

Energy - Docket Optical System

From: Celli, Ken@Energy
Sent: Tuesday, March 19, 2013 5:33 PM
To: Amanda McCoy; Bradley Brownlow; Brian Brown; California ISO; Chris Ellison; Cindy R. MacDonald; Clay Jensen; Dana Crom; Donna Lamm; Duane Ono; Energy - Docket Optical System; Energy - Public Adviser's Office; Gary Kazio; Ileene Anderson; Jack Prichett; Jeff Harris; John Carrier; Jon William Zellhoefer; L. Darrel Lacy; Larry Levy; Larry Levy; Lisa T. Belenky; Lorinda A. Wichman; Michael L. Elliott; Monasmith, Mike@Energy; Ratliff, Dick@Energy; Richard Arnold; Samantha Pottenger; Stephen Wiley; Susan Strachan; William D. Ross; Willis, Kerry@Energy
Cc: Hochschild, David@Energy; Douglas, Karen@Energy; Lemei, Galen@Energy; Allen, Eileen@Energy; Nelson, Jennifer@Energy; Bartridge, Jim@Energy; Awolowo, Ollie@Energy; McDonnell, Kathleen@Energy; Kramer, Paul@Energy; Cochran, Susan@Energy
Subject: 11-AFC-02 Hidden Hills SEGS Briefing Questions

To the parties:

This email summarizes the discussion yesterday regarding briefs now that the evidentiary hearings have been completed.

The parties are free to brief any issues that they wish to present to the Committee. The Committee reserves the right to ask the parties to brief additional questions as it deems necessary. The list of issues, below, that the Committee has asked the parties to brief supersedes the questions asked in yesterday's hearing, but the briefs need not be limited to these questions:

1. What would be the effect of a finding by the California Energy Commission that Charleston View is an "environmental justice community" based upon a low-income population?
2. What standard applies under CEQA to determine a finding of a significant impact on ethnographic cultural resources?
3. Is there a legal justification for imposing conditions of certification related to potential impacts to the Amargosa River? If not, why not?
4. What is the threshold of significance under CEQA for potentially impacted avian species (including collision and solar flux)? Is there a different standard for different species?
5. How does the HHSEGS project conform to state and federal LORS relating to avian species, including but not limited to:
 - a). The Fully Protected Species Act
 - b). The Migratory Bird Act
 - c). The Bald and Golden Eagle Protection Act?
6. What is the standard for determining the significance of the impacts to the segments of the Old Spanish Trail that occur on the HHSEGS site, given the physical condition of the segments of the Old Spanish Trail that occur on the HHSEGS site?

7. Discuss the necessity and enforceability of the condition(s) requiring that retirement of water rights result in a real and sustainable reduction in consumptive water use.

The length of the Opening Brief and Reply Brief is limited to 150 pages each (double spaced, 12 point font and 1-inch margins). The Table of Contents and Table of Authorities do not count toward the total number of pages.

Kenneth D. Celli
Hearing Advisor II
California Energy Commission
1516 Ninth Street, MS-9
Sacramento, CA 95814

(916) 651-8893