

Memorandum

Date: January 20, 2011
Telephone: (916) 654-4781
File: 09-AFC-3

To: Commissioner Jeffrey Byron, Presiding Member
 Ken Celli, Hearing Officer

From: **California Energy Commission - Craig Hoffman**
 1516 Ninth Street
 Sacramento, CA 95814-5512
Siting Project Manager

Subject: **Mariposa Energy Project (09-AFC-3)**
Project Status Report #14

DOCKET	
09-AFC-3	
DATE	JAN 20 2011
RECD	JAN 20 2011

Pursuant to the Committee Scheduling Order dated October 29, 2010, the following is staff's Status Report #14 for the proposed Mariposa Energy Project (MEP).

Comments of Supplemental Staff Assessment

Staff has received comments on the Supplemental Staff Assessment from the San Joaquin County Department of Public Works and the Mountain House Community Services District. The comments from the San Joaquin County Department of Public Works (TN 59422) were in regard to road closures and encroachment permits. The comments from the Mountain House Community Services District (TN 59437) were in regard to costs from providing emergency services. Staff will provide responses to these comments as needed at the evidentiary hearings.

Applicant and Intervenor Opening Testimony

Staff has had an opportunity to review the opening testimony from the Applicant and intervenors. The Applicant's testimony (TN 59313) provided discussions in all of the technical sections. Robert Sarvey provided opening testimony in regard to land use (TN 59449) and socioeconomics and project necessity (TN 59450). The California Pilots opening testimony (TN 59451) was in regard to aeronautical concerns. Rajesh Dighe provided opening testimony in regard to air quality, socioeconomics and project necessity (TN 59450). Staff is not providing rebuttal testimony in response to the submitted opening testimony from the applicant and intervenors.

Staff Evidence

Staff anticipates providing additional information at the evidentiary hearing on Biological Resources. Staff concluded that impacts to biological resources affected by the proposed project could be mitigated below a level of significance by implementation of the proposed conditions of certification. Staff's analysis and proposed conditions of

certification were developed in coordination with US Fish and Wildlife Service (USFWS) and are expected to be consistent with the terms and conditions to be included in the final Biological Opinion.

However, because the Biological Assessment (BA) has not yet been determined to be adequate by the USFWS, modifications to staff's impact analysis and conditions of certification may be necessary if revisions to the recent draft BA result in changes that are contradictory to staff's analysis or conditions.

Staff has been told that this project is a low review priority for the USFWS. Recently, the USFWS has indicated that there are no plans to review the Mariposa project for at least several weeks, and there is no guaranteed schedule for review by USFWS. The USFWS may not complete their review prior to the evidentiary hearings.

Regardless, the project will be required to comply with the conditions of the Biological Opinion if there are any modifications to mitigations measures by the USFWS. Condition of Certification BIO-6 requires all biological resource mitigation, monitoring, and compliance measures be incorporated into this document.

cc: Proof of Service List
Docket 09-AFC-3



**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 1/20/2011)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on January 20, 2011, I served and filed copies of the attached Status Report #14. The original documents, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](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:

- 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:

- 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.

Original Signature in Dockets
Hilarie Anderson