

DATA RESPONSE WORKSHOP
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
Carrizo Energy Solar Farm) Docket No.
07-AFC-8
_____)

CARRISA PLAINS HERITAGE ASSOCIATION
COMMUNITY CENTER
10750 CARRISA HIGHWAY
SANTA MARGARITA, CALIFORNIA 93453

TUESDAY, AUGUST 5, 2008

6:08 p.m.

Reported by:
Troy Ray

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

STAFF AND CONSULTANTS PRESENT

Caryn Holmes, Staff Counsel

John Kessler, Project Manager

Mark Lindley

Michael Doughton

Brian McCollough

Jason Ricks

APPLICANT

Jane Luckhardt, Attorney
Downey, Brand Attorneys, LLC
Carrizo Energy, LLC
Ausra CA II, LLC

Robert Morgan
Sam McIntosh
Katherine Potter
Pete Johnson
Ausra

Emily Bierman
Angela Lieba, Project Manager
Kristen Walker, Assistant Project Manager
George Dore
Theresa Miller
Bob Scott
Jeremy Hollins
Matt Moore
Mark Storm
Seth Hopkins
Pat Mock
Eric Labolle
University of California Davis
Amy Gramlich
Emily Solomon
URS Corporation

David Tateosian
Power Engineers

INTERVENOR

Tanya Gulesserian, Attorney
California Unions for Reliable Energy

ALSO PRESENT

Dave Hacker
California Department of Fish and Game

Jim Patterson, Supervisor
Amy Gilman, Legislative Assistant
San Luis Obispo County

John McKenzie
San Luis Obispo County

Robin Bell

John Ruskovich

Susan Harvey
North County Watch

Greg McMillan

Terry Hester, Officer
Justin Olson, Public Affairs Officer
California Highway Patrol

Jim Bell

Jennifer McHenry

Tim Strobridge

Fred Young

Patrick McGibney

Mr. Frazier

Tom Foss

Darrell Twisselman

Irv McMillan

ALSO PRESENT

Janet Klock

Susan Cochrane

Mike Strobridge

Kelly Haynes

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1 P R O C E E D I N G S

2 6:08 p.m.

3 MR. KESSLER: Good evening, everyone.

4 Got all kinds of good energy here tonight, so
5 that's what we're looking forward to.6 We're here for the Carrizo Energy Solar
7 Field. We have a workshop tonight where we're
8 going to try to talk about some of the data
9 responses and the issues that we're trying to
10 resolve.11 We have some of our staff from the
12 Energy Commission in Sacramento, as well as
13 representatives for the applicant, as well as
14 representatives of some of the local agencies.15 We have Supervisor Patterson here. Wave
16 your hand, Supervisor. Here you are, front row,
17 snake, you would have bit me. And Amy is your
18 assistant, right?

19 SUPERVISOR PATTERSON: Yes.

20 MR. KESSLER: Okay, Amy's here. And
21 John McKenzie from County Planning; good to meet
22 you, John.23 I think we'll start with some
24 introductions and then we'll tell you a little bit
25 more about what we want to try to accomplish

1 tonight, what the format is.

2 But my name is John Kessler; I'm the
3 Project Manager.

4 AUDIENCE: Could you speak a little
5 louder?

6 (Audience comments.)

7 MR. KESSLER: How about now, is this
8 better? And get the squeak out of the room.
9 Okay. I'm going to have to bite this like an ice
10 cream cone, I guess.

11 So just a quick summary. I'm John
12 Kessler with the Energy Commission. And we're
13 really glad to have all of you here tonight.
14 We're going to introduce ourselves starting with
15 the Energy Commission Staff, and work our way to
16 the applicant.

17 So, Brian, why don't we go with you
18 next. Or Mark Lindley.

19 MR. LINDLEY: Hi, I'm Mark Lindley; I'm
20 working with the Energy Commission taking care of
21 the soil and water issues.

22 MR. RICKS: My name is Jason Ricks; I'm
23 working on the traffic analysis for CEC .

24 MR. MCCOLLOUGH: And I'm Brian
25 McCollough working on biological resources for the

1 Energy Commission.

2 MS. HOLMES: Caryn Holmes; I'm in the
3 legal office of the California Energy Commission.

4 MR. DOUGHTON: I'm Michael Doughton,
5 also in the legal office of the Energy Commission.

6 MS. GULESSERIAN: Tanya Gulesserian,
7 attorney for CURE, intervenor.

8 MS. LUCKHARDT: Okay, you guys, I'm
9 going to do the big introductions. My name is
10 Jane Luckhardt and I'm Project Counsel. To my
11 left is Robert Morgan from Ausra. To his left is
12 George Dore, George is doing traffic for URS.

13 To George's left is Angela Lieba, she's
14 the Project Manager for URS. To her left is
15 Kristin Walker and Kristin does all kinds of stuff
16 for us. I'm trying to think, yeah, she's the
17 Assistant Project Manager, so she doesn't have a
18 specific subject area expertise.

19 And then I'll go through the rest of the
20 folks. I know Sam McIntosh is here somewhere.
21 Sam is with Ausra, is in charge of construction.
22 Katherine Potter is also here somewhere. I
23 haven't seen Katherine yet. There she is. From
24 Ausra.

25 And then I'll go through the rest of the

1 URS Staff who is in the audience here. Pat Mock,
2 who does biological resources. Next to Pat is
3 Theresa Miller who also does biological resources.

4 Jeremy Hollins who does cultural
5 resources. Mark Storm in charge of noise. Bob
6 Scott for water. And Matt Moore who's doing
7 water. And also today we have Eric Labolle, who
8 is a hydrogeologist expert with us, as well.

9 Amy Gramlich is here for visual
10 resources. Seth Hopkins for socioeconomic and
11 land use. And Emily Solomon for public outreach.

12 Also we've got a project engineer here,
13 David -- and, David, I'm probably going to butcher
14 your name here --

15 MR. TATEOSIAN: Dave Tateosian.

16 MS. LUCKHARDT: Okay, great, thank you.

17 MR. KESSLER: Thank you, Jane. There is
18 a sign-up sheet moving around the room, so if
19 everybody would take the time to sign that, I'd
20 appreciate it. There's also an option, a box to
21 check, that if you'd like to receive information
22 about the project from email, any time any
23 document is posted to the dockets you get a little
24 notice that says here's some new information that
25 you can pull up from our website. So that's a

1 handy thing.

2 Most of you are probably here because
3 you received a written notice in the mail. And
4 that's great if that's working for you, then we
5 can leave good enough alone. But if you would
6 like to have more email access or notices, check
7 that little box that says the listservers on your
8 name. And we can work that for you, too.

9 Did everybody get an agenda for tonight?
10 These are kind of floating around, so if you're
11 missing one of those, raise your hand, and Brian
12 can help get one to you. And I'm sorry, I'll have
13 to keep mine because I need it to function
14 tonight, okay.

15 The reason we're here tonight is because
16 we really want to be able to talk openly with the
17 applicant about issues. We want to be able to
18 exchange information. We want your input. And
19 we've had a chance to meet with some of you
20 earlier today when we arrived and to take a look
21 at things, get familiar with the grounds, the
22 proposed project, and some of the issues that
23 you're concerned about. And that's the kind of
24 feedback we're looking for so we can be sure that
25 we're accurately understanding the project and how

1 it's portrayed. And we can properly analyze the
2 issues.

3 And we're trying to look at the project
4 from the standpoint of could it cause
5 environmental impacts, significant impacts in
6 certain areas, not just certain, but about 20
7 technical areas.

8 We're looking at it from the standpoint
9 of can those impacts be mitigated from what the
10 applicant has already proposed. Or should we
11 propose additional mitigation, ourselves. Or is
12 it an impact that can't be mitigated and we have
13 to recognize that aspect of the project.

14 We also look at the project from the
15 standpoint of the laws, ordinances, regulations
16 and standards as to whether or not it conforms
17 with that. And we prepare a report to our five-
18 member Commission, who makes the decision.

19 So we make recommendations and try to
20 analyze the project, but I want to make it clear
21 that our recommendations move on to the
22 decisionmakers.

23 Just to recap where we are in the
24 process, we can look at the back side of the
25 agenda. You can see that this process started

1 back in November of '07 when the application was
2 filed. It was determined to be a complete
3 application as of December 2007.

4 And we began going through our data
5 inquiry, our discovery phase when we filed our
6 first set of data requests in January 2008.

7 We also conducted the site visit and
8 informational hearing of which many of you were
9 probably here in January.

10 We received the applicant's responses to
11 that first set of data requests in February. We
12 conducted the first workshop in March of '08, and
13 we also conducted an April informational workshop
14 in Santa Margarita at the request of Supervisor
15 Patterson.

16 We filed a second set of data requests
17 in May, and we received the applicant's responses
18 to those in June. We received a supplement to the
19 application on July 3rd where the applicant was
20 attempting to respond to some of the issues that
21 it heard early on in this process and chose to
22 redesign its project accordingly. And we're going
23 to ask them to give you a little overview of that
24 in just a minute.

25 We filed a third set of data requests as

1 of July 25th, and that's kind of that bold line is
2 where we're at today. Everything else is going
3 forward.

4 But just to give you a preview of that,
5 we expect to receive the responses to our third
6 set of data requests around August 25th. We're
7 looking to issue our first preliminary staff
8 assessment, which is like a draft EIR. And we
9 look to do that in September.

10 And we will hold another workshop down
11 here in October within just a few weeks after we
12 publish that preliminary staff assessment. And
13 that'll be your opportunity to provide us comments
14 on our analysis as to what things you agree with,
15 or what things you think we may have missed. So
16 we can be sure, when it comes time to prepare the
17 final staff assessment, that we can be as
18 comprehensive as possible.

19 And so the final staff assessment, we
20 project, would be produced or published around
21 November. And then all the rest of these things
22 are kind of dates to be determined that are beyond
23 our control, as staff. We really pass the baton
24 to our Hearing Office and the Committee, made up
25 of two Commissioners.

1 And they would hold an evidentiary
2 hearing to introduce all the documents into the
3 record, and add direct testimony on top of what
4 we've produced in writing.

5 Then they will prepare a Presiding
6 Member's Proposed Decision, or PMPD. And that is
7 their, kind of like a draft decision based on all
8 the evidence and their position on the project.

9 They will hold a hearing on the PMPD,
10 and hopefully they would -- I think there's a good
11 chance they would hold that hearing here, locally,
12 for your benefit.

13 They would then take that information on
14 your comments on the PMPD and prepare a final
15 PMPD, or revised. And then that would go for a
16 Commission decision.

17 Any questions about the process,
18 overall? Yes.

19 SUPERVISOR PATTERSON: Question. Once
20 you -- those evidentiary hearings --

21 MR. SPEAKER: You have to go to the
22 microphone, sir, if you want to be on the record.

23 SUPERVISOR PATTERSON: All right. Which
24 of the evidentiary hearings are likely to be held
25 here, and which ones are likely to be held in

1 Sacramento?

2 MR. KESSLER: Supervisor Patterson asked
3 which really activities would be held here. And
4 really, all of them except for the Commission
5 decision, which is held in Sacramento as part of
6 our regular business meeting.

7 So that would include the PSA workshop
8 in October, the hearing, evidentiary hearing after
9 the final staff assessment, and that should also
10 include the Committee hearing on the PMPD. So all
11 those open meetings.

12 At times when there isn't a lot of
13 public interest, sometimes they're held in
14 Sacramento. But in this case obviously we want to
15 be receptive, and I know the Committee is
16 committed to that, to be receptive to your voice
17 and your ideas.

18 Greg, I'm going to have to ask you to
19 come up to the mike here. I can't quite reach.
20 Okay.

21 MR. McMILLAN: Yeah. My question is,
22 this preliminary staff assessment document, will
23 that be publicly available before the workshop
24 being held to discuss it?

25 MR. KESSLER: Oh, absolutely.

1 MR. McMILLAN: It will. And we'll be
2 provided with --

3 MR. KESSLER: Yeah. You'll have at
4 least two or three weeks beforehand. And that'll
5 be posted on the web. And for those of you who
6 would like hard copies or CDs, we'll be glad to
7 mail those to you, as well.

8 So, if there's no questions about
9 process, I think before we get into our first
10 discussion topic, which I'd like to propose we
11 change the order a little bit and start with
12 traffic, since we have the gentleman from -- two
13 officers from CHP here today.

14 I want to give the applicant a chance to
15 give us an overview of what their AFC supplement
16 consisted of, and how they've revamped the design
17 of the project.

18 MR. MORGAN: This is Rob Morgan with
19 Ausra. For those who don't have one, there's a
20 one-page document that's in the room here that
21 summarizes the changes in our supplement. The
22 supplement, we have our own copies up here, but
23 it's a fairly significant document. You can get
24 it, again, at the Energy Commission. I think they
25 just offer to mail it to you, that's great.

1 What I thought I'd do real quick is just
2 summarize the major amendments we made in the
3 supplement that tried to address some of the
4 issues that had been raised in the last series of
5 information hearings and workshops here.

6 The first one is that we have
7 reconfigured the orientation of our solar lines,
8 our reflectors, from an east-west configuration to
9 a north-south configuration. The primary reason
10 for this was that the potential for glare onto 58
11 in an east-west configuration during emergency
12 shutdown or off-spec operations. Going to north-
13 south there's really no chance of glare going to
14 either the north or the south side. And
15 therefore, the road is immune from any sort of
16 glare-type issues or potential glare.

17 It's also helped us to realign our air-
18 cooled condensers in our power block, so that
19 they're stacked, again, in a north-south
20 configuration as opposed to an east-west
21 configuration to minimize the noise profile
22 primarily to the north side of the site so that
23 the sensitive receptors there have an even lower
24 potential noise impact going forward.

25 The second major change is we've added

1 an emergency diesel generator. This will only
2 operate in the event of loss of power from the
3 PG&E system. Primarily this is for maintaining
4 controls and a control shutdown and any kind of
5 emergency operations we need to do onsite.

6 The third change is we've tried to
7 minimize our traffic even further. We've gone to
8 a strategy of having some limited assembly of
9 complements on our site, which I think reduces the
10 truck traffic by a factor of four? It's a lot.
11 So we now bring in more dense material to the
12 site; we'll have a temporary assembly facility on
13 the site. We can make them into reflectors, and
14 then that assembly facility goes away at the end
15 of construction.

16 The fourth thing is we have clarified
17 that Ausra and Carrizo Energy are responsible for
18 any and all demolition of existing structures from
19 the site, and the safe handling of materials, any
20 hazardous materials from that demolition.

21 The fifth thing is that we have gotten
22 updated information from PG&E about our
23 interconnection study. We've clarified some of
24 the steps necessary to connect to PG&E's system.

25 We've recently had conversations with

1 PG&E that they're proceeding to the facility study
2 stage, which is when they make the final
3 determination of how the project interconnects and
4 what the potential impacts might be.

5 The other news in that is that the Morro
6 Bay Expansion project has been officially kicked
7 out of the California ISO queue, so any potential
8 reconductoring or impacts to the transmission
9 system should be minimal or nonexistent.

10 The sixth thing is that we have
11 clarified and modified our administration building
12 height to 35 feet instead of 40 feet. So it's
13 reduced.

14 And lastly, number seven, the perimeter
15 fence height has been reduced from nine feet down
16 to six and a half feet. It'll be a lattice
17 construction fence to minimize any sort of visual
18 view through there.

