

DOCKET

08-AFC-12

DATE JAN 15 2010

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**SAN JOAQUIN SOLAR 1 & 2 HYBRID
PROJECT
12-AFC-08**

**Supplemental Information
In Response to Committee Order Responding to
CURE's Petitions to Compel Production of
Information**

January 15, 2010

URS

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San Diego, CA 92108-4314
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San Joaquin Solar 1 & 2 Hybrid Project 08-AFC-12
Supplemental Information In Response to
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Data Request 100: *Please provide documentation supporting the AFC's statement on page 5.6-1 that the Project site is recently planted with wheat and pistachios, including cotton, safflower and garlic.*

Data Request 101: *Please explain the AFC's statement on page 5.6-5 that a "majority of the Project site is actively cultivated at this time" by describing the number and location of acres actively cultivated at this time.*

Data Request 102: *Please provide documentation reflecting the last date of planting of each crop type at the Project site. The response should provide the year and month.*

Committee Response: **GRANTED, IN PART.** ...The Applicant need only include a discussion that directly addresses whether the project is considered to have a significant environmental impact by: (1) converting prime farmland, unique farmland, or farmland of statewide importance; (2) conflicting with existing zoning for agricultural use or Williamson Act contracts; or (3) causing other impacts on or conversions of farmland. This information is relevant and necessary.

Applicant Response: According to the CEC the "project may be considered to have a significant environmental effect on agricultural lands by: (1) converting prime farmland, unique farmland, or farmland of statewide importance; (2) conflicting with existing zoning for agricultural use or Williamson Act contracts; or (3) causing other impacts on or conversions of farmland."¹

1) The Project would not convert prime farmland, unique farmland, or farmland of statewide importance. According to the California Department of Conservation and the US Department of Agriculture the lands which comprise the Project site are considered to be "farmlands of local importance." None of the lands at the Project site qualify for consideration under the CEQA definition of "Agricultural Land" provided in the Committee Order on the Cure Motion to Compel.

The Project would convert 640 acres of "farmland of local importance," as determined by the County of Fresno, to non-agricultural uses. This does not constitute a significant impact according to the above definition.

2) The proposed use of the property conflicts with the purposes of the Williamson Act Contract #3219 which is currently in place for 468.8 acres of the Project site. The proposed use of the entire property (640 acres) also conflicts with existing zoning which is Exclusive Agriculture (AE). This would constitute a significant impact according to the above definition; however, the Applicant has proposed mitigation measures to decrease the level of significance of the impacts to agriculture caused by the Project to be less than significant.

The Applicant is currently taking steps to cancel the Williamson Act contract for the portions of the lands under contract. The Williamson Act Cancellation process involves mitigation for the loss of farmland and is administered by the County of Fresno. The Applicant is also aware that under a County approval process a Conditional Use Permit would have to be issued to allow the proposed use on this property despite current zoning restrictions. Conditions, including mitigation for loss of farmlands of local

¹ Committee Order Responding to CURE's Petition to Compel Production of Information, Dec. 16, 2009. Pg. 4

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importance, would most likely be required for the County to issue a CUP for the Project.

- 3) The Project does not propose any other impacts other than the conversion of lands within the boundary of the project site. The Project would not result in any other impacts or conversions of farmland other than those discussed above.

Data Request 171: *Please cite the protocol used for the small mammal trapping study.*

Data Request 173: *Please provide justification for why only the western portions of the transmission line routes were sampled.*

Data Request 174: *Please describe and quantify the habitat variables associated with each trap site.*

Committee Response: **CONDITIONALLY GRANTED.** The AFC and incorporated Small Mammal Trapping Report (Report) present a detailed discussion of the trapping methodology and data results. CURE contends that the Report does not provide the information sought by these questions. The Applicant stated that the Report includes the requested information. If the Applicant is correct, then the Applicant is to submit a supplemental response that directs CURE to the appropriate Report pages. If upon further review, the Applicant cannot identify the particular Report pages, then the Applicant is directed to provide a data response that directly answers the questions posed to the extent possible, without resort to performing new studies or seeking to obtain information not readily available to it.

Applicant Response: 171: The protocol used for trapping is discussed on page 1 of the Report. The protocol was proposed by the Applicant's consultant and approved by CDFG prior to conducting the surveys. CDFG's concurrence with the protocol is attached.

173: The trapping lines sampled non-native grasslands, atriplex scrublands, fallowed agricultural fields, and disturbed intermittent wash habitat associations which are present along the western portion of the transmission line route. The remainder of the transmission route (approximately 4-5 miles on the eastern portion) cross active agricultural lands composed of orchards and row crops, which are intensively managed and contain little to no suitable habitat for native small mammal species, except for relatively invasive species such as gophers and perhaps voles. The special status species which were targeted during the trapping efforts would not occur in the agricultural lands present along the eastern portions of the transmission line routes and there are no remnant habitat patches within those areas that would support the targeted species.

