)	Biocide/biofilm control for potable, fire, and service water systems	500 gallons	Water treatment chemical feed storage (40)	Liquid
Acetylene	Welding gas	185 pounds	Maintenance / warehouse building (40)	Gas

Oxygen	Welding gas	250 pounds	Maintenance / warehouse building (40)	Gas
Propane	Torch gas	300 pounds	Maintenance /warehouse building (40)	Gas
EPA protocol gases	Calibration gases	~~25~~ 624 pounds	CEMS enclosures (2), Maintenance/ Warehouse (40)	Gas
Cleaning chemicals	Cleaning	Varies (less than 25 gallons liquids or 100 pounds solids for each chemical)	Admin/control building, maintenance/wareh ouse building (40)	Liquid or solid
Paint	Touchup of painted surfaces	Varies (less than 25 gallons liquids or 100 pounds solids for each type)	Maintenance /warehouse building (40)	Liquid

*Sources: Table 5.5-1 of the Application for Certification for Mariposa Energy Project (MEP 2009a)

LAND USE

Page 4.12-45, Verification for Condition LAND-2. The Applicant requests adjustment to the timing of LAND-2 verification to allow installation of the cattle water supply during project construction:

LAND-2 The project owner shall provide year-round water supply for grazing livestock on the remaining 146 acres of the subject property for the life of the project.

Verification: At least 30 calendar days prior to start of ~~construction~~operation, the project owner shall submit to the CPM evidence that a year-round water supply for livestock has been installed and water supply is maintained on a monthly basis for the life of the project.

Page 4.12-45, Condition LAND-3 and Verification. The Applicant requests adjustment to the timing of LAND-3 verification to allow reseeding of the laydown area following completion of project construction:

LAND- 3 The project owner shall reseed the temporary construction laydown area on the project property with an improved seed mix over what site conditions currently provide.

Verification: ~~At least~~Within no more than 120~~30~~ calendar days ~~prior to start of construction~~after commercial operation, the project owner shall submit to the CPM evidence that the construction laydown area has been re-seeded and a management plan that ensures the re-seeded area will be maintained and suitable for grazing for the life of the project.

Page 4.12-45, Condition LAND-4 and Verification:

LAND-4 Communication devices used by the project that operate over radio frequencies shall not conflict with frequencies used by Byron Airport and the surrounding airports; specifically frequencies 114 through 117, 123, 203, and 374 MHz shall be avoided.

Verification: At least 30 days prior to project construction, the project owner shall provide documentation to the Director of Airports with Contra Costa County for review and comment and to the CPM for review and approval, showing project communication devices will not conflict with the frequencies used by the Byron Airport and surrounding airports. ~~Documentation to the CPM shall include comments from the Director of Contra Costa County Airports.~~

NOISE AND VIBRATION

Page 4.6-15, Condition NOISE-6. The Applicant requests the following modification:

NOISE-6 Heavy equipment operation and noisy construction work relating to any project features shall be restricted to the times delineated below, unless ~~a special permit has been issued by~~the CPM in consultation with Alameda County authorizes longer hours:

Mondays through Fridays:	7 a.m. to 7 p.m.
Weekends:	8 a.m. to 5 p.m.

PUBLIC HEALTH

Page 4.7-11, Operational Impacts, 2nd paragraph, last sentence: "Therefore, staff does not consider the issue of aviation-related hazards as a significant issue for MEP."

SOCIOECONOMICS

Page 4.8-4, Direct/indirect Impacts and Mitigation, Induce Substantial Population Growth, 1st paragraph, 4th sentence & 7th sentence:

> For the purpose of this analysis, staff defines "induce substantial population growth" as workers permanently moving into the project area because of project construction and operation, thereby encouraging construction of new homes or extension of roads or other infrastructure. To determine whether the project would induce population growth, staff analyzes the availability of the local workforce and the population within the region. Staff defines "local workforce" as the Oakland-Fremont-Hayward Metropolitan Division (MD) (Alameda and Contra Costa Counties.). A metropolitan division is a subset of an MSA having a single core with a population of 2.5 million or more. A metropolitan statistical area (MSA) ~~is~~ must contain at least one urban area of 10,000 or more population. Each MSA must have at least one urbanized area of 50,000 or more inhabitants. A MSA is a relatively freestanding metropolitan area (MA) typically surrounded by non-metropolitan counties. As reported by the Department of Finance (DOF), the three most populated cities within Alameda County are Oakland, Fremont, and

Hayward; the cities closest to the project are Pleasanton and~~,~~ Livermore, within Alameda County, and Tracy, which ~~are~~ is in San Joaquin County. All these cities are within 1.5 hours commuting time of the project.