19 So that's the clarification of the seven
20 things. Again, the one-pager has them, and the
21 supplement has the details and the analysis of
22 those changes.

23 MR. KESSLER: Thank you, Rob, nicely
24 done. I believe some of those handouts are out
25 here on the side, if you didn't see those on your

1 way in.

2 I wanted to tell you that I found some
3 more copies of the agenda. Sorry I had them
4 buried. But if you'll hold your hand I'll get
5 those to you. And while I'm doing that, I want to
6 suggest that Officers Terry and Justin come up
7 here, and we'll get ready to talk about traffic
8 and transportation.

9 (Pause.)

10 OFFICER HESTER: Good evening. My
11 name's Terry Hester; I'm a Sergeant with the CHP
12 at Buttonwillow on the Kern County side. This is
13 Officer Justin Olsen; he's our Public Affairs
14 Officer.

15 We were invited here tonight to field
16 any questions concerning traffic concerns. I have
17 a feeling some of your concerns might be better
18 answered by Caltrans. However, I don't believe
19 they're here tonight.

20 But we can field any questions
21 concerning enforcement that you might have
22 relating to any traffic, either truck traffic or
23 the car traffic from the workers that are going to
24 be responding to the construction site.

25 So, if there's any questions, please

1 feel free to ask. That's too easy, because I can
2 feel the tension in this room. Come on.

3 MR. KESSLER: We'll answer Greg's
4 question real quick, but I want to suggest that
5 maybe we start with the criteria that Bob can
6 summarize of Caltrans regulations so we understand
7 kind of what the guidelines are for traffic,
8 safety, and, Jason may have some questions, as
9 well, and as well of the Officers.

10 MR. MORGAN: This is George Dore from
11 URS; he's our traffic expert.

12 MR. DORE: Yes. Route 58 is a
13 California legal route. That means that there are
14 certain truck sizes limit 40-foot maximum for two
15 or more axles, or 38 feet kingpin to rear axle.

16 This route also has a restriction for
17 limitation that they advise you they have a
18 kingpin to rear axle no longer than 30 feet. But
19 the legal requirement is no longer than 38 feet.

20 Now, they also have pilot car
21 requirements. From the San Luis Obispo County,
22 Kern County line to the intersection of 58 and 33,
23 if a truck is from 10 foot 1 inch to 11 feet wide,
24 it requires one pilot car. From 11 foot 1 inch to
25 12 foot wide, and/or 85 feet long, two pilot cars.

1 CHP requirements for loads greater than
2 12 foot wide and/or 85 foot long -- I'll just --
3 the CHP and one pilot car required for loads over
4 12 feet wide and/or 65 feet long. It also says no
5 through movements, which means that you can't go
6 from I-5 to the 101. You've got to have an
7 intermediate stop somewhere along the route, a
8 destination.

9 MS. HOLMES: I have a quick question.
10 Are the pilot car requirements Caltrans'
11 requirements, CHP requirements, or are they both?

12 MR. DORE: That would be Caltrans
13 requirements to get a truck permit to haul on the
14 route.

15 MS. HOLMES: Would that include the
16 pilot car -- I heard discussion about there are,
17 it seems to me what I heard was that there are
18 length restrictions, depending upon the section of
19 the roadway. And then also that there are pilot
20 car requirements in certain circumstances. But it
21 wasn't clear to me whether those are CHP
22 requirements or Caltrans requirements.

23 MR. DORE: I'm reading from a Caltrans
24 table.

25 MS. HOLMES: Thank you.

1 OFFICER HESTER: George, how much truck
2 traffic do you expect that would be permitted
3 loads to travel on a daily basis or a weekly
4 basis? Meaning exceeding those limits of 65 foot
5 overall length. Or a kingpin setting that exceeds
6 30 feet.

7 MR. KESSLER: George, I think what would
8 be helpful here for the Officers' benefits is if
9 you can give, since they've not had a chance to
10 review the application and walk into this cold, if
11 you could give them some overview of the traffic
12 plan, of the routes proposed and what level of use
13 is proposed.

14 MR. DORE: The California legal truck,
15 30 foot kingpin to rear axle would use 58. It is
16 envisioned right now that the, what we're going to
17 call the extra-legal loads would use Bitterwater.

18 And I don't remember --

19 (Parties speaking simultaneously.)

20 MR. DORE: Peak hour load would be --
21 project traffic, peak construction, 123 cars in
22 the morning peak and 123 vehicles in the evening
23 peak.

24 OFFICER HESTER: How many trucks?

25 MR. RICKS: I believe it's 15, peak

1 hour.

2 MR. DORE: Peak hour construction trips
3 is five; equipment deliveries four; and onsite
4 manufacturing will be two during the peak hour.

5 OFFICER HESTER: So 11.

6 MR. DORE: Eleven, during the peak hour.

7 OFFICER HESTER: And how many -- because
8 we're representing Kern, we'll be on the Kern
9 County side for enforcement. Will that be coming
10 from the San Luis side or the Kern County side?
11 Or is it 50/50?

12 MR. DORE: Most of those will be coming
13 from the Kern County side.

14 OFFICER HESTER: Okay.

15 MR. RICKS: With an average of 36 per
16 day, five in the peak hour being 7:00 to 9:00.

17 OFFICER HESTER: And out of those 36
18 loads, are those all permitted loads that are
19 going to be escorted with pilot cars and CHP
20 Officers?

21 MR. DORE: Not all of them. I don't
22 think Ausra has completed a total split as to how
23 many would actually require CHP and pilot cars.

24 OFFICER HESTER: Because we would
25 eventually need to know that, as far as the

1 manhours that would need to be set aside. Even
2 though that would be overtime hours, we would have
3 to insure that we have the people available, in
4 addition to our regular patrol.

5 MR. MORGAN: Right. We'll take that
6 then as action to get more specific on which ones
7 we think will be permitted versus just not.

8 MS. BELL: Excuse me, George, we have a
9 question.

10 MS. HOLMES: Come to the microphone.

11 (Parties speaking simultaneously.)

12 MR. KESSLER: I'm sorry, your question
13 is not going to be on the record unless you come
14 to a microphone. I want to make sure that gets on
15 the record.

16 MS. BELL: Hi, Robin Bell. And I'm
17 looking at your table 2.11-1. So, it says that
18 your average is 52 buses a day, six equipment
19 deliveries. Equipment deliveries, are those
20 trucks?

21 MR. DORE: Yes, ma'am.

22 MS. BELL: Are they big trucks?

23 MR. MORGAN: We'll have to get more
24 details on which trucks are permitted or which
25 trucks are in the legal limits. We don't have

1 that right now.

2 MS. BELL: And then there's 36
3 construction trucks and 12 onsite manufacturing.
4 So those are trucks, right?

5 MR. DORE: Yes, ma'am.

6 MS. BELL: So it's a total of your
7 average daily trips are 106, right?

8 MR. DORE: Yeah.

9 MS. BELL: Those are all large vehicles.
10 And then it peaks at 188 per day. Now, if a large
11 portion of these are on highway 58 with pilot
12 cars, obviously there's going to be delays.

13 And I'd like to know what kind of delays
14 that people that use 58 to get to work can expect.
15 It sounds like that would shut down 58 for a
16 majority of the time.

17 MR. MORGAN: Okay, we'll have to do that
18 analysis. What we've done is actually cut the
19 truck trips way down, but understand now that we
20 need to do the analysis to help understand the
21 impacts.

22 MS. BELL: But this is the supplement,
23 so this already includes the onsite manufacturing,
24 correct?

25 MR. MORGAN: Correct.

1 MR. DORE: Yes.

2 MS. BELL: Okay.

3 MR. KESSLER: Yes, ma'am.

4 MS. SPEAKER: (inaudible).

5 MR. KESSLER: Ma'am, we need you to come
6 to the mike.

7 MS. SPEAKER: I just wanted to back up
8 and you said something about transportation on
9 Bitterwater, on Bitterwater Road? We were unclear
10 what that was that you said. We were just -- that
11 some traffic was going to be on Bitterwater.

12 MR. DORE: I'm going to read from the --

13 MS. SPEAKER: No, don't read it.

14 MR. DORE: Okay. Yes, some of the
15 traffic from the east will be via Bitter -- from
16 the west would be via Bitterwater.

17 MS. SPEAKER: Long loads, you mean, big
18 loads? -- cars and such?

19 MR. DORE: Well, some of those trucks
20 are the buses that would be coming in from San
21 Luis Obispo and Paso Robles. So those --

22 MS. SPEAKER: They come out 46 and then
23 in Bitterwater?

24 MR. DORE: 46 down Bitterwater.

25 MS. SPEAKER: Okay. Thank you.

1 MR. McMILLAN: Has anybody on that side
2 of the table actually been on Bitterwater Road
3 lately?

4 (Laughter.)

5 (Applause.)

6 MR. McMILLAN: Bitterwater is a very
7 narrow, very dangerous road with a lot of blind
8 corners. It has serious sliding problems going
9 on, and heavy traffic is only going to exacerbate
10 that. Is there some way in the budget for this
11 thing that this company is going to pay to have
12 the road fixed up?

13 MR. MORGAN: I believe that part of the
14 County and the Caltrans permitting process will
15 address that specific concern. If there's damage
16 to the road it needs to get repaired.

17 MR. McMILLAN: And they have not yet --
18 they have not -- do you know if they've done this
19 or not?

20 MR. MORGAN: We don't have any permits
21 to do anything yet.

22 MR. McMILLAN: Okay.

23 MR. RICKS: I was going to say, one of
24 the Energy Commission standard mitigation measures
25 is to require applicants to repair any road damage

1 as a result of construction traffic.

2 MR. McMILLAN: Because this could be
3 multi-millions of dollars. I mean we're looking
4 at serious sliding here in the Lake Ranch, just
5 after you reach, go past Bitterwater. And I
6 happen to live on Bitterwater, so I'm a little
7 sensitive about it. Thank you.

8 MR. KESSLER: Yes, Jim.

9 MR. BELL: Hi, my name's Jim Bell. And
10 I've got a question for the Officers. Looking at
11 this volume of traffic and the size of it, is this
12 something that you feel is feasible to go up and
13 down 58 on a daily basis? And allow people to
14 utilize that road, such as myself, to go to and
15 from L.A.?

16 I mean how much delay are you looking
17 at? Pilot cars, highway patrol, 180 trucks. Can
18 that road handle that volume?

19 OFFICER HESTER: I can't give you the
20 answer to that. It's going to take an engineering
21 and traffic survey to answer that. And I think
22 these gentlemen over here are the ones that are
23 going to have to conduct that survey to tell you
24 that.

25 I can tell you that from experience with

1 wide-load details in the past, there's certainly
2 going to be delays because while that vehicle is
3 in motion with those pilot cars, you obviously
4 can't pass that vehicle. That vehicle's travel's
5 going to be a lot slower.

6 They're going to have to have some areas
7 where they're going to turn out to allow cars to
8 pass, which the Highway Patrol will have to
9 regulate so you can do it in a safe manner.

10 There certainly will be delays, I'm
11 sure.

12 MR. BELL: And I would imagine there,
13 because you know the road very well, because of
14 the hairpin turns you're obviously going to be
15 taking up both lanes plus --

16 OFFICER HESTER: Right.

17 MR. BELL: -- some --

18 OFFICER HESTER: We're going to --
19 whoever the officers on scene are, they will have
20 to block the highway to allow that vehicle to make
21 that turn safely, because it will take up both
22 sides of the highway. It'll take up the entire
23 highway.

24 MR. BELL: Then I've got a question over
25 here, is that I believe that this supplement, this

1 was all part of a response to a data request,
2 correct? Then why wouldn't that traffic
3 engineering be involved or included in this at
4 this time?

5 MR. MORGAN: The supplement actually was
6 not a response to a data request. It was
7 something that we made a series of changes to, and
8 provided our first-level analysis of that.
9 Obviously there's now second level of analysis
10 we'll have to go do.

11 MR. BELL: Thank you.

12 MR. RUSKOVICH: My name's John
13 Ruskovich; I live out here. For 11 and a half
14 years I owned Ruskovich Ranch Trucking Company.
15 We went all the way to Alaska.

16 I can tell you personally you cannot
17 come over highway 58 safety with a Peterbilt and a
18 48-foot trailer, even with your trailer axle
19 sucked up underneath of you.

20 The Highway Patrol in Templeton allows
21 local people to bring semis out here because we
22 live here. I will resubmit a report from the
23 Highway Patrol DOT Officer that deals in only
24 truck traffic out of the Templeton Branch of the
25 CHP that states, no trucks running on highway 58.

1 Personally he told me, if I see one, call him.
2 He'll be here in a flash to give tickets.

3 So, you know, I'm not creating this.
4 The CHP did. And you ignored the last time I
5 turned in the report. I will do it again.

6 Repeat. They don't want trucks on 58
7 out here.

8 As far as Bitterwater Road, it's an
9 earthquake fault. The ground is like a big
10 sponge, it constantly moves. I've run semis up
11 and down that road. Sometimes you almost knock
12 out your front end if you don't know where the bad
13 spots are, because that road moves daily.

14 So, I'm just trying to give you a little
15 experience. If you don't like it, you don't like
16 my reports, I'm sorry. I live here. These are
17 the facts. So I'm going to give this to John.
18 Thank you.

19 MR. KESSLER: Thank you, John.

20 MS. McHENRY: My name's Jennifer
21 McHenry. I co-own G&G Ranch out here in the
22 Carrisa Plains. I've been out here for almost
23 three years. Sorry my husband could not make it
24 tonight, he's at home with our 18-month old son.

25 As far as Bitterwater Road, have any of

1 you ever traveled down that road pulling a
2 trailer? You should try it sometime. It is very
3 difficult to get one trailer down it, let alone
4 any other type of vehicle.

5 And that's really -- it goes for 58, as
6 well. And if we hit any kind of slow traffic,
7 which there are a lot of tourists that come
8 through 58, on the weekends, and during the
9 weekdays, that is a problem. Because they do
10 create a road hazard.

11 And not you or I can take and do
12 anything about that.

13 MR. STROBRIDGE: My name's Tim
14 Strobridge. I have a question on the trucking.
15 You failed to mention any hazardous waste. This
16 plant's going to generate hazardous waste that's
17 going to be trucked out of this plant daily.

18 Are those hazardous waste trucks going
19 to be handled safely with pilot cars? Are they
20 going to be on the road the same time as our
21 school buses are on the road? You know, how
22 many -- what size of trucks? How many, you know,
23 what's the safeguard on the part of the Highway
24 Patrol? How are you going to insure that the
25 community is safe with hazardous waste rolling up

1 and down the highway? Got a question on that.

2 MS. LIEBA: If you want, I can address
3 that right now. This is Angela Lieba from URS.
4 There aren't any hazardous wastes that are
5 associated with the project that are going to be
6 trucked at all. So, that we have addressed in the
7 filing, itself. And there aren't any.

8 (Parties speaking simultaneously.)

9 MR. STROBRIDGE: Your report reflects
10 hazardous waste --

11 MS. LIEBA: I think you're thinking of
12 diesel fuel, which is different than hazardous
13 waste. There's a --

14 MR. STROBRIDGE: Is glycol a hazardous
15 waste?

16 MS. LIEBA: I'm not a hazardous waste
17 expert.

18 MR. STROBRIDGE: Glycol is a hazardous
19 waste.

20 MS. LIEBA: Well, just so you know, we
21 have a full analysis of what wastes are going to
22 be trucked when. And, of course, we're going to
23 be trucking anything that's considered hazardous
24 or potentially hazardous with Caltrans input, and
25 make sure that we have all the proper protocol in

1 place prior to trucking it.