174: It is not common to evaluate trap-specific habitat characteristics when performing presence/absence trapping. That level of detail is reserved for conducting studies of habitat selection, not simply conducting a species census. Trapping was conducted to sample broadly defined vegetation associations where there was a potential for special status small mammal species to occur. Broad habitat descriptions along the various trap lines are adequate for this type of survey.

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Data Request 249: *Please provide a revised comprehensive and Site-specific Erosion and Sediment Control Plan that incorporates pesticide and TPH-d data.*

Committee Response: **CONDITIONALLY GRANTED.** The requested information may well be relevant and reasonably necessary; however, the Applicant states it does not have this information readily available at this time. This information, once obtained, shall be made promptly available to CURE.

Applicant Response: Erosion and Sediment Control Best Management Practices for potentially contaminated soil including pesticides and TPH-d will be provided in the Erosion and Sediment Control Plan and/or construction Stormwater Pollution Prevention Plan for the project as appropriate. Once these plans are updated they shall be made promptly available to CEC and CURE.

Data Request 261: *Please explain the resultant uncertainties introduced to estimates of long-term aquifer yield and drawdown as a result of the Applicant's test well partial penetration. Please provide all data that supports your answer.*

Committee Response: **GRANTED, IN PART.** CURE premises this request on its own determination that that the test well is probably partially penetrating. The Applicant questions this premise and contends that the information requested is not reasonably available to it and that the information is not relevant or reasonably necessary. If CURE is correct in asserting that partially-penetrating test wells can result in deviated (nonradial) flow paths during pumping which do not produce meaningful time-drawdown data for analysis of aquifer yield and behavior, then a legitimate question arises regarding the adequacy of water supply. We find that this topic is relevant and necessary. However, the request as framed may well require the Applicant to perform unwarranted analysis if CURE's premise is false. We therefore direct the Applicant to more fully address the issue of whether "the test well is probably partially penetrating."

Applicant Response: The amount of drawdown within the pumping well during the test is relatively small compared to the penetration of the aquifer by the pumping well which limits the potential for impact of partial penetration on estimates of aquifer behavior. There are many uncertainties inherent in any estimate of long-term aquifer yield and drawdown and the effect of partial penetration is not expected to be significant. At this point in the analysis of well yield and drawdown, the effect of a partially penetrating well is not anticipated to significantly modify the results of the preliminary groundwater analyses.

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Data Request 270: *Please provide the Applicant's evaluation of perennial yield (operational safe yield) of the PVB that establishes the baseline for the Project's analysis of the proposed Project water demand impacts.*

Committee Response: **CONDITIONALLY GRANTED.** If the Applicant has the information readily available, then it is directed to provide the information to CURE.

Applicant Response: The Applicant does not have this information readily available to provide to CURE.



"Justin Sloan" <JSLOAN@dfg.ca.gov>
10/10/2008 11:32 AM

To <Theresa_Miller@URSCorp.com>
cc
bcc
Subject Re: Small mammal trapping in Coalinga

History:  This message has been replied to and forwarded.

Hi Theresa,

I think the density and duration would work assuming you will be focusing your lines on areas with burrows and avoiding full moon and high wind nights.

Have a nice weekend.

Justin

Justin Sloan
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>>> <Theresa_Miller@URSCorp.com> 10/3/2008 1:33 PM >>>

Hi Justin,

I hope you are doing well. We are working on getting the small mammal trapping program under way for the Solar project in Coaling (called San Joaquin Solar 1&2), but I wanted to check in with you first. Is there a specific protocol you would like us to use? The site is still cultivated, so we are planning on trapping along the proposed transmission lines where there is native habitat- within the first 2 miles east of the Project site. The rest of the alignment is located in orchards and other agriculture. I have attached the map of the proposed alignments.

We were planning on using a standard of 160 traps per quarter section (160 acres) for 4 nights. Please advise if you would like us to increase this trapping plan.

Thanks,
Theresa

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
FOR THE *SAN JOAQUIN SOLAR UNITS 1 AND 2*
LICENSING PROJECT**

**Docket No. 08-AFC-12
PROOF OF SERVICE
(Revised 8/27/2009)**

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Declaration of Service

I, Anne Runnalls, declare that on January 15, 2010, I served and filed copies of the attached Response to Committee Order Responding to CURE's Petition to Compel Information, dated January 15, 2010. 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/sjsolar/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 or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above 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. 08-AFC-12

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.



Anne Runnalls