

## DOCKETED

<b>Docket Number:</b>	97-AFC-01C
<b>Project Title:</b>	High Desert Power Plant
<b>TN #:</b>	211712
<b>Document Title:</b>	Committee Questions on Stipulation
<b>Description:</b>	Committee Questions on "Stipulation Between High Desert Power Plant, LLC, California Energy Commission Staff, and California Department of Fish and Wildlife in Support of Proposed Amendments to Soil & Water Conditions of Certification to Provide for Interim Drought Relief" (TN 211710)
<b>Filer:</b>	Susan Cochran
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
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# Memorandum

**To:** All Parties and Persons Interested in the High Desert Power Plant Amendments Proceeding (97-AFC-01C)      **Date:** June 2, 2016

**From:** Susan Cochran, Hearing Officer  
High Desert Amendments Committee  
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**Subject:** Committee Questions on “Stipulation Between High Desert Power Plant, LLC, California Energy Commission Staff, and California Department of Fish and Wildlife in Support of Proposed Amendments to Soil & Water Conditions of Certification to Provide for Interim Drought Relief” (Stipulation)

On May 23, 2016, the Committee appointed to conduct proceedings on the High Desert Power Plant (HDPP) Petition to Amend (Petition) held a status conference. At that time, the Committee discussed its recently issued “Committee Recommended Decision Granting Interim Relief” (Recommended Decision) (TN 211402). The Recommended Decision would extend HDPP’s use of groundwater from the Mojave River Basin for one additional water year, ending in September 2017. The Recommended Decision also included a loading order that (1) made the use of recycled water the predominant choice for plant cooling purposes; (2) authorized continued use of State Water Project (SWP) water, either directly or after banking, in conjunction with recycled water when the recycled water was insufficient in either quality or quantity; and (3) restricted use of groundwater to times when there was insufficient recycled and SWP water.

Following the discussion at the May 23, 2016, status conference, the Committee issued a Revised Recommended Decision (TN 211669). The Revised Recommended Decision changed the language of Condition of Certification SOIL & WATER-1 by eliminating the loading order contained in the Recommended Decision and by increasing the maximum amount of water the plant can use in any calendar year to 5000 AFY. The Revised Recommended Decision continued the ability of HDPP to use up to 2000 AFY of Mojave Basin adjudicated groundwater in water years 2015/16 and 2016/17 (ending September 30, 2016).

In addition, the Revised Recommended Decision added new Condition of Certification SOIL & WATER-22, authorizing HDPP to use a new method to “bank” water: percolation. The ability to use percolation is constrained both as to the time it may occur (the earlier of September 30, 2017 or the final decision on the Petition) and by adherence to other existing Soil & Water Conditions of Certification dealing with the calculation of water available for withdrawal.

The May 23, 2016, status conference was continued to June 2, 2016. At that time, the Committee received a document entitled, “Stipulation between High Desert Power Plant, LLC, California Energy Commission Staff, and California Department of Fish and Wildlife in Support of Proposed Amendments to Soil & Water Conditions of Certification to Provide for Interim Drought Relief” (Stipulation) (TN 211710). The Committee appreciates the efforts of the parties to craft interim relief acceptable to each of them.

The Committee has reviewed the Stipulation and asks the following question:  
In Soil & Water-1, paragraph (3) of the "Loading Sequence", references are made to amounts of banked SWP being available to the HDPP. The Committee interprets these figures as a minimum amount of groundwater that must be maintained by the HDPP in each of the cited water years.

1. Is that the intent of this language?
2. If that is not the intent of the language, what is the correct interpretation of this paragraph?
3. How were the amounts determined?

Answers to the above questions shall be docketed no later than 5:00 p.m. on Friday, June 3, 2016.