2 MS. HOLMES: Did you have something to
3 add about hazardous waste transport?

4 OFFICER HESTER: Other than -- Sergeant
5 Hester -- other than hazardous waste, it's a
6 regulated load. And before it's transported, of
7 course, it will have to be properly placarded.
8 And it's subject to, just like on any other
9 highway that you're driving on, there's hazardous
10 waste every day.

11 Now I don't know particularly this
12 highway, if there's certain highways that are
13 restricted for hazardous waste. And there's some
14 down, it's generally around populated areas. I
15 know there's some down in the Buttonwillow area
16 where the trucks are not allowed to go through
17 that area.

18 MR. RICKS: I guess I should back up a
19 little. I'm Jason Ricks; I'm doing traffic
20 analysis on behalf of the Energy Commission.

21 I just wanted to do just a general
22 overview of what we're required to do, and what we
23 do.

24 The staff assessments are done to be in
25 compliance with the California Environmental

1 Quality Act, CEQA. And the parameters of traffic
2 analysis under CEQA generally deal with level of
3 service, which is basically the flow of traffic on
4 the road and whether or not a project is going to
5 create a condition where that would degrade the
6 flow of traffic to a point that would interrupt
7 flow, basically.

8 And the traffic analysis that was done
9 by URS shows that based on the engineering
10 standards that the project would not.

11 And what they do also to analyze truck
12 traffic is at an equivalent of -- I'm sorry, not
13 equivalent -- passenger car equivalent ratio of
14 three, where they take every truck and multiply it
15 by three. So if they say there's going to be 11
16 trucks in the peak hour, they really analyze the
17 equivalent of 33 cars.

18 And according to that analysis, the road
19 would still operate at an acceptable level of
20 service.

21 One thing we're looking at, the CEC is
22 looking at is safety, because this issue has been
23 brought up by members of the public, and we,
24 ourselves, have concerns about hairpin turns and
25 whatnot.

1 And we have gotten involved -- we have
2 started coordinating with CHP Buttonwillow and --
3 to CHP Officers that have jurisdiction over the
4 roads. And Caltrans. Unfortunately, Caltrans
5 couldn't be here, but recently they did have a
6 meeting with the applicant, with Ausra, where they
7 asked Ausra to analyze which curves in the road on
8 state route 58 would be particularly troublesome
9 or to cause off-tracking where a truck would cross
10 the centerline and present a hazard to oncoming
11 traffic.

12 And I'm not sure what the status of that
13 analysis is. But that's what was requested by
14 Caltrans.

15 And a lot of these things, pilot cars
16 and different traffic controls, would shake out
17 basically during the permitting process, once
18 Ausra presents their plan of exactly how many
19 trucks, or of which sizes, are going to be on the
20 roads.

21 Then if they go over certain limits, the
22 limits that George was talking about, then they'll
23 be required to have a certain number of pilot cars
24 or possibly other traffic controls.

25 And we will also be requiring a few

1 other conditions of certification or mitigation
2 measures for the contractors to adhere to during
3 construction, such as signage to notify travelers,
4 to notify people who travel 58, of the
5 construction period.

6 And we're looking at requiring the
7 applicant to provide CHP commercial truck officers
8 to patrol the roads to encourage truck safety of
9 the drivers, truck drivers.

10 And like I said earlier, we have the
11 standard mitigation measure of repairing any
12 roadway damage caused by construction traffic.

13 I don't know if -- are you able to speak
14 about the status of the Caltrans coordination?

15 MR. MORGAN: We had a conversation late
16 last week with Caltrans.

17 MR. RICKS: Okay.

18 MR. MORGAN: We don't have a schedule
19 yet for how we're --

20 MR. RICKS: Okay.

21 MR. MORGAN: -- going to address their
22 questions. It's --

23 MR. STROBRIDGE: I'd like to get back to
24 hazardous waste. That bothers me. Now, in your
25 report the report states that you're producing

1 hazardous waste once this plant is operating. Is
2 that true or not? So we're on the record, so we
3 can backtrack on this if we ever have to. Is this
4 plant going to generate any hazardous waste?

5 Boy, that's a real hard question. It's
6 either yes or no.

7 MS. LIEBA: Honestly, it is a difficult
8 question because there's different --

9 MR. STROBRIDGE: I hope the CEC is
10 recognizing --

11 MS. LIEBA: It's a very difficult
12 question --

13 MR. STROBRIDGE: -- the bullshit these
14 people are doing.

15 MR. KESSLER: Okay, I'm going to have to
16 ask that --

17 MS. LIEBA: Let's have our engineer --

18 MR. KESSLER: You need to understand
19 that a project like this has at least 20 technical
20 areas, okay. And there's a whole lot of
21 information in each one of those. So let's give
22 these folks a chance to do -- if they need a few
23 minutes to look up that information, they can do
24 so, okay.

25 But let's not badmouth each other here,

1 okay. Let's keep it straight up and professional,
2 and let's try to get information exchanged. And
3 we'll do the best we can to answer your questions,
4 okay.

5 MR. STROBRIDGE: Thank you. It was a
6 pretty simple question, though, and I see --

7 MR. KESSLER: Well, --

8 MR. STROBRIDGE: -- about four rows of
9 URS people. It seems to me maybe one of them
10 might have the answer.

11 (Simultaneous audience comments.)

12 MR. McINTOSH: I'm Sam McIntosh; I'm the
13 Vice President of construction for Ausra. I have
14 some operations and engineering experience that's
15 practical to this.

16 There is no glycol in our configuration
17 at all. It's really purified water. And water is
18 boiled to make steam.

19 There is some hazardous waste; it's
20 associated with lubricating and maintenance. It
21 is some oily rags. There are known, proven and
22 true mechanisms for managing and disposing of that
23 waste. Ausra follows those practices on our other
24 facilities.

25 It's typical, standard and customary to

1 place those materials into a 55-gallon barrel.
2 Every 30 to 45 days those barrels are collected
3 up, placed into the care and custody of a
4 registered hazardous waste hauler. And it's
5 disposed of and tracked accordingly.

6 The volume is very near minimal as we do
7 not generate or create any hazardous waste other
8 than in normal maintenance and operating
9 practices. That would be for oil changes or for
10 greasing, cleaning up any kind of normal routine
11 maintenance.

12 I hope that helps clarify.

13 MR. KESSLER: Too many choices around
14 here about these microphones. Any other questions
15 or comments or concerns about travel and
16 transportation?

17 I can just mention that one of the
18 things we heard today was a concern as to what
19 additional hazard might be created should there be
20 snow and ice on highway 58. And I can just tell
21 you that we'll be also discussing that with the
22 applicant, as well as CHP and Caltrans as to any
23 special precautions or restrictions that would
24 apply for those conditions, too.

25 Any other concerns, questions on traffic

1 at this point?

2 Okay. Well, I think -- excuse me, we do
3 have one.

4 MR. YOUNG: My question was because of
5 personal experience on 58 with these pilot cars.
6 Are those -- are we going to have trucks with
7 pilot cars every day on this construction? Is
8 that -- am I correct on that?

9 MR. MORGAN: We're going to go back and
10 do an analysis. If the flow of trucks is the same
11 every day then I'd expect there to be regulated
12 and legal trucks every day. But we're going to go
13 back and do an analysis to figure that out.

14 MR. YOUNG: Okay. And are all these
15 pilot cars driven by CHP Officers? Because I've
16 run across these pilot cars before. And I don't
17 know who's driving them. But some of them don't
18 know what they're doing. I've run across this guy
19 with his lights on and he's doing three miles in
20 front of that truck. He's just left the truck.
21 And that kind of stuff.

22 And then I figure that the guy is just
23 negligent and he's left his light on. And so I go
24 on down the road, and all of a sudden here comes
25 the truck three miles later. And the truck is

1 yelling at me, didn't you see the pilot car.

2 MR. MORGAN: No, the Highway Patrol
3 doesn't operate the pilot cars. They're operated
4 separately. And I can't speak to how they're
5 operated.

6 If it needs it, George has the
7 requirements of which the Highway Patrol would be
8 involved. They'd be uniformed officers in a
9 market black-and-white patrol vehicle, enforcement
10 vehicle. And they're only there to stop traffic.

11 MR. RICKS: For certain sized vehicles.

12 MR. MORGAN: For certain sized vehicles.
13 They wouldn't necessarily be there every day.
14 They would only be there if they exceeded a
15 certain limit which was required by Caltrans,
16 which would be required in their permit, the
17 applicant's permit.

18 MR. YOUNG: I just, for the record, say
19 I've noticed quite a variation in the way some of
20 these pilot car drivers do their job. And it is,
21 in fact, very dangerous; and there are going to be
22 problems I would expect. Thank you.

23 MR. KESSLER: Thank you.

24 MR. McGIBNEY: My name's Patrick
25 McGibney. As far as utilizing highway 58, 58

1 east, coming off, I assume, highway 5 or 99, when
2 would you be coming up 58 as opposed to taking 46
3 to Bitterwater? And then, also, if you're coming
4 down 101 where would you then enter 58 from?
5 Would you be going through Paso Robles? And if
6 so, how would you do that?

7 Or if you're going to Santa Margarita,
8 or would you be going to Bitterwater, 46 to
9 Bitterwater from 101? Thank you.

10 MR. DORE: The vehicles coming from Paso
11 Robles are envisioned to be buses bringing in
12 construction workers. They would come over 46 and
13 down Bitterwater. There would also be some
14 vehicles, some buses coming in from San Luis
15 Obispo, coming in 58 all the way to the site.

16 There would also be buses coming from
17 the Bakersfield area, coming over 58 from the
18 east.

19 MR. MCGIBNEY: So, if you're coming from
20 San Luis Obispo are you going through Santa
21 Margarita?

22 MR. DORE: Yes.

23 MR. MCGIBNEY: Going through the town of
24 Santa Margarita?

25 MR. DORE: That's the road.

1 (Audience speaking simultaneously.)

2 MR. McMILLAN: One more quick question.
3 How was Bitterwater chosen over 58? There's a
4 number of ways to get -- if you're coming from
5 Paso Robles the fastest way to get here is to come
6 out Crestin Road where all -- 58 come over.

7 Going out Bitterwater is a long way
8 around. Why was that chosen at all, being such a
9 bad road?

10 MR. MORGAN: We'll go back and look at
11 that. I don't know if there are restrictions on
12 that Crestin Road route. I like that route, too,
13 but --

14 MR. McMILLAN: Okay, then --

15 MR. MORGAN: -- we'll go back and check
16 on that.

17 MR. McMILLAN: Thank you.

18 MS. BELL: Hi. I'm wondering when
19 you've got 106 or peaking up to 188 trucks a day,
20 is it just going to be during the day? Or is it
21 going to be all night? I notice that CURE had
22 said for air quality they were hoping you did some
23 truck travel in nonpeak hours.

24 Well, you know, I live right off of
25 Bitterwater with the cattle-guard. And to have

1 trucks going all night over that, let alone the
2 truck sound, would be a nuisance.

3 So, I'd like to know about if you're
4 going to be driving trucks 24 hours a day, or just
5 limit it to construction hours.

6 MR. RICKS: When they say offpeak hours,
7 peak hours are only for two, like 7:00 to 9:00
8 a.m., the peak commuting times.

9 MS. BELL: Okay.

10 MR. RICKS: 7:00 to 9:00 a.m. and 4:00
11 to 6:00 p.m. So offpeak would be between those
12 hours during the day --

13 MS. BELL: Okay, so we wouldn't have
14 truck traffic at night, right?

15 MR. RICKS: I presume --

16 MR. MORGAN: Very rare.

17 MR. RICKS: -- yeah.

18 MR. MORGAN: We don't foresee having
19 kind of regular truck traffic at night, so there's
20 no plan at this point to have some regularly
21 scheduled truck traffic.

22 MS. BELL: Okay.

23 MR. RICKS: Yeah, that's not explicitly
24 stated, but generally in all traffic reports --

25 MS. BELL: But, can it --

1 MR. RICKS: -- you're talking about
2 offpeak, it's during the day.

3 MS. BELL: But, can it be explicitly
4 stated that we limit this truck traffic in your
5 permitting process, that we don't have trucks
6 running at night?

7 MR. RICKS: We could do that.

8 MR. FRAZIER: (inaudible) Frazier,
9 California Valley. I'd like to ask a question as
10 to whether the engineers have looked into or
11 researched the area of 166 and come through Silver
12 Lake instead of coming up that winding road onto
13 58 from Bakersfield. Or go to Santa Margarita, go
14 to Santa Maria and come back down to 166 and come
15 in. I know it's a longer road, but it's less
16 hazardous because you have more truck traffic come
17 that route. And just do a little repair on the
18 Silver Lake Road as from the 166 back onto the 58.

19 MS. LUCKHARDT: We're trying to
20 understand the route that you're describing. So
21 if you could go through that again so that we can
22 understand the directions?

23 MR. FRAZIER: There's a truck traffic
24 road on the 166 which comes out of Kern County, or
25 comes out of Santa Maria. That road is a truck

1 route already.

2 Then you can come to Silver Lake. You
3 might have to do a little repair on Silver Lake
4 Road as from the 166 to the 58. But it would be a
5 much better road. It would be less hazardous, and
6 I think it could be utilized much better. It's a
7 little longer, but coming out of Santa Maria from
8 highway 101, and from the 5 and the 99 coming out
9 of Bakersfield. It would be a lot much better.
10 It's a lot better coming through the Silver Lake
11 area.

12 MR. MORGAN: Yeah, we understand parts
13 of that are dirt road?

14 MR. SPEAKER: A lot of it is dirt.

15 (Parties speaking simultaneously.)

16 MR. KESSLER: Yes, Jim's got another
17 question on traffic.

18 MR. BELL: You said that the report that
19 URS submitted could handle the load of the 188
20 trucks per day. Now some questions have just come
21 up. How many hours was that 188 calculated in?

22 MR. RICKS: Actually they analyze the
23 peak hour flow, not the --

24 MR. BELL: The peak hour, as well?

25 MR. RICKS: Yeah.

1 MR. BELL: Okay, because you just said
2 offpeak, if we're going to go from 9:00 to 4:00
3 now you've got 188 trucks between 9:00 and 4:00.
4 The question for you, can that road handle that.

5 OFFICER HESTER: Their study says they
6 can.

7 MR. RICKS: Yeah, by design, to mean
8 general rule of thumb, a two-lane road can handle
9 about 10,000 cars a day. And right now the
10 documented average daily traffic on state route 58
11 is 720 cars a day.

12 MR. BELL: Thanks.

13 MR. KESSLER: All right. We're going to
14 move to biological resources. We've got
15 representatives of Fish and Game with us this
16 evening. And I just want to thank Officers Terry
17 and Justin -- did I say that right -- for being
18 here and helping us field some questions to better
19 understand what the concerns might be.

20 (Pause.)

21 MR. KESSLER: Okay, folks, if we can
22 have it quiet we're going to have the gentleman
23 from Fish and Game introduce himself, please.

24 MR. HACKER: I'm Dave Hacker with the
25 Department of Fish and Game for San Luis Obispo

1 County. I do CEQA project review and Endangered
2 Species Act permitting.

3 MR. McCOLLOUGH: And I'm Brian
4 McCollough with the California Energy Commission.
5 And I work on analyzing the biological resources
6 potentially impacted by this project.

