

DOCKETED

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Project Title:	Mission Rock Energy Center
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Document Title:	California Energy Commission Staff Status Report #8
Description:	Staff's Status Report #8 for the Mission Rock Energy Center project, 15-AFC-02
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Memorandum

Date: April 3, 2017
Telephone: (916) 654-4894

To: Karen Douglas, Commissioner and Presiding Member
Janea A. Scott, Commissioner and Associate Member
Susan Cochran, Hearing Officer

From: **California Energy Commission** **Mike Monasmith**
1516 Ninth Street **Project Manager**
Sacramento, CA 95814-5512

Subject: **MISSION ROCK ENERGY CENTER (15-AFC-02) STATUS REPORT #8**

Staff submits the following status report #8 for the Mission Rock Energy Center (Mission Rock).

LATEST CURRENT DISCOVERY INFORMATION RECEIVED:

- 3-28-17 **Data Responses to No. 115 (All Dept. of Parks and Recreation (DPR) Forms 523 submitted under confidential cover).**

- 3-20-17 **Supplemental Responses to Data Requests, Set 2 and Set 3 (Cultural Resources and Hazardous Materials Management)**

- 3-15-17 **FEMA's Conditional Letter of Map Revision Based on Fill Comment Document.**

- 3-8-17 **Data Responses, Set 5 submitted by applicant (Biological Resources and Soil and Water Resources)**

- TBD **The PDOC does not have a definitive due date, and Ventura County APCD does not know when it will be submitted. However, VCAPCD recently indicated to staff that a completed PDOC should not be expected any sooner than the first of May, 2017.**

In addition to the PDOC, there are outstanding informational items requested of (but not satisfactorily submitted by) the applicant that staff requires to complete the PSA in the areas of Biological Resources and Soil & Water Resources. Staff is conducting its own independent analyses in these areas and anticipates completion of research by early to mid-May.

Biological Resources:

Staff met with U.S. Fish and Wildlife Service (FWS) and the California Department of Fish and Wildlife (CDFW) on March 28, 2017 to get a better determination of the least Bell's vireo habitat areas. In response to Data Requests, Set 5, the applicant declined to provide protocol surveys for the least Bell's vireo to map the nesting territory stating "additional surveys would be duplicative, burdensome, unnecessary, and would only serve to delay the issuance of a Preliminary Staff Assessment without adding any significant new information." Biological Resources staff respectfully disagrees with the applicant's assertion. The information requested is needed to determine the actual location(s) of nesting vireo to determine direct and indirect impacts from the proposed project. Transmission tower 16 would remove suitable nesting habitat and the power plant site could create noise impacts during construction and operations. If least Bell's vireo nesting territories were mapped, and it was determined that they did not occur in these locations, then it is possible there would be no impacts to least Bell's vireo. In the absence of this data, staff must assume presence in all suitable habitat and mitigate appropriately, which may include "take" of the least Bell's vireo which is a state and federal listed endangered species.

During staff's visit with FWS and CDFW, FWS brought up a new concern about southern willow flycatcher and collisions with transmission lines during nocturnal migration. Staff is looking into this concern, which was also identified on the Palmdale Power Project, and included mitigation for these impacts. Staff is working diligently to resolve these issues and move forward and anticipates providing the Biological Resources PSA section in early May, 2017.

Soil and Water Resources:

Staff is consulting with the Los Angeles RWQCB about the project's proposed use of recycled water from the Limoneira Company. The current LARWQCB permit for Limoneira only allows end use of this recycled water to irrigate Limoneira alfalfa fields. The applicant objected to staff's data requests Nos. 80 and 81 regarding Limoneira's ability to provide recycled water to an industrial user such as the Mission Rock project, claiming that the issue is not within the Commission's jurisdiction, and the information is not relevant or reasonably necessary for a Commission Decision. In addition, the applicant's response to data request No. 153 indicates that no alternative sources of recycled water are under consideration. Because the project would not be able to operate if and when recycled water from Limoneira is not available, staff is conducting an independent analysis to assess what would be required for the project to comply with LARWQCB requirements for use of recycled water and the reliability of the recycled water supply from Limoneira. Staff is working diligently to resolve these issues.

Deadlines begin the week of April 10, 2017, for the first PSA sections to be reviewed by management. With staggered due dates for remaining sections continuing through May, this will allow the review of the PSA to be accomplished in a continuing flow, rather than en masse.