SOIL AND WATER RESOURCES

Page 4.9-7, Water Use and Quality, 1st paragraph, 2nd sentence:

> Most of the water supplied to MEP (99.8 percent) would be used for various plant processes. The incoming supply water from BBID Canal 45 would be treated by a truck or skid-mounted ion exchange (IX) system, which would include: ~~two~~ cation resin vessels, ~~three~~ strong base anion resin vessels, and ~~one~~ mixed bed ion exchanger vessel(s). All demineralizer equipment would have offsite regeneration; therefore, there would be no demineralizer waste stream.

Page 4.9-20, SWRCB Policy 75-58 and Energy Commission—Integrated Energy Policy Report (IEPR)-Power Plant Water Use and Wastewater Discharge Policy, 4th paragraph, 1st sentence:

> "The project also proposes to use approximately 6 to 18 AFY of ~~potable~~ raw surface water for CTG water spray intercooling (SPRINT) that is integrated into the GE LM6000PC SPRINT combustion turbine."

Page 4.9-16, SWRCB Policy 75-58 and Energy Commission—Integrated Energy Policy Report (IEPR)-Power Plant Water Use and Wastewater Discharge Policy, 5th paragraph, 1st sentence:

> "Staff would consider the project to be substantially in compliance with the intent of the Energy Commission water use policy with project implementation of facility-specific water conservation measures and development and implementation of a regional water conservation program that would conserve a volume of ~~potable~~ raw surface water equivalent to the volume used by the project for SPRINT intercooling."

TRAFFIC AND TRANSPORTATION

Page 4.10-4, Setting, 2nd paragraph, last sentence:

> "This easement provides shared access with the existing 6.5-megawatt (MW) Byron Power Cogeneration Plant, which occupies 2 acres of the ~~MEP site~~158 acre parcel on which MEP is located and was not approved through the Energy Commission's siting process."

Page 4.10-39, Contra Costa County Airport Land Use Commission, 1st response:

> **Response:** Due to the proposed MEP's technology, it would not release significant amounts of moisture into the air and would therefore not exacerbate tule fog. The MEP uses an air cooled condenser for the chiller. ~~radiator, which condenses~~ It would not emit publicly visible water vapor plumes. See the **VISUAL RESOURCES** section of this SA for more information.

Page 4.10-47, Condition TRANS-3 Traffic Control Plan, Heavy Hauling Plan, and Parking/Staging Plan. Applicant proposes the following edits to allow flexibility in reducing impacts to LOS:

The Traffic Control Plan (TCP) ~~shall~~ may include:

- A work schedule designed to ensure that the project does not significantly impact LOS on the local and regional transportation network in the project's vicinity. The project owner ~~shall~~ may consider using one or more of the following measures to reduce impacts to LOS: staggered work shifts, off-peak work schedules (arriving or departing from about 6:30 pm - 6:00 am and from about 9:00 am - 3:30 pm), and/or a park-and-ride program for construction employees.

Page 4.10-49, Condition TRANS-4 Traffic Encroachment into Public Rights-of-Way. The Applicant requests the following language modification:

TRANS-4 Encroachment into Public Rights-of-Way Prior to any ground disturbance, improvements, or obstruction of traffic within any public road, easement, or right-of-way, the project owner or its contractor(s) shall coordinate with all relevant jurisdictions, including the counties of Alameda and Contra Costa and Caltrans District 4, to ~~obtain~~ request all ~~required~~applicable encroachment permits and comply with all applicable regulations.

TRANSMISSION LINE SAFETY AND NUISANCE

Page 4.11-3, Setting, 2nd paragraph, last sentence:

"The project's switchyard would be designed and built by ~~PG&E~~the project owner according to PG&E's guidelines on safety and field management."

Page 4.11-11, Verification for Condition TLSN-1. The project involves contsruction of a gen-tie line rather than an upgrade:

Verification: At least 30 days before starting the ~~upgrade~~ construction of the transmission line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.

Page 4.11-11, Condition TLSN-3 and Verification. The project includes a single gen-tie line:

TLSN-3 The project owner shall ensure that the rights-of-way of the proposed transmission line~~s~~ are kept free of combustible material, as required under the provisions of section 4292 of the Public Resources Code and section 1250 of Title 14 of the California Code of Regulations.

Verification: During the first 5 years of plant operation, the project owner shall provide a summary of inspection results and any fire prevention activities

carried out along the rights-of-way of ~~each~~ the line and provide such summaries in the Annual Compliance Report.

Page 4.11-11, Condition TLSN-4 and Verification:

TLSN-4 The project owner shall ensure that all permanent metallic objects within the rights-of-way of ~~each of~~ the ~~two~~ project-related lines ~~are~~ is grounded according to industry standards.

Verification: At least 30 days before the lines ~~is~~are energized, the project owner shall transmit to the CPM a letter confirming compliance with this condition.