7 And our analysis is ongoing, as are
8 biological surveys. The biological surveys for
9 this site, some of them are still ongoing. And so
10 those results will inform the analysis of the
11 potential impacts of this project.

12 And we are also, of course, looking at
13 potential impacts to species that we've already
14 discussed in meetings here. The San Joaquin kit
15 fox, and of course, we'll also be looking at
16 impacts to the tule elk and prong-horn that can
17 move through the site.

18 Are there any questions? Go ahead,
19 please.

20 SUPERVISOR PATTERSON: Jim Patterson.
21 I'm curious to know which resource agencies you
22 interact with to assess your biological resources.

23 MR. McCOLLOUGH: Thank you. We are
24 working very closely with California Department of
25 Fish and Game, our sister agency. And as well as

1 coordinating for federally endangered species with
2 the U.S. Fish and Wildlife Service.

3 MR. KESSLER: Brian, can you and David
4 summarize the issues that you're still wrestling
5 with, and any thoughts about mitigation, what we
6 know about that?

7 MR. McCOLLOUGH: We are, of course,
8 still working on developing mitigation that would
9 offset for, mitigate for the impacts of this
10 project to biological resources.

11 We have already discussed the habitat
12 that this project will be removing from use by
13 species of concern, including the San Joaquin kit
14 fox, which is both a state and federally
15 endangered species.

16 And among other things, looking at
17 asking the applicant to provide habitat
18 compensation at a ratio looking at four-to-one.
19 And we will, of course, also still be looking at
20 the outstanding biological surveys.

21 And as those survey results come in
22 there may be additional impacts that, of course,
23 will have to be mitigated.

24 Other impacts that we are concerned with
25 and we'll be looking at crafting mitigation for

1 include habitat corridor mitigation, as animals
2 move, and we want to make sure that the animals
3 that are protected under the law are -- that their
4 movement is not impeded in a manner that would
5 harm local populations of the species.

6 MR. HACKER: There are two things with
7 projects of this scale, especially when you start
8 looking at multiple projects occurring in the same
9 area. Louder?

10 We're considering mitigation for
11 projects of this scale, and when there are
12 multiple projects in the same area with large
13 footprints such as the three solar projects that
14 are being proposed out here right now, there's not
15 just the habitat loss, but there is also, as Brian
16 touched on, the question of how wildlife moves
17 through the area. And that can have affects on
18 the greater population.

19 And this area has been identified for a
20 long time in the federal recovery plan for San
21 Joaquin kit fox as a movement corridor that's
22 crucial for the recovery of the species.

23 And the function of this area is to
24 connect the core population, the main kit fox
25 population for this area is centered on the

1 Carrisa Plain national monument. And the corridor
2 that connects that population to the outlying
3 satellite populations goes through this valley.

4 So the three projects together, you
5 know, they may have some substantial effects on
6 that movement. And so just mitigating for the
7 habitat losses somewhere else may not necessarily
8 replace those corridor functions.

9 And that's one of the things we've been
10 discussing for this and the other projects. One
11 project by itself out here may not have that
12 impact, but cumulatively all of them together,
13 which we have to consider, could have a
14 substantial effect.

15 MR. KESSLER: David and Brian, is there
16 any concept as to what these migration corridors
17 might look like and where they would need to be
18 placed and what size they would need to be?

19 MR. McCOLLOUGH: The crafting of the
20 nature of the corridor is going to, of course,
21 depend on the species that are moving through with
22 each of the species of concern that we've already
23 discussed. You know, handling fences and roads in
24 different manners and with different
25 sensitivities.

1 And so we are working to make sure that
2 the movement corridor that allows the populations
3 of these species to be connected is maintained for
4 all of them.

5 MR. HACKER: Yeah, it's a difficult
6 question to answer without doing some pretty
7 rigorous corridor modeling to try to predict how
8 animals move. Absent that, the best you can do is
9 map the suitable habitat for the species that are
10 out here and try to guess where the animals move,
11 and hope that you have some field data in hand,
12 which we do. We have a current data for kit fox
13 and we have data from some foxes who are radio-
14 collared. Not moving through this specific area,
15 but utilizing parts of the corridor.

16 We also have radio-collar data for elk,
17 and they move through the area. And we have
18 direct observation of prong-horn crossing the road
19 at the project site.

20 And the size of the corridor, you know,
21 to offset the impact, it's hard to really put a
22 number on it. I mean you really have to model a
23 corridor to see if it's going to work.

24 MS. LUCKHARDT: I guess one of the
25 questions that we have in listening to the

1 comments that you've made today is that it seems
2 as if the discussion has moved from the direct
3 impacts of this project to a more cumulative
4 impact analysis.

5 And by comparison to at least the other
6 project that we have any kind of specific
7 information on this project is considerably
8 smaller. And the impact is considerably smaller.

9 And so we would expect that the
10 contribution and mitigation requirement for this
11 project would be relative to the others.

12 And, so, you know, this is the first
13 time we've heard you say four-to-one. This is the
14 first time we've heard you say not only that, but
15 on top of corridor mitigation, which is a much
16 larger concern with the other project frankly than
17 it is with this project.

18 And so we're going to be interested in
19 seeing how you deal with that. And also, I think
20 we're interested in how you will be coordinating
21 with the County, frankly, because the County will
22 be reviewing the projects that come before the
23 County as far as mitigation and impacts and making
24 sure that things are relatively reasonable given
25 the project size.

1 MR. McCOLLOUGH: Absolutely. It's a
2 very good question and we are working very closely
3 not only with Fish and Game and involving the
4 County, but, of course, Fish and Wildlife Service,
5 as well, as these are federally listed species.

6 And we are intending to craft and
7 discuss these cumulative mitigation corridor
8 concerns. As you have pointed out, it is not just
9 the direct impacts, but cumulative concern that we
10 will be mitigating.

11 And it is very important, of course,
12 that mitigation be proportional; and crafted such
13 that the cumulative concerns are looked at not
14 just that one project won't be, of course,
15 contributing to them, but that every project that
16 contributes to the cumulative concern mitigates
17 appropriately.

18 MR. KESSLER: When we talk about using
19 the corridor modeling as a tool to help design
20 something that we think is appropriate, is that
21 something that Fish and Game would do, David?
22 What I want to get to is, you know, if there are
23 any expectations of the applicant to do any more
24 studies here, that they're advised of that as
25 early as possible.

1 Or we make it hopefully walk out of here
2 with the understanding as to what tools we need to
3 put into place and apply to kind of resolve the
4 issue. And that we know who's going to take the
5 lead on those.

6 MR. HACKER: Well, I think, you know,
7 the level of information that you require from
8 your applicant is probably between you and your
9 applicant. If it were us permitting a project, I
10 think we would request an applicant to provide
11 some analysis.

12 Because, frankly, we don't have the
13 resources to do it. And that being said, we are
14 working on a proposal to do some larger scale
15 corridor modeling through the entire County up to
16 Monterey County.

17 However, I don't know whether the
18 timeline for that fits into your project schedule.
19 There are existing corridor models out there that
20 can be adapted to the site.

21 MS. LUCKHARDT: Have they been used on
22 other projects that we could look at as an
23 example?

24 MR. HACKER: Yes. A group called South
25 Coast Wildlands has modeled, use the GIS-based

1 model called Corridor Designer to model corridors
2 all over southern California.

3 And they haven't been used so much in an
4 impact analysis setting, but I believe they are
5 suitable -- they could be. Models such as
6 Corridor Designer could be adapted to impact
7 assessment.

8 MR. MCCOLLOUGH: Go ahead, sir.

9 MR. FOSS: These corridors you're
10 talking about are private property, is that
11 correct?

12 MR. MCCOLLOUGH: Correct.

13 MR. FOSS: And the animals come from
14 (inaudible)?

15 MR. MCCOLLOUGH: Not all of them.

16 MR. FOSS: That's where they started
17 from, though, that's where they're supposed to be,
18 is that correct?

19 AUDIENCE SPEAKER: Can't hear you, use
20 the microphone.

21 (Simultaneous audience remarks.)

22 (Parties speaking simultaneously.)

23 MR. FOSS: My question is is these
24 things, if you're putting corridors on private
25 property, these people are just one person --

1 there's lots of private property around here.

2 So are you saying that you're going to
3 have corridors on people's private property around
4 here, the ranchlands, the grasslands, the
5 farmlands or anybody's home? You guys are going
6 to run corridors on those things for these
7 animals?

8 MR. HACKER: We're just looking to
9 offset the impacts of this project. We're not
10 talking about constructing corridors or Fish and
11 Game purchasing properties or anything of that
12 nature.

13 We're looking at the impacts of this
14 project and we're trying to offset those impacts.

15 MR. FOSS: Those prong-horn sheep are
16 all over this valley. You know, they were
17 introduced here. It's all over private land, so
18 if you guys do this on that private land, what's
19 to say you're going to come to the rest of us and
20 say, well, you guys have to have corridors through
21 your place now because these guys have it. You
22 know, it ends here, and so it's got to go through
23 this property also.

24 MS. HOLMES: Because we're not
25 permitting anything on your land. I think what

1 he's talking about is a permit requirement that
2 applies to the applicant on the property that they
3 own.

4 MR. FOSS: So the County's doing that?

5 MS. HOLMES: No. What we're talking
6 about here is a process where, together with Fish
7 and Game, the Energy Commission would come up with
8 a requirement so the animals could pass through
9 the property that the project is on.

10 MR. FOSS: I don't see any difference
11 between that and the rest of us. I mean it's a
12 permitting process, they're doing something. So
13 that means if we do anything with our property the
14 same thing could happen to us. You guys can come
15 in, or they can come in and say, no, you can't do
16 this or this, or whatever, on our own private
17 property. I don't understand that.

18 MS. HOLMES: We don't have any
19 jurisdiction over you unless you want to build a
20 power plant on your property.

21 MR. FOSS: So that's specific to power
22 plants then?

23 MS. HOLMES: Yeah, our jurisdiction is
24 specific to licensing power plants that generate
25 50 megawatts or more of electricity.

1 MR. FOSS: Okay.

2 MR. KESSLER: So I think, in other
3 words, we're talking about corridors that would go
4 to the proposed development, within the boundaries
5 of those areas. And would tie into open lands on
6 both sides, is that fair to say?

7 MR. HACKER: If that's feasible. You
8 know, whether animals will move through a facility
9 such as this I think is in question. And that
10 needs to be answered in the impact analysis.

11 If it's determined that they can't move
12 through the site, it's too great of a barrier,
13 it's too large of an area without cover, too large
14 of an area without any kind of forage, just the
15 sheer size of it, even without fences, would be a
16 hindrance to the animal movement and habitat
17 connectivity then, you know, if we're interested
18 in offsetting that impact, then we may have to
19 look beyond the project footprint.

20 MR. McMILLAN: Yeah, I just -- there was
21 some quandary I heard up here about exactly where
22 all this was going. And being involved in the
23 development of Shandon, I'm on the Shandon
24 Advisory Committee, I can almost guarantee you
25 that the Fish and Wildlife Service will demand, at

1 the bare minimum, a complete habitat conservation
2 plan on this project. And that's probably a two-
3 to five-year process. So, --

4 MR. MCCOLLOUGH: If I could just briefly
5 speak to it. For the federal Endangered Species
6 Act, there are different paths by which the Fish
7 and Wildlife Service can be approached. And this
8 project will -- trying to --

9 MS. LUCKHARDT: Do you want me to help
10 you with this?

11 MS. HOLMES: I was going to ask the same
12 thing.

13 MR. MCCOLLOUGH: Yes. I don't want to
14 put my foot in my mouth.

15 MS. LUCKHARDT: No. We have received
16 word from Army Corps that they will permit this
17 project under a nationwide permit. And so they
18 will be consulting with the United States Fish and
19 Wildlife Service under section 7 of the Endangered
20 Species Act.

21 And so we will not be preparing a
22 habitat conservation plan. We will instead be
23 consulting with Fish and Wildlife under section 7,
24 which is, fortunately for us, a much shorter
25 process.

1 MR. McMILLAN: So they've agreed --

2 AUDIENCE SPEAKER: (inaudible).

3 MS. LUCKHARDT: It's called a federal
4 nexus. If you are required to get a federal
5 permit, then federal agencies consult with each
6 other. And when they consult with each other they
7 do it faster. It's just the way the Act is
8 written.

9 AUDIENCE SPEAKER: (inaudible).

10 MR. McMILLAN: So, can I ask a personal
11 clarification on that? The Corps is agreeing to
12 take jurisdiction over the drainage on the laydown
13 site.

14 MS. LUCKHARDT: Yes.

15 MR. McMILLAN: Are they going to consult
16 for all of the upland impacts?

17 MS. LUCKHARDT: That's our understanding
18 is they will consult on the entire project.

19 MR. McMILLAN: Okay.

20 AUDIENCE SPEAKERS: We can hardly hear
21 you. Can you just speak up --

22 MR. McMILLAN: My question was whether
23 the Corps would also take jurisdiction over
24 federal endangered species impacts in all of the
25 uplands that are beyond their jurisdiction within

1 the drainage where they'll actually issue the
2 permits to place fill.

3 MS. LUCKHARDT: Yes. And it's our
4 understanding that they will take a biological
5 opinion on the entire project.

6 MR. KESSLER: I don't mean to belabor
7 the point of the migration corridors, but is it
8 also an option, David and Brian, to reduce the
9 developed site to allow between the development
10 and the actual site boundaries, the fenceline on
11 the corridors to be based along the perimeters of
12 the site rather than internal to the development.
13 You know, rather than them having to put the
14 applicant in the position where they'd have to
15 secure more land and have effects on other
16 landowners.

17 MR. HACKER: I think any way you slice a
18 corridor issue you have to look at what's going on
19 around the project. So, which ever way is
20 proposed to get animals through the area, it would
21 have to, to truly offset the impact it has to
22 consider the other projects around it.

23 So, putting a corridor through one
24 project doesn't do any good if it deadends at
25 another project. So, really I see a need for a

1 comprehensive planning effort here.

2 MS. HOLMES: Could I ask the County,
3 whether or not that's gong to be considered as
4 part of their permitting process for the other two
5 solar facilities.

6 MR. McKENZIE: Yes, we will be looking
7 at cumulative impacts and looking at the bigger
8 picture as it relates to wildlife corridors. That
9 will be a part of the EIR process.

10 MS. HOLMES: Do you have a schedule for
11 that? I'm trying to think about how this gets
12 coordinated.

13 MR. McKENZIE: As was handed out
14 tonight, we have just received the OptiSolar
15 request, so we're just beginning the process. And
16 so it would probably be over the next year the EIR
17 would be prepared.

18 MS. HOLMES: You're subject to the
19 permit streamlining Act for that?

20 MR. McKENZIE: Yes.

21 MS. HARVEY: Thank you for this
22 opportunity to speak. My name is Susan Harvey and
23 I represent North County Watch. And we are very
24 grateful to hear the word cumulative impacts
25 brought into the discussion tonight, because it

1 has been something that's been our concern for a
2 long time.

3 We have a question about traffic. Will
4 your assessments look at what impact this amount
5 of traffic will have on the wildlife, because
6 it'll be quite a change for local wildlife?

7 And does the CEC have on its website the
8 Army Corps' permissions regarding section 7?

9 Or --

10 MS. HOLMES: This is the first I've
11 heard of it, so I don't believe we've been
12 provided with anything formally. Jane, can you
13 let us know when we're going to receive something?

