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

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

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
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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*indicates change
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]. 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