VISUAL RESOURCES

Page 4.12-24, Cumulative Impacts Issues, Question C, 3rd paragraph, last sentence (minor typo correction):

"Though the proposed project would occupy the same field of view with the Byron Cogen facility as seen from several of the KOPs, the visible landscape character continues to be used as and perceived as agricultural-open space and not as being "industrialized."

Page 4.12-26, Condition VIS-1. The Applicant requests deletion of the restriction on requesting any vendor surface treatment for prior to approval of the surface treatment plan:

VIS-1 The applicant shall color and finish the surfaces of all project structures and buildings visible to the public to ensure that they: (1) minimize visual intrusion and contrast by blending with the landscape; and, (2) minimize glare. The transmission line conductors and insulators shall be non-specular and non-reflective.

The applicant shall submit a surface treatment plan to the Compliance Project Manager (CPM) for approval. The surface treatment plan shall include:

A. A description of the overall rationale for the proposed surface treatment, including the selection of the proposed color(s) and finishes;

B. A list of each major project structure and building (e.g., building, tank, and pipe; transmission line towers and/or poles; and fencing), specifying the color(s) and finish proposed for each. Colors must be identified by vendor, name, and number; or according to a universal designation system;

C. One set of color brochures or color chips showing each proposed color and finish;

D. A specific schedule for completing the treatment; and

E. A procedure to ensure proper treatment maintenance for the life of the project.

~~The applicant shall not request vendor surface treatment of any buildings or structures during their manufacture, or perform final field treatment on any buildings or structures, until the applicant has received treatment plan approval by the CPM.~~

The applicant shall notify the CPM that surface treatment of all listed structures and buildings has been completed and is ready for inspection; and shall submit one set of electronic color photographs from KOPs 1 and 3 showing the "as built" surface treated structures and buildings.

Page 4.12-27, Condition VIS-3:

VIS-3 The applicant shall ensure that lighting on the construction site and the construction laydown area minimizes potential night lighting impacts, as follows:

A. All lighting shall be of minimum necessary brightness consistent with worker safety and security;

B. To the extent feasible given safety and security concerns, ~~All~~ all fixed position lighting shall be shielded/hooded to direct light downward, and toward the area to be illuminated preventing direct illumination of the night sky and direct light trespass (direct light extending outside the boundaries of the project site, the laydown area, or the site of construction of ancillary facilities, including any security related boundaries);

Page 4.12-28, Condition VIS-4:

VIS-4 To the extent feasible, consistent with safety and security considerations and commercial availability, the applicant shall design and install all permanent exterior lighting such that:

F. lighting shall be directed downward or toward the area to be illuminated (hooded/shielded), to the extent feasible given safety and security concerns;

Page 4.12-30, Condition VIS-6 and Verification. The Applicant requests that landscaping installation or bonding be required prior to commercial operations, as indicated in the first paragraph of VIS-6:

VIS-6 The applicant shall provide a comprehensive landscaping and irrigation plan along the northern boundary of the 10 acre facility site and the vehicle access exclusively serving the facility site in accordance with the requirements of Policy 114 of the East County Area Plan section 5.13.5.1. Landscaping shall be installed or bonded prior to the start of commercial operation.

The applicant shall submit to the Director of the Alameda County Community Development Agency Planning Department for comment a comprehensive landscaping and irrigation plan. The applicant shall

provide a copy of the Director of the Alameda County Community Development Agency Planning Department's written comments on the landscaping and irrigation plan.

The applicant shall not implement the landscaping and irrigation plan until the applicant receives approval from the CPM. Planting must be completed or bonded by the start of commercial operation, and the planting must occur during the optimal planting season.

WASTE MANAGEMENT

No comments.

WORKER SAFETY/FIRE PROTECTION

No comments.

FACILITY DESIGN

No comments.

GEOLOGY, MINERAL RESOURCES AND PALEONTOLOGY

No comments.

POWER PLANT EFFICIENCY

No comments.

POWER PLANT RELIABILITY

No comments.

TRANSMISSION SYSTEM ENGINEERING

No comments.

ALTERNATIVES

No comments.

GENERAL CONDITIONS

No comments.

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 *MARIPOSA ENERGY PROJECT* (MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 10/20/2010)

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DECLARATION OF SERVICE

I, Mary Finn, declare that on November 24, 2010, I served and filed copies of the attached Applicant's Comments on the CEC Staff Assessment. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:
[http://www.energy.ca.gov/sitingcases/mariposa/index.html].
The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(*Check all that Apply*)

FOR SERVICE TO ALL OTHER PARTIES:

__x__ sent electronically to all email addresses on the Proof of Service list;

_____ by personal delivery;

____ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

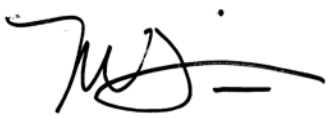
__x__ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 09-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Mary Finn