14 MS. LUCKHARDT: It all depends on what
15 you're looking for. We've jus received work that
16 they will take the project. And so we're
17 proceeding on that assumption.

18 I don't know that we will have anything
19 formal in writing necessarily until they actually
20 issue the nationwide permit.

21 MS. HARVEY: So I'm assuming that what
22 was in question is whether it was a section 10, or
23 I believe the other one is section --

24 MS. LUCKHARDT: Seven.

25 MS. HARVEY: --7. But a decision has

1 been made that there's no formal report yet?

2 MS. LUCKHARDT: No. There'll be formal
3 reports. There'll be a determination by the Corps
4 as to whether or not to issue a nationwide permit
5 for the laydown area. And the Fish and Wildlife
6 Service will issue a biological opinion, which
7 will provide their assessment of the impacts of
8 the project and their mitigation requirements.

9 MS. HARVEY: And are there opportunities
10 for submitting comments or anything like that on
11 their decision on section 7?

12 MS. LUCKHARDT: On the U.S. Fish and
13 Wildlife Service that is just something that is
14 issued to the Corps, so there isn't a formal
15 comment period.

16 On the nation Army Corps' permit there
17 probably is, but I don't know it off the top of my
18 head.

19 MS. HARVEY: Thank you.

20 MR. MCCOLLOUGH: Sorry. This is Brian.
21 I'll just, regarding traffic impacts on biological
22 resources, we will be looking at that.

23 MR. RUSKOVICH: John Ruskovich. I have
24 multiple questions. To Ausra, you're still buying
25 the entire Cavanaugh piece, right, 1920 acres?

1 MR. MORGAN: We have a total of about
2 that under option to purchase.

3 MR. RUSKOVICH: Plus the 640 at the King
4 Ranch? Plus three and a half sections of the Beck
5 Ranch, is that correct?

6 MR. MORGAN: We have a total of about
7 six and a half sections under option to purchase.

8 MR. RUSKOVICH: Okay, that six and a
9 half sections, along with the nine and a half
10 sections of OptiSolar, that's what needs to be,
11 you know, looked at. We're talking 15 to 16
12 sections. Plus there's another group right over
13 here, four more sections are being looked at.

14 We're almost at 20 sections of land,
15 gentlemen, that are being taken out. What I worry
16 about is the antelope, elk, the eagles that we
17 have out here that you don't go to Atascadero and
18 see, the falcons. I worry about all of this
19 wildlife, not just what's on the King piece. I
20 worry about the whole thing.

21 This entire valley is a portal. This is
22 my frontyard. That's this farmfield just that
23 way. The antelope go from my home across these
24 farm fields, all the way to the (inaudible).
25 Their favorite diet is morning glory. It's our

1 biggest headache. But it's from farming. It's
2 when you summer fallow the ground, the antelope
3 travel through that farmland.

4 So if you're going to start fencing out
5 20 sections of land, where are these guys going to
6 live besides in my front yard and Jerry
7 Diefenderfer's? And maybe, you know, -- my other
8 two neighbors that aren't selling to you folks.

9 That's what you're doing, you're forcing
10 all the antelope just south of 58 only. I don't
11 think that's right. The federal government
12 brought these animals back. They wandered and
13 stay here. There's more antelope in this farm
14 ground than there is down in BLM and all that
15 240,000 acres. Because we take care of them.

16 The airplane lands on my property that
17 does the surveys. So, this is what the option
18 that they're trying to destroy.

19 I'm going to give you people these
20 pictures. You can look at them tonight. You can
21 take them home. I don't care. This is within a
22 half a mile of this building. This is common
23 sight. Nowhere else, okay.

24 These guys here go up and down. This is
25 the corridor. This is where they live. The

1 impact of all this project, their six and a half
2 sections of land that nobody talks about, just the
3 proposed site. OptiSolar, and they're buying a
4 few more acres than nine and a half sections, but
5 I won't go there right now.

6 All of this ground they want to fence
7 out. So where are these guys going to go? This
8 is the destruction. I cannot believe that this
9 clean energy and all Fish and Game and the Sierra
10 Club is willing to destroy all these animals
11 because we need solar energy, when all you got to
12 do is flip the key for Morro Bay and turn her back
13 on. Because we all know that plant's off. Why?

14 It doesn't affect these guys. Thank
15 you.

16 MR. MORGAN: If I could just clarify one
17 thing. We are proposing to use one section of
18 land for this project, and half a section for
19 construction laydown that gets returned to
20 service.

21 MR. RUSKOVICH: But if I decide to build
22 a housing project in Paso Robles and the County or
23 the City requires me to put land aside for a park
24 or for anything, it's the total acreage that I
25 have to purchase for my development to go through

1 that has to go through the environmental impact
2 report. Not where the one or two houses are going
3 to be, the entire piece.

4 So it is not fair that you have people
5 look at one piece of property when you're buying
6 six and a half sections of property. This is all
7 being impacted. All of these projects.

8 You don't understand because you're from
9 the Bay Area. I'm sorry you can't grasp what's
10 between here and that second set of mountains back
11 there. But a few of us, this is our home and we
12 love it. And we've spent millions of dollars to
13 have what we have. We're not going to sacrifice
14 all of our work and energy and money so that you
15 can build a little solar power plant. That will
16 fail.

17 All we're asking is for proper people to
18 look and say, is it worth destroying this
19 community and all these ranches and all this
20 wildlife that's taken years to bring back for your
21 project and for two other solar power plants. Or
22 is it better to just turn Morro Bay back on.

23 Because these animals don't know Seven
24 Mile Road is the boundary for BLM. And if it
25 takes keeping you out of here, I'm quite sure I'll

1 give my property to BLM. I'll give them the whole
2 routine. Because I don't care, but it's to keep
3 you out of here. I'll do it.

4 That's how important it is to keep you
5 people from not destroying our heritage. And this
6 ground is our heritage --

7 (Applause.)

8 MR. RUSKOVICH: -- not yours.

9 MR. TWISSELMAN: My name is Darrell
10 Twisselman. I've been out here for 76 years. A
11 lot longer than anybody else that's been up here,
12 by far.

13 I brought the antelope in here, the
14 corridor for the antelope come from Mt. Shasta
15 right straight in here, and I put them up here in
16 the hill, introduced them.

17 The corridors will be determined by the
18 natural instinct of the animals. If you fence
19 them they'll go around or they'll leave or
20 whatever.

21 The elk came. They were hauled from in
22 the Owens Valley to (inaudible). Too many people.
23 They came right on out here. They settled up
24 there. I've got a big percentage of the elk on my
25 property.

1 They talk about the other outfits having
2 so many sections of land compared to theirs. I
3 don't know what they got going there. To me we
4 got 7500 2.5-acre lots down here that I didn't
5 want. That's where these people mostly come from.

6 Then we got a bunch of 40-acre parcels I
7 didn't want. I love the idea of a buffer zone to
8 stop this population movement north on my
9 property.

10 And, you know, I've got a lot of good
11 arguments. I can take you up atop that mountain;
12 I can show you there's little thought for SunPower
13 to go in the little spot, where these guys are
14 going and OptiSolar.

15 And I get fed up listening to everybody
16 talk all in gingerbread. And I'm willing to
17 debate anybody about what I'm saying. I know more
18 about the kit fox and the movement out here, and
19 the elk, the antelope and everything else.

20 Thank you.

21 (Applause.)

22 MS. McHENRY: My name's Jennifer
23 McHenry, once again. To add to both of these
24 gentlemen's comments, I want to also ask, because
25 you said that you haven't surveyed the migration

1 movements of the antelope and all the rest of them
2 through the corridors yet. Do I understand that
3 correctly? Or we need to go into more detail on
4 that?

5 MR. HACKER: Well, I think we have a
6 pretty good idea of where the animals move right
7 now. I think what is outstanding is how the
8 project will affect those -- or the projects
9 together and the individual projects will affect
10 that movement. And how can we offset those
11 effects.

12 So, what we haven't predicted is what
13 the movements will look like with the projects.

14 MS. MCHENRY: Now, can you predict once
15 you put the projects in that those animals are
16 going to move the way that you think they're going
17 to move if you even do more testing?

18 MR. HACKER: I'm sorry, say that again?

19 MS. MCHENRY: Okay. If you put -- you
20 go through and do more testing on these corridors
21 and their migration events and all these animals,
22 how do you know for sure that they are going to
23 move exactly the way that you think they're going
24 to move once you install the equipment and the
25 solar plants?

1 MR. HACKER: Well, you can never be
2 entirely sure, but we do know a lot about the
3 behavior of these animals and we can predict
4 fairly accurately, just based on habitat types and
5 linear barriers and fences and such, where they
6 will go. So you can get pretty close.

7 MS. McHENRY: So, you're saying you can
8 predict it. Now, predicting, is that going to
9 mean that these animals, the antelope, the kit
10 foxes and all these, the little protected
11 endangered species that we have out here, and
12 other animals, once you install your solar plant
13 some of those animals are going to move. And a
14 lot of them will.

15 They're going to move towards houses
16 where my son is playing outside. I'm already
17 having problems, and this happens when there's a
18 drought, more than we usually have, and it's going
19 to cause a danger to my son.

20 And I want my son to be able to go
21 outside and play out at the ranch with me not
22 having to sit there with my gun worrying about
23 something coming down and snatching him up.
24 Because you guys have moved the migration patterns
25 of the animals.

1 Have you thought about that, because
2 that is a huge concern on my part. And I know
3 there's other children out here. We have a school
4 and that is a huge concern. Because if you move
5 all of these guys around, their predators are
6 going to move with them. And they're going to
7 move them closer to the housing, the housing that
8 is coming, and is already here.

9 And if you can't insure my son's
10 protection once you install this solar plant, then
11 I don't know what else to tell you.

12 MR. MCCOLLOUGH: Thank you.

13 MS. BELL: Hi. I just wanted to get
14 clarification. Now with this Army Corps
15 jurisdiction, does that mean -- will the elk and
16 antelope migration corridor study also be under
17 U.S. Fish and Wildlife, or is that just for
18 federally endangered animals?

19 MR. HACKER: The federal Endangered
20 Species Act consultation is what the Corps will
21 do, so they will be considering only the federally
22 endangered species. So, kit fox. And, of course,
23 we've made comments. Fish and Game has made some
24 comments on prong-horn and elk movement, which
25 we're concerned about, as well.

1 And in a CEQA analysis you would also be
2 addressing prong-horn and elk. And so I guess
3 maybe CEC can speak to how they're going to
4 address that.

5 MR. McCOLLOUGH: That's why we're
6 talking with Fish and Wildlife Service and Fish
7 and Game, because we feel that it is best to look
8 at the big picture. And inherently, a migratory
9 corridor, it requires, you know, looking at more
10 than just one piece of the puzzle.

11 MS. BELL: So you're not -- you won't be
12 handling, or the U.S. Fish and Wildlife won't have
13 complete jurisdiction of the elk and antelope, but
14 they will over kit fox basically?

15 MR. McCOLLOUGH: Well, and we want to
16 make sure that whatever is planned is in alignment
17 with what the federal agency would require.

18 MS. BELL: Okay, thank you.

19 MR. KESSLER: David, you mentioned the
20 habitat compensation at a ratio, I believe, of
21 four-to-one, or Brian, and I believe that was
22 indicated in a letter earlier on in our process
23 when the application was filed. And if I recall
24 correctly, I haven't heard anything as to what
25 process we're going to use to identify those

1 compensation lands and select those.

2 And I don't want that to fall through
3 the cracks, so I guess I'd like to be sure that
4 the applicant is clear on what Fish and Game is
5 expecting. And that they have a process in place
6 to move down that path.

7 MS. LUCKHARDT: You know, I guess since
8 we're still completing all the studies that Fish
9 and Game requested, you know, we're looking at the
10 potential actual impacts. And until a week ago we
11 were only looking at the impacts from this
12 project. So, I think we're still kind of
13 analyzing that.

14 As you have talked about the corridors
15 we'll have some comments about that. I would say
16 it's safe to say at this point we're not in
17 agreement on four-to-one, given the ground that
18 we're talking about for this project. And so we
19 need to see some justification as to why. We
20 think that that would be appropriate in this case.

21 And, you know, so we're going to be
22 analyzing that. We're going to look at the
23 corridor issue, ourselves, and take a look. I
24 think that this is something that will require
25 probably focused workshops at a later date with

1 Fish and Wildlife also in the room to try and work
2 out the mitigation requirements.

3 But we're not unaware of the need to do
4 some mitigation. And so that's not brand new to
5 us. But I think the ratios and the appropriate
6 areas and things like that we're still looking at.

7 MR. HACKER: Just to clarify where four-
8 to-one came from. We did mention it in our letter
9 in response to the supplemental application, I
10 believe. Is that what it was?

11 MR. McCOLLOUGH: I think it was the
12 first round of data responses.

13 MR. HACKER: Okay, then the first round.
14 Anyway, in that letter what we described is a
15 process that we've used in San Luis Obispo County,
16 a habitat evaluation, to try and get at an
17 objective ratio for mitigation.

18 And typically that's used only in a CEQA
19 setting. Very few take permits have been issued
20 over the years for projects because usually
21 projects aren't out here where there's a really
22 high chance for take.

23 And so four-to-one is what our normal
24 expected ratio would be for smaller projects out
25 here. Now once you get over 40 acres we start,

1 you know, it takes a closer look.

2 And the main goal is to try to quantify
3 the impact, not just the amount of habitat, but
4 how many animals that supports, and how many
5 animals will be taken. And try to fully mitigate
6 that impact.

7 So, whatever it takes. And, you know,
8 it may not be four-to-one, it may be four-to-one,
9 I don't know. Our point in that letter was that
10 was what small projects out here have historically
11 required.

12 MS. LUCKHARDT: Right, and I think in
13 that letter you also wanted some additional
14 studies and evaluation and asked for additional
15 work. So, there's been a lot of additional work
16 done since then. So, I think, you know, I'm just
17 noting that more discussion will need to occur.

18 MR. MCCOLLOUGH: Absolutely.

19 MR. KESSLER: Sounds like we may be
20 having more workshops down here.

21 I also noticed, if there's no other
22 questions for bio, I think maybe we'll move on to
23 water next. Oh, excuse me. The gentleman, do you
24 have a question?

25 MR. YOUNG: I notice the phrase

1 cumulative impact of cumulative projects was used.
2 I think this is the first time I've heard that
3 phrase used is right now. And I'm really glad to
4 hear it used.

5 I know that Ausra is only concerned
6 about their project, but I'm concerned about the
7 cumulative impact of cumulative projects. You
8 know, the poor kit fox, you know, he has to fend
9 for himself. But I'm worried about the cumulative
10 impact of cumulative projects on me.

11 I noticed that this phrase wasn't used
12 when we discussed transportation. There's going
13 to be cumulative impacts from all these projects
14 there, too. You know, each of these points I
15 think the cumulative impact has to be looked at.
16 I'm glad to hear that the kit fox finally brought
17 it out.

18 (Laughter.)

19 MR. KESSLER: Okay.

20 MR. McMILLAN: Irv McMillan. And I just
21 can't help but kind of make the observation that,
22 you know, the reason we're here is because we're
23 in a pickle. And we're in a pickle because of
24 organizations like the California Energy
25 Commission that didn't look ahead far enough.

1 And so I'm concerned about, first of
2 all, putting a solar plant here and transmitting
3 the energy over to Bakersfield or wherever, that's
4 a long ways. We should be putting these solar
5 plants at the users' site, not out here.

6 And the idea that this organization here
7 thinks they can come into a national monument area
8 and think that you can go to the Corps of
9 Engineers to get a go on the fast track. I think
10 that's a big mistake. A big mistake.

11 And so I just, as an environmentalist,
12 as a member of the Sierra Club, as a member -- I
13 want it clear that this is the time to do it
14 right. Not just get in a hurry and line
15 somebody's pocket with a lot of money with a
16 project that really isn't thought out.

17 And I'm not sure that a solar energy
18 project on the Carrisa Plain is the right thing to
19 do. And if it is, let's make sure that we cross
20 all the t's and dot all the i's as far as the
21 habitat impact.

22 And that -- you made the -- you talked
23 about three animals. Are you considering all of
24 the -- in other words I'm assuming that there's a
25 long list.

1 MR. MCCOLLOUGH: There is.

2 MR. McMILLAN: Okay, good. But I think
3 that the traffic was an eye-opener to everybody,
4 but the traffic impact on wildlife has to be
5 considered. That's a big one. Thanks.

6 MR. KESSLER: Thank you.

7 MS. KLOCK: My name is Janet Klock and I
8 live in Tempe, Arizona. And my family have been
9 on the Plains as long as Darrell's family have.
10 My family were on the old San Juan Ranch. And I
11 still have -- on this, just north of here.

12 And the elk and the antelope -- why I'm
13 speaking now is because I'm concerned about the
14 water, and that's the next subject, as well as the
15 animals.

16 And I have floating springs on my
17 property which are upstream from where you will be
18 taking your water. So I am concerned that the
19 animals will be deprived of this water source if
20 the water is pulled down too far.

21 MR. KESSLER: Yes. Well, that's a great
22 segue into our next topic, the water. So, --

23 MS. GULESSERIAN: I have a couple
24 questions.

25 MR. KESSLER: Oh, I'm sorry, I forgot

1 Tanya --

2 MS. GULESSERIAN: Tanya Gulesserian with
3 CURE. Just a few things to follow up from the
4 data requests.

5 There were responses to requests on
6 badger, the bat and horned lark that potential
7 impacts are going to be discussed in the updated
8 report. And I just wanted to clarify whether 2008
9 surveys are going to include identification of
10 badger burrows, bat habitat and horned lark.

11 MS. MILLER: I'm Theresa Miller with
12 URS. Yes, actually we did do counts of badger
13 holes and we're doing continuing surveys on the
14 site right now. So that is part of the survey
15 effort.

16 The --

17 AUDIENCE SPEAKERS: We can't hear you --

18 MS. MILLER: Can you hear me now?

19 AUDIENCE SPEAKERS: Talk louder --

20 MS. MILLER: All right. So surveys are
21 being conducted right now, continuing through
22 August. We're finishing the blunt-nosed leopard
23 lizard juvenile survey. And then we are also
24 counting badger holes. We're doing small mammal
25 trapping in August and September.

1 So all of those questions, all of the
2 habitat will be identified if it is present
3 onsite.

4 MS. GULESSERIAN: Thank you. Regarding
5 burrowing owl, the response says that burrowing
6 owl -- this is on data requests 28 and 29 --
7 burrowing owl are identified on the project site,
8 but a protocol survey isn't required.

9 But then the response also says that the
10 project impacts are going to be identified based
11 on the documented number of occupied burrowing
12 owls.

13 So I want clarification, I guess, on
14 will you be documenting the number of burrowing
15 owls or not documenting the number of burrowing
16 owls.

17 MS. MILLER: Yes, we will be documenting
18 the number of burrowing owls and any burrows that
19 are active onsite and in the area.

20 MS. GULESSERIAN: So when you say
21 additional surveys are not required you're going
22 to be relying on previous surveys that have been
23 done?

24 MS. MILLER: The surveys we're doing now
25 include the entire site. So any burrows that are

1 identified during these surveys, if there's a
2 burrowing owl burrow or a burrowing owl present,
3 we would identify it.

4 So, the 2000 surveys, the information
5 from them that year is included in this current
6 report. But anything we find in addition during
7 these 2008 surveys will be identified in the
8 updated report.

9 So there may, if we find another
10 burrowing owl burrow it will be identified.

11 MS. GULESSERIAN: So is there a specific
12 protocol survey for burrowing owl, or is it mixed
13 in with all the other species?

14 MS. MILLER: It's included as part of
15 the survey because we've already identified a
16 burrowing owl on the site.

17 MS. GULESSERIAN: Okay. So, back to the
18 original question. The answer I'm hearing is that
19 because there's a burrowing owl present there's
20 not going to be an additional survey to determine
21 the number present.

22 And the mitigation guidelines that we
23 think might be applicable are based on owl
24 abundance rather than just presence. So you
25 actually have to know how many of the burrowing

1 owls are on the site.

2 So if you could just clarify whether
3 your documenting the number of burrowing owls on
4 the site so that we can identify the impacts and
5 mitigation, that would be helpful.

6 MS. MILLER: Okay. So, during the
7 surveys in 2007 we identified the existing burrow
8 onsite. One burrowing owl was on the southern
9 side of section 33, a burrow. And then there was
10 a burrow on the northeastern side outside the
11 project area.

12 So those are the known burrows that we
13 have right now. At this point we have not
14 identified any further burrows on the site, so
15 that is as far as -- you know, we don't have more
16 information at this moment. And that's as far as
17 that's the information we have.

18 MS. GULESSERIAN: In response to data
19 request 30, it says that -- let's see, I wrote
20 that wrong. Habitat mitigation for kit fox
21 impacts is going to be adequate to cover habitat
22 mitigation for the burrowing owl. And I was
23 wondering if there was a -- I can try and identify
24 the response -- if there was a site or source for
25 that, how habitat mitigation for kit fox is

1 applicable to burrowing owls?

2 MS. LUCKHARDT: As is typically done on
3 a project like this, with impacts to multiple
4 species, you look for mitigation lands that
5 include all the impacted species, so you're only
6 buying mitigation once. And that would be like
7 most projects, the intent here is to buy
8 mitigation land once.

9 And if they're talking about four-to-one
10 or three-to-one or something of that level for kit
11 fox, and we have one active burrow onsite, I think
12 we have it covered to a great extent.

13 MS. GULESSERIAN: Okay, thank you. I
14 don't have any other questions.

15 MR. KESSLER: Okay, from what we
16 understand water is another significant concern
17 about the project. And so we're going to make
18 that the next point of contact.

19 David, thank you for joining us today.

20 Was there one more question on -- I'm
21 sorry, Supervisor, how could I overlook you.

22 SUPERVISOR PATTERSON: You mentioned,
23 and this is for the URS biologist, you mentioned
24 that you did a site survey and then you also
25 mentioned and surrounding area. And I'm just

1 curious to know how large a radius you actually do
2 your surveying beyond the site boundaries.

3 MS. MILLER: It's 500 feet outside of
4 the project area is where the surveys are done.
5 The blunt-nose is done within the site, not
6 outside of the site. But the surrounding area is
7 surveyed for other species and general wildlife.

8 SUPERVISOR PATTERSON: So it's species-
9 dependent, then, as to how far out you go?

10 MS. MILLER: No. It's site-dependent.
11 It's 500 feet outside in any general wildlife
12 survey.

13 SUPERVISOR PATTERSON: Thank you.

14 MR. KESSLER: Third time's a charm. So
15 after three misfires, we're going to move to
16 water. And Mark Lindley is our water staff person
17 that'll be joining us.

18 I notice folks from CalFire here. Did
19 you folks have any particular topic area that
20 you're interested in, or just here in general?

21 MR. SPEAKER: -- from CalFire. We're
22 available for questions (inaudible) staff or the
23 audience.

24 MR. KESSLER: Okay, well, thanks for
25 being here. Are there any other agency

1 representatives here this evening? Okay.

2 I want to suggest that because we're all
3 maybe a little bit antsy and need to stretch our
4 legs, why don't we take a ten-minute break. We'll
5 resume about 8:10. Thank you.

6 (Brief recess.)

7 MR. KESSLER: All right, let's get
8 started again.

9 (Pause.)

10 MR. KESSLER: Hello, folks, we'd
11 appreciate some quiet now, thank you.

12 (Pause.)

13 MR. KESSLER: All right, we're going to
14 get back into it now, thank you. How many
15 different ways can I say it?

16 (Pause.)

17 MR. SPEAKER: You need a gavel.

18 MR. KESSLER: Just one process change.
19 We want to really focus on being able to get good
20 answers to your questions and providing a little
21 bit of time for all of us to think about it.

22 So, as we get into your comments or
23 questions we're not going to answer them
24 immediately. We're going to note them. And then
25 as we get to the end of that discussion we're

1 going to come back and address those. Okay.

2 But we think that may help with
3 providing us more time to give you a more
4 comprehensive complete answer.

5 Tanya had one final question on bio,
6 which is more of a clarification and probably
7 won't require the bio staff. But, Tanya, go
8 ahead.

9 MS. GULESSERIAN: Yeah, I don't think
10 it'll -- who knows. The supplement talks about
11 reconductoring the transmission line, a 75-mile
12 transmission line, as kind of that was a new part
13 of the project.

14 And I have this noted to talk about in
15 biology because I wanted to talk about impacts,
16 the timing of when that was going to be analyzed,
17 because there wasn't much in the supplement.

18 And then at the beginning of this there
19 was some discussion about maybe reconductoring
20 wouldn't be required. So could you clarify what
21 is going on with that aspect of the project?
22 Whether it is actually proposed, and the timing of
23 the analysis.

24 MR. MORGAN: Yes, I can clarify. This
25 is Rob Morgan with Ausra. In the interconnection

1 study, which is a part of the California ISO
2 process, they analyze potential impacts of your
3 project and the system; and then suggest potential
4 mitigations or network upgrades.

5 And they suggested at the ISO and PG&E
6 that there might be a reconductoring necessary,
7 but you don't determine that until you do the
8 final facility study. That is underway and should
9 be done in the next 60 to 90 days, their schedule.

10 What has happened since the supplement
11 is that the Morro Bay expansion project has been
12 knocked out of the queue for lack of progress.
13 And therefore, that -- it was a very very large
14 project that had essentially first rights on that
15 transmission capacity. With the loss of that
16 project we expect, from the conversation with PG&E
17 and the ISO, that our impacts and therefore
18 upgrade should be greatly reduced, in fact, even
19 eliminated. But we'll see that in the facility
20 study.

21 MS. GULESSERIAN: Thank you.

22 MR. KESSLER: So, I'd like to introduce
23 Mark Lindley of our Energy Commission Staff. And,
24 I'm sorry, we have -- why don't you gentlemen
25 introduce yourselves, too.

1 MR. SCOTT: I'm Bob Scott with URS,
2 hydrogeologist.

3 MR. LABOLLE: Eric Labolle at UC Davis;
4 I'm a hydrogeologist.

5 MR. MOORE: Matt Moore with URS in water
6 resources.

7 MR. KESSLER: Thank you. Start.

8 MR. LINDLEY: Sure, I can start. The
9 applicant has recently submitted a couple of new
10 pieces of information. We got a hydrology and
11 hydrogeology report and the drainage, erosion and
12 sediment control plan.

13 I've had a chance to look at these
14 documents and provided some additional data
15 requests to the applicant. I have a few comments
16 basically.

17 One thing I would like to do is thank
18 the applicant for doing the leg work to put
19 together especially the hydrology and hydrogeology
20 report. I thought that report provided a good
21 overview of the hydrology in the overall
22 watershed, and the water use at the site, and how
23 that water use could impact groundwater resources
24 at the site and for the neighboring property
25 owners.

1 I've got a couple of comments on --
2 first of all, on surface water hydrology. The
3 applicant provided an estimate of between 162 and
4 208 acrefeet per year of runoff discharge from the
5 site.

6 I think that estimate is based on a
7 runoff coefficient of about .38, .4 applied to the
8 typical annual rainfall that we receive, or the
9 Carrisa Plain receives. I think that estimate is
10 likely to be an over-estimate of the amount of
11 runoff that we would expect at the site.

12 The runoff coefficient of a .38 works
13 very well for providing an estimate of the kind of
14 runoff that you would expect from a large design
15 storm, you know, like a two-year, a five-year, a
16 ten-year type event.

17 But on an average annual basis the vast
18 majority of the rainfall that's going to come is
19 going to come in much smaller events. And those
20 types of events are more likely to infiltrate into
21 the ground, be utilized by plants. And less
22 likely to produce runoff.

23 So, I think that using the runoff
24 coefficient for a design storm type event to
25 predict and to do water balances on an average

1 annual basis tends to overstate the amount of
2 runoff that's leaving the site.

3 And that's an important point as we move
4 through the water resources analysis. So, it's
5 one thing that I'd like the applicant to consider,
6 instead of applying an event-based runoff
7 coefficient to the entire rainfall you get over
8 the entire year, applying that runoff -- I should
9 say maybe looking at more individual events in
10 trying to figure out how much runoff you would get
11 in your typical year under the site under existing
12 conditions. To try and get a better feel for the
13 amount of increased percolation that we could
14 expect from the site design.

15 So, as an overview for the folks here,
16 as I understand the site design, there's a number
17 of relatively small cells, 35- to 40-acre cells,
18 set up across the site. And each of these cells
19 has a low point in there, it's about two feet
20 lower. And all of the rainfall that lands on the
21 site is going to drain towards that low point.

22 So the way the site is designed all of
23 the rainfall that is incident to the site would
24 tend to either percolate into the ground or
25 evaporate.

1 Under the current conditions all of the
2 rainfall that you get, the vast majority of it
3 percolates into the ground, used by the plants; or
4 it evaporates.

5 On occasional storm events you do see
6 some runoff from that site. So that runoff heads
7 down towards Soda Lake and isn't available to
8 recharge the groundwater, at least in the site
9 vicinity.

10 So, the way the site is designed right
11 now, you would expect that the amount of runoff
12 that currently leaves the site would go towards
13 increasing percolation and increasing groundwater
14 recharge at the site.

15 When you look at the groundwater, as I
16 understand it, the applicant's planning on drawing
17 groundwater from the deepest aquifer, which is the
18 aquifer that has the poorest water quality and
19 produces a greater volume of water.

20 And I think that's a good thing.
21 Generally the Energy Commission asks applicants to
22 identify the lowest quality water source for their
23 project. Generally we would look to use recycled
24 water from a wastewater treatment plant, if that
25 was available. Obviously that's not a good source

1 here.

2 We'd look at using the agricultural
3 runoff water if that was available. That's also
4 not a possibility here. If you are going to use
5 fresh groundwater you'd be looking at trying to
6 use the lowest quality groundwater. And that's
7 the groundwater that the applicant has targeted.

8 So when I look at impacts to neighboring
9 properties, what I'm looking at is whether or not
10 the increased percolation that you would get with
11 the drainage plan that they have, can balance the
12 amount of water the applicant's using. And the
13 applicant has asked to use about 20 acrefeet of
14 water, 20.8 acrefeet of water.

15 So, right now, just to give you an order
16 of magnitude on how the rainfall balances out,
17 they've got a 640-acre site with about 8 inches of
18 rainfall; that's going to equate to about 400
19 acrefeet or so of rainfall incident on the site.

20 With the mirrors you're going to have
21 less plant life on the site. So evapo-
22 transpiration would be expected to go down. And I
23 would anticipate that they can percolate at least
24 20 acrefeet extra water. So they could balance
25 out any impacts, at least as I'm seeing it right

1 now, it seems like they would balance out any
2 potential impacts from drawing the 20 acrefeet of
3 water by increasing percolation at their site.

4 Now, I have some additional concerns,
5 though, downstream. In the laydown area the main
6 drainage channel for the Carrisa Plain in this
7 area, the Carrisa Plain flows down through the
8 laydown area, down towards Soda Lake.

9 There's a number of groundwater wells
10 from probably a lot of the folks in this room that
11 are set up along that drainage canal, or drainage
12 channel, if you will. And one of the main
13 concerns I have is upgradient of the site there's
14 about an 8-acre watershed that flows toward the
15 site. Runoff from that watershed is going to be
16 routed around the site in a perimeter swale and
17 one of my main concerns is that the runoff from
18 those -- I should say 8 square miles -- I might
19 have said 8 acres, I'm sorry -- 8 square miles.

20 I'm concerned that the runoff from that
21 8 square miles will also be captured in that
22 drainage swale that they've created around the
23 perimeter of their site. And that would also then
24 percolate into the groundwater.

25 And what I'm concerned about with that

1 particular scenario is that downstream of the
2 site, you know, we back up a little bit and look
3 at that rainfall runoff concept, you guys are only
4 getting runoff during the most extreme rainfall
5 events. It's probably only a couple of times a
6 year that you actually see runoff flowing in the
7 channel, the main drainage channel.

8 And I'd be very concerned that the
9 design of the project presented to date would
10 capture more runoff -- would actually capture the
11 runoff from that 8 square miles that's upstream of
12 the site.

13 The total watershed to Soda Lake is
14 about 400 or so square miles. And, you know, it's
15 one thing to capture the rainfall from one square
16 mile and take one-four-hundredth or so of the
17 runoff that's going to Soda Lake. But it's
18 another thing if we're going to capture, you know,
19 10 square miles. Then we're getting into a decent
20 percentage of the total runoff that's heading to
21 Soda Lake.

22 So, I've asked the applicant, in a
23 series of data requests, to revise or supplement
24 their report and address a few of my concerns.

25 So, one concern is, that I actually

1 didn't get into detail with the data request,
2 would be to take a look at their computation for
3 average annual runoff from the project site.

4 And then I think a key part of this is
5 trying to figure out, okay, say there's 20
6 acrefeet of runoff from the project site. If they
7 capture that, how much are they going to lose to
8 evaporation versus how much are they going to be
9 able to percolate inside of their, you know, their
10 individual drainage cells, if you will.

11 Then another concern that I do have,
12 when I look at the groundwater modeling they did,
13 which I thought was a really great way to look at
14 potential impacts, but I had a couple concerns
15 with the amount of pumping that was assigned to
16 the local users here.

17 I noticed that you guys had, at least in
18 the writeup, you had identified 12 gpm as a
19 constant pumping rate for the wells that didn't
20 have a known pumping rate as your assumption. And
21 then you looked at other wells pumping on a 35
22 percent duty cycle.

23 And, you know, I just get the feeling
24 that that's over-estimating the amount of water
25 that most of the wells in the Carrisa Plain are

1 drawing from the aquifer. You know, 12 gpm is
2 about what the project's going to draw. And I
3 think most of the users in this room are, you
4 know, relatively small users; probably drawing on
5 the order of a half an acrefoot to an acrefoot per
6 year.

7 MS. SPEAKER: Can I address that?

8 MR. SPEAKER: You can if you want, but
9 the mike's --

10 MR. KESSLER: What we'd like to do is
11 let Mark finish his comments.

12 (Parties speaking simultaneously.)

13 MR. KESSLER: And then we can add to
14 that, if that's okay.

15 MS. SPEAKER: Certainly, if I don't
16 forget.

17 (Laughter.)

18 MR. KESSLER: Okay.

19 MR. SPEAKER: We'll help you.

20 MR. LINDLEY: So, that's one of my main
21 concerns is that we can take a look at that and
22 compare that to some of the information. I
23 believe the applicant contacted at least some of
24 you folks and asked for well information and
25 pumping information and that kind of thing.

1 And then the other thing is to try and
2 get a better feeling for the amount of runoff that
3 leaves the site under the current conditions, and
4 how well that offsets the water use on the site.

5 And those are two main improvements that
6 I'd like to see, or comments that I'd like to see
7 addressed in that hydrogeology report.

8 And then the final thing that I want to
9 get at is I'd like to get some more detail on that
10 perimeter swale just to try and make sure that
11 we're not actually capturing and infiltrating all
12 of the runoff from the whole 8.2 acres upstream of
13 the site.

14 MR. KESSLER: Square miles.

15 MS. HOLMES: Square miles. Square miles.

16 MR. LINDLEY: Square miles. I'm sorry,
17 8.2 square miles. Thank you.

18 MR. KESSLER: Do you want other public
19 comments and then to address those as a whole, at
20 the end? Is that your preference?

21 MS. LUCKHARDT: We can do that. I mean
22 it seems like this was more in the kind of vein of
23 additional information. I don't know if you guys
24 have additional comments or -- it was kind of an
25 explanation, to a great extent, of the type of

1 information that you would like to see in our
2 response to the data request.

3 If you guys have questions about what
4 he's asking, I think that's fine to get an
5 understanding of that.

6 MR. SCOTT: Okay, I --

7 MS. LUCKHARDT: Do you understand
8 what --

9 MR. SCOTT: Yeah.

10 MS. LUCKHARDT: Do you know what he's
11 asking and --

12 MR. SCOTT: Yeah, we understand what
13 he's asking.

14 MS. LUCKHARDT: Okay.

15 MR. SCOTT: Do we have any questions?

16 MR. MOORE: I don't, at this point.

17 MR. SCOTT: I don't have anything in
18 particular.

19 MS. LUCKHARDT: Okay. So, we're
20 proceeding to respond --

21 MR. SCOTT: Yeah, we're addressing that.

22 MS. LUCKHARDT: -- to the questions that
23 you've asked. And appreciate the additional
24 explanation to make sure that we're actually
25 providing the information you would like to see.

1 MR. KESSLER: Very good. Okay, I think
2 you're up.

3 (Parties speaking simultaneously.)

4 MS. COCHRANE: The history of the
5 property. Okay, I was also born and raised out
6 here. My parents both went to the school house.
7 They came here when their own parents did, I
8 guess. Same covered wagon.

9 Anyway, that property, that particular
10 piece of property, it has two wells onsite since
11 1944, I believe. It was intensely irrigated; they
12 farmed potatoes there. There was two big wells.
13 They were 1000 to 1200 gallons per minute.

14 The well they are using is a smaller
15 one. It's 550 gallons per minute. And as you
16 said, it's in a different watershed. It's not,
17 you know, the very best water.

18 So every since the 1940s there has been
19 alfalfa, seed alfalfa, carrots, potatoes. And I
20 believe it was in the '80s it kind of went to some
21 dry farming, and then they did carrots out there
22 again, and you know, through a comedy of errors
23 the well got blown out.

24 And so just in the last -- I think, for
25 me, it hasn't been irrigated for maybe five or six

1 years, something like that. So, anyway, that's
2 the history. It's just a quality piece of land
3 that has been -- and the future --

4 MR. LINDLEY: I really appreciate that.
5 You know, I think it's one thing that would be
6 helpful if everybody in the room could realize is
7 that I think these folks probably have a lot of
8 technical knowledge. And I think the folks from
9 the CEC have a lot of technical knowledge about
10 the individual subject areas that we're all trying
11 to discuss and address.

12 But one thing that I think is really
13 difficult for those of us with the technical
14 knowledge is that we're not necessarily from the
15 Carrisa Plains, so it's really hard for us, coming
16 from outside, to get a solid feel, you know.
17 We're not going to have the kind of local
18 knowledge that a lot of the folks in this room
19 have demonstrated. And it's really helpful to
20 hear from you all to gather that knowledge and
21 take that into account.

22 MS. COCHRANE: And that particular piece
23 of ground, well, when our parents took us the 18
24 miles to school every day, when it would flood out
25 here, that piece of ground did not flood. It's a

1 little bit higher than --

2 MR. LINDLEY: Yeah, the drainage channel
3 is more through the --

4 MS. COCHRANE: Exactly.

5 MR. LINDLEY: Excuse me.

6 (Laughter.)

7 MR. LINDLEY: It was empty. The
8 drainage channel goes more through the laydown
9 area souther of the site.

10 MS. COCHRANE: Exactly. Yes. But,
11 anyway, I just wanted to give you that.

12 MR. LINDLEY: Thank you.

13 MR. KESSLER: I think Tanya has a
14 question here; I think she's next.

15 MS. GULESSERIAN: I just wanted to
16 echo -- what was your name?

17 MR. LINDLEY: Mark Lindley.

18 MS. GULESSERIAN: -- Mark's comments
19 about the 35 percent duty cycle and the 12 gpm
20 rate. I was going to ask what the basis for those
21 assumptions would be, but it sounds like you're
22 going to address them.

23 Something else that we would want to see
24 in revising the modeling would be to calibrate the
25 model. And we saw that there was reference to

1 core sand calibration, but we think that there is
2 basis for doing more of a technical calibration
3 under USEPA guidance. And so if you could
4 incorporate that in revised report, that would be
5 great.

6 And also a sensitivity analysis. And I
7 don't think that there was one in there. But it
8 was a big report. And that would be to quantify
9 the uncertainties in the model. And there are two
10 areas that we felt were either uncertain or not
11 included that would benefit from a sensitivity
12 analysis. And that was evapotranspiration and
13 there was an assumption that there was substantial
14 underflow, even though the evidence showed that
15 there was not substantial underflow.

16 And so I think those two issues could
17 benefit from that analysis.

18 MR. LINDLEY: That was the underflow
19 going to the north, right?

20 MS. GULESSERIAN: I think so, and I'm
21 sorry, I can't remember the details right now.
22 But basically the modeling that the applicant did
23 showed that this older report, the 1967 report,
24 had an error in it because it didn't include
25 evapotranspiration. And what that resulted in was

1 that there is actually less underflow to the
2 property than previously believed.

3 And by including -- actually, just on
4 that point. Despite that finding that that
5 previous report had an error, the report then just
6 concludes that well, we're just going to say that
7 there was substantial underflow to the property.

8 So, it's not using the same numbers from
9 1967, but it's using different numbers. And
10 there's really no basis for the new assumption.

11 So I guess those are just comments
12 rather than -- unless you have anything, you know,
13 that would help explain those issues.

14 MR. LABOLLE: Yeah, I would like to say
15 a little bit about the issue you were just raising
16 with regards to sensitivity. And I believe it's
17 in the report.

18 There was a sensitivity analysis done
19 with regards to the conceptual model that was
20 developed by Ken Nittler, who was the previous
21 hydrogeologist that you were referring to, the
22 previous hydrogeologic report.

23 And that sensitivity analysis really
24 looked at tradeoffs between the conceptual model
25 where there is underflow to the north, or

1 significant underflow to the north, if it can be
2 achieved. Or essentially no underflow to the
3 north.

4 And so what one does is essentially
5 assume the basin is closed and no underflow can
6 escape to the north, or look at it when it can and
7 try to maximize that, actually, to try and meet
8 the Ken Nittler model.

9 And what occurs between these two
10 extremes, in a sense, if you think of it as a
11 conceptual model, is a tradeoff between
12 groundwater ET, which is the component that you
13 were referring to that appears to be left out of
14 the Ken Nittler analysis, and underflow to the
15 north.

16 So, effectively what goes on is if you
17 close the basin then there's no place for the
18 water to escape. So if you have a very wet year
19 or a series of wet years, or essentially just
20 accumulation of water, then the ground levels will
21 rise until there is significant ET. And you'll
22 get ET, and that's where the water's going to go.

23 The other conceptual model is the
24 basin's open to the north. The groundwater levels
25 will rise, you'll get flow out of the north, and

1 you'll get some ET periodically. And the analysis
2 we did was steady state. But you would see, you
3 know, periodically that groundwater levels would
4 rise high enough that you would get the ET.

5 And, you know, essentially that's
6 consistent with the basin hydrology where you get
7 this lake forming down at Soda Lake.

8 So that sensitivity analysis was
9 performed. So, just to be clear.

10 MR. TWISSELMAN: I'd like to make a
11 comment.

12 MR. KESSLER: Yes, sir.

13 MR. TWISSELMAN: Darrell Twisselman,
14 again. We're talking about the water and aquifer
15 here. And I have good reason to believe that the
16 rainwater doesn't have much to do with the
17 aquifer. The water coming into this valley is
18 coming from the north end of the plains, kind of
19 the northeast corner.

20 You got the good fresh water and the
21 high-producing wells coming in a circle right on
22 down; and it picks up the mineral as it goes to
23 California Valley. And then when the water comes
24 through the mountains it picks up the mineral
25 right of the earthquake fault and turns salty.

1 But there's a certain elevation all the
2 way through this country where we got 20-, 30-
3 gallon a minute springs. Above that they're 2 and
4 3 gallons. Below it they're saltwater.

5 And I've got maps where the oil company
6 drilled from my house over here to Blackwell
7 Corner and to Elk Hills, down to bedrock every 300
8 feet. They drilled. They moved the drill rigs
9 with helicopters. And I've got all the records.
10 That's what I said, rather than pay me damages,
11 why give me a record of every hole.

12 And they hit the water in the darndest
13 places, in these faults. And I've got one well
14 right on top of the mountain, 50 foot deep, and
15 I'm getting 150 gallons a minute.

16 And so the water, when you're talking
17 about the aquifer here, nobody really knows.
18 Because most of that water's coming in from
19 somewhere else.

20 And I have just as good a reason to
21 believe that as anybody has to believe anything
22 else. And I feel like I got pretty good proof of
23 it.

24 I just thought I'd give you that
25 comment.

1 MR. KESSLER: Thank you. I think Tanya
2 had another question. I'm sorry, Robin, if you
3 can just wait.

4 MS. GULESSERIAN: So, I wanted to know
5 whether the applicant was intending on contacting
6 the residents that you were unable to contact in
7 doing the initial report.

8 MS. LUCKHARDT: I'm going to try and
9 make a list of these so that we can have an
10 opportunity to chat with folks, so that we can
11 respond. So we can do it in kind of an organized
12 fashion. But that's something that -- because I
13 just need to confer with the folks who have been
14 doing it.

15 MS. GULESSERIAN: Okay. And then the
16 other question I had was whether the survey that
17 was done was the actual survey that was done,
18 submitted to the CEC for review.

19 MR. SCOTT: This survey -- this is Bob
20 Scott with URS -- this survey is, the results of
21 the survey are included in the report. Soon after
22 the March workshop we had staff out in the valley
23 here that went door-to-door speaking with the
24 residents about their water use and the location
25 of their wells.

1 And we also mapped out wells that we
2 observed within a three-mile radius of the site.

3 MS. GULESSERIAN: So the survey results
4 are in the report --

5 MR. SCOTT: Yes, you'll find them on the
6 map --

7 MS. GULESSERIAN: Where --

8 MR. SCOTT: -- on where the figures --

9 MS. GULESSERIAN: Was one of the
10 questions what the residents' duty cycle was?

11 MR. SCOTT: No, that --

12 MS. GULESSERIAN: Was that one of the
13 questions asked in the survey?

14 MR. SCOTT: No, it was not.

15 MS. GULESSERIAN: Sorry, just wanted to
16 make a note.

17 MR. SCOTT: Okay.

18 MS. GULESSERIAN: Okay, I just wanted
19 to, in response to the air quality data requests
20 there is some discussion about maintaining a 15
21 percent moisture content and then other places it
22 says 60 to 70 or 90.

23 And I wanted to get some clarification
24 on how much water will the project require to
25 maintain those different moisture contents in the

1 soil.

2 MS. LUCKHARDT: Okay, so you're looking
3 for the -- okay --

4 MS. GULESSERIAN: The water use for
5 maintaining soil moisture content in responses to
6 the air data requests.

7 MS. LUCKHARDT: Yeah. I think that's --

8 MS. GULESSERIAN: This would be to
9 reduce the --

10 MS. LUCKHARDT: -- somewhere in -- let
11 us pull out --

12 MS. GULESSERIAN: -- the fugitive dust
13 emissions.

14 MS. LUCKHARDT: Yeah, and I think we've
15 calculated that. Let us pull it up and then
16 we'll --

17 MS. GULESSERIAN: Okay.

18 MR. LINDLEY: And that's a construction-
19 based --

20 MS. GULESSERIAN: Yeah, so from
21 construction --

22 MR. LINDLEY: -- impact that you're
23 getting at?

24 MS. GULESSERIAN: -- there are various
25 assumptions for whether dust, plumes are going to

1 occur and the assumptions are that -- I think
2 there's one assumption that the soil moisture
3 content is going to be 90 percent. And that is
4 very moist for this area.

5 So, in a response to the data request,
6 there is some discussion that water is going to be
7 applied to the soil and then chemical suppressants
8 is another method.

9 And so the question is how much water is
10 going to be used in order to maintain the soil
11 moisture contents that are being proposed.

12 Following up on that question was what
13 the source was for that water that's going to be
14 used to maintain the soil moisture content. And
15 then was this water accounted for. Has this water
16 been accounted for yet in the proposed water use
17 and water budgeting.

18 That's all my questions.

19 MR. KESSLER: Okay. Robin, I thank you
20 for waiting. I think we're ready for your
21 question.

22 MS. BELL: Hi. I think Darrell said
23 when he was speaking that, you know, so you don't
24 really know about the aquifer. And it's scary to
25 me that there's two levels. And the hydrology

1 report for me is really over my head to have the
2 confidence of knowing that this is going to be
3 fine.

4 And I think what local residents would
5 like to see and should happen is that Ausra needs
6 to accept responsibility for saying that this
7 report is true. And that should anything happen
8 to our wells, you guys are going to take
9 responsibility for that.

10 That you're bringing in new water for
11 us, or you're relocating us or something. But I
12 don't see how anybody can be so sure about how
13 those aquifers pumped together to say it won't
14 affect us. And why should we take the liability
15 that if it does affect us.

16 I think part of the permitting process
17 or requirements from the Energy Commission should
18 be to make sure we're guaranteed that we're going
19 to have water.

20 MR. LINDLEY: Robin, we're about to put
21 out a staff assessment in the next month or so.
22 That staff assessment is going to include our
23 initial take on the potential conditions of
24 certification.

25 Among the conditions, I haven't worked

1 out the language yet, and run it through everybody
2 yet, but some of the things that I'm thinking
3 about requiring are that the applicant use the
4 lower quality groundwater from the deeper aquifer.

5 I would like to see the applicant
6 include a monitoring program where they would
7 monitor depth of groundwater and water quality in
8 the upper aquifer to make sure that we don't see
9 an impact in the upper aquifer.

10 If there is an impact generally what
11 I've seen on other projects where an applicant is
12 proposing to draw groundwater is that they have to
13 either pay to lower residents' wells, or
14 compensate residents for increased pumping costs
15 because the groundwater is lower due to their
16 withdrawal.

17 I've also seen conditions that include a
18 cap on total water use generally based on the
19 predictions that the applicant has, so that they
20 don't go over a certain water use without
21 consulting with the Energy Commission, and because
22 we're analyzing the project for potential impacts
23 based on a given water use.

24 And then I'm also thinking about
25 including something on the perimeter swale to make

1 sure that the project doesn't capture runoff from
2 8.2 square miles instead of 1 square mile.

3 And then there's also a number of other
4 conditions that are related to your more typical
5 drainage, erosion, sediment control, you know,
6 wind erosion type things. And those kinds of
7 conditions are on, you know, every Energy
8 Commission project.

9 So, I think when the applicant comes in
10 here they're going to have to, when they come to
11 the Energy Commission for a license, they're going
12 to have to adhere to certain conditions. And the
13 conditions are going to be very protective of the
14 water resources that this community depends on.

15 MS. BELL: I just wanted to comment back
16 on one issue. That you do understand that we
17 really can't go lower on our wells to go into the
18 lower aquifer. That that's not an option for us.
19 Because then we have, you know, nonpotable water.

20 MR. LINDLEY: I understand that.

21 MR. RUSKOVICH: John Ruskovich again.
22 First off, I'd like to comment on your water
23 report. And the gentleman that came around to do
24 the survey, he met Jerry Diefenderfer and I at the
25 shop. And we explained to him the wells on our

1 properties.

2 Then I received a copy of the report on
3 the water wells in this area. First off, on the
4 historical use of the groundwater you have, at one
5 time on the, I call it section 33 or the Lotta
6 Cain piece, there was 1000 to 1200 gallons per
7 minute well.

8 Well, if you look back on the current
9 reports, the pre-56 reports, or the after-56
10 reports, there's never been a well on that
11 property larger than 600 gallon per minute. So
12 this report is a mistake.

13 Then you go on, this is the current
14 survey. Okay. Let's get down to my property.
15 Well, you have an unknown well on section 11
16 that's not there. You have 111-foot well, and
17 then an unknown well. And then on section 14 I
18 have a 100 gallon per minute well, and an unknown
19 well. And then on section 13 I have either four
20 or five wells. I've lost track.

21 Every report's a little different.
22 Well, this is the accurate report I will give you.
23 I have one working well, 20 gallons per minute,
24 not 500, not 100, not 110 feet in section 11.
25 There is no wells in section 11. And the only

1 well on section 13 of mine is a dead well.

2 So, definitely you need to come back out
3 and do your survey again. And this time maybe if
4 the kid doesn't like the results, you need to just
5 publish them the way the residents say.

6 Because it's the report that you have
7 from Kenny Tabattabay (phonetic) that has location
8 1 through location 9, okay. This is a report that
9 you filed. It's online or I don't know.

10 This is the wells, okay, the drilled
11 wells in 2002. I will swear on the Bible these
12 wells results never happened because these wells
13 were never drilled.

14 That's just on my property. I don't
15 know what they've done on the other properties.
16 But my history out here is kind of saying the well
17 reports are a little off.

18 Now, also on February 15th you said you
19 pumped 18,000 gallons of water out of the proposed
20 well on section 33. I'd like to know who pumped
21 that water; and was that out of the turbine well
22 in the center of the field?

23 If it was, how big a generator did they
24 bring? Because there's no power lines to that
25 well. In your report you state you pulled it down

1 18,000 gallons. So how did you do that? There's
2 no power there. To come up with your results from
3 four labs in L.A.

4 I mean, you know, just kind of logical.
5 So could I get some of those answers, please,
6 tonight? Thank you.

7 MR. STROBRIDGE: I'm Tim Strobbridge. I
8 would like to bring up the fact that two of the
9 closest wells to this project have not been
10 surveyed by Ausra. It's Mr. Santos Reyes, which
11 is sitting next to me tonight.

12 This property is 1351 feet, because I
13 roller-taped it off, to the Ausra property. His
14 home is at 1900 foot.

15 My son's property is at 2800 foot. His
16 home is at 3200 feet. And no one from Ausra, URS
17 has approached Mr. Reyes - his wife's at home all
18 day long -- or my son, Mike Strobbridge, about the
19 wells. We haven't seen anybody on sound. It's
20 just like, you know, they're concentrating their
21 efforts someplace where it won't matter.

22 And, you know, I'm just wondering
23 where -- I find it kind of amusing on this
24 disclaimer on URS does not assume any liability
25 for information that has been misrepresented.

1 But this uncertainty and limitations page in their
2 report is kind of appropriate. Thank you.

3 MR. KESSLER: Thank you.

4 MR. STROBRIDGE: My name's Mike
5 Strobridge. And I have a couple questions about
6 the water. I have a document at home from the
7 California Water Resource Department which states
8 that the entire Carrisa water basin is 400,000
9 gallons.

10 I'm just curious if you guys pump
11 roughly 20,000 gallons of water a day, seven days
12 a week, you'll completely drain the entire Carrisa
13 water basin in three weeks, and that's giving you
14 20,000 gallons leeway.

15 How do you plan on effectively
16 recharging the water basin, when according to that
17 report, a good majority of it is recharged by
18 rainwater at an average of 7 to 8 inches of rain a
19 year?

20 I also have another question about the
21 onsite wells. Mrs. Cochrane said that it roughly
22 put out 1200 gallons a minute, I believe she said.
23 I'm just remotely curious if there's any
24 documentation. This was in the '40s; this is
25 roughly 65 years ago.

1 You know, aquifers change as far as I
2 know. You know we're on the San Andreas Fault, so
3 I'm assuming that the ground is moving, shifting,
4 changing. Water flows different ways. It's never
5 going to be the same every year.

6 I'm curious how you know that that well
7 puts out 1200 gallons a minute. I mean did you --

8 MS. COCHRANE: (inaudible) --

9 MR. STROBRIDGE: -- standard?

10 MS. COCHRANE: (inaudible) people that
11 irrigated (inaudible) --

12 MS. SPEAKER: -- a microphone.

13 (Parties speaking simultaneously.)

14 MR. STROBRIDGE: Did you --

15 MS. COCHRANE: No, but my grandparents
16 had --

17 MR. STROBRIDGE: Well, I'm just curious,
18 is the well certified? Is it certified flow rate
19 gallons a minute? Or is it hearsay?

20 Because personally, I mean I can tell
21 you my well puts out 250 million gallons of water
22 a minute, and I mean, are you going to believe me?
23 I doubt it.

24 My well is certified with the County of
25 San Luis Obispo as of less than six months ago at

1 13 gallons a minute. I would like to know if
2 Ausra is going to do a pump test on their onsite
3 well and have it certified.

4 Because I had my well certified two
5 years ago and the County made me recertify it to
6 build my home. So I would like to know what that
7 well actually puts out, gallons per minute,
8 certified by a local well drilling company, not a
9 URS affiliate.

10 That's all I have.

11 MR. TWISSELMAN: All right, one more
12 comment. I pump probably 350 gallons a minute
13 year round. I've got ponds for the elk and the
14 antelope and the game that I've got all over the
15 mountain.

16 And something I neglected to say about
17 those springs that are putting out 20 to 30
18 gallons a minute year round, on a certain level,
19 they never go down or up, wet winters and dry
20 winters. We can have 30 inches of rain or 10
21 inches. They never vary. Everything else does.

22 And that was one of the reasons, I say
23 that's another subject from a different source.
24 But I do pump year round into these ponds. And I
25 did irrigate alfalfa, about 120 acres there, for

1 about eight years, right down by the schoolhouse.
2 And I pumped that year round all the time except
3 during the dormant season of the alfalfa.

4 So, as far as trying to establish, what
5 I'm trying to say is to establish, okay, there's
6 jus as much water here. If you drill this many
7 holes it's going to disappear.

8 You go out in the valley or you go to
9 Paso Robles, you put down some of those big wells,
10 you're pumping so many of them it'll start
11 lowering the water level.

12 And I almost bought a ranch in Montana
13 -- or Nevada. And they won't let you drill a well
14 if you're going to lower the water table. And
15 just before I bought it I asked the neighbors and
16 they said, well, you can't drill the well. The
17 water was there, but they don't have water
18 controls here. We're going to have them pretty
19 quick.

20 But as far as talking about water, we're
21 all talking about an unknown. But I do know that
22 you could probably pump 4000 or 5000 gallons a
23 minute and the whole thing, during certain periods
24 you could get away with it without lowering the
25 water table.

1 And this 150 gallon a minute a well I
2 got on the mountain, I'm pumping -- I drilled it
3 200 feet and I'm pumping it from 50 feet. And
4 it's right up high, and it's not artesian. It's
5 coming through those faults from the valley. And
6 the valley's got a layer of clay -- I got a clay
7 mine over on the other side of the mountain, and I
8 sell the clay out of it -- and several geologists
9 have told me that water comes under that clay,
10 comes all the way across. And that clay sticks on
11 in through this mountain range.

12 And where that clay goes up you'll find
13 water in the wintertime coming out of the ground
14 on the top of the mountain.

15 And it's a real difficult thing. You
16 couldn't even expect anybody to have a sure
17 estimate of what our aquifer is. You just got to
18 buy and try.

19 But like these guys, they don't have
20 enough water they can use that liquid sodium. They
21 do that. So they can pump it until they're doing
22 some damage to somebody, and then use the liquid
23 sodium.

24 And one more thing I wanted to say about
25 Bitterwater Road, you're talking about this

1 combined effect of all these solar outfits.
2 That's good. As far as transportation goes, if
3 they'd all three get together and go spend a few
4 million dollars on that road coming off of 46,
5 this side of (inaudible) Corner, come right up and
6 onto 58 right where Bitterwater reaches 58. And
7 that'd be the solution to your guys' whole road
8 deal.

9 I got lots more ideas, but I --

10 (Laughter.)

11 MS. LUCKHARDT: If we can have a second
12 then we'll try and provide answers to the
13 questions people have asked.

14 (Pause.)

15 (Off the record.)

16 MR. KESSLER: Can I have your attention,
17 please.

18 (Pause.)

19 MR. KESSLER: All right, folks, we're
20 going to give the applicant a chance to respond to
21 the comments and the questions they received on
22 water. So, thank you for respecting that.

23 MS. LUCKHARDT: Okay, do you want me to
24 start?

25 MS. HOLMES: Yes.

1 MS. LUCKHARDT: Okay, all right. There
2 were some questions about whether we will be
3 contacting additional people to try and continue
4 to correct some of the information on the well
5 data.

6 If there is any additional information,
7 we've gone door-to-door for anyone who was home,
8 they were contacted. We have asked that several
9 workshops for people to provide information, since
10 we're going to be doing some additional work on
11 the report that we've done, anybody who can get
12 information to us in the next two weeks we will
13 include in that data.

14 So, anything anybody has that they can
15 give us on well locations, capacities or anything
16 else, please get that to Bob. Grab his card; send
17 it to him by email; call him with it or something.
18 Because we can only work with what we have and
19 what we can get from folks.

20 And there has been a considerable effort
21 made to try and get that. So, if you have
22 information that the well data is incorrect, let's
23 get it to Bob and get that corrected.

24 There was a question about whether the
25 air quality data request response which dealt with

1 the amount of dust suppression and the amount of
2 water that we use for dust suppression is included
3 in the construction impacts, yes, it is.

4 Just to correct one thing the 90 percent
5 rate is for fugitive dust control not for the
6 amount of water in the soil. I think the amount
7 of water in the soil is something like 15 percent.

8 But, yes, it has been included in the
9 construction, water use amounts. It is less than
10 the amount of water that will be used during
11 operation. And so, as a worst case, the analysis
12 is done on operations use, because that's the
13 higher use.

14 The onsite water for construction will
15 be the wells. That will be the source of the
16 water. That was one of the questions that was
17 asked.

18 Let's see, Mr. Ruskovich had a variety
19 of comments about the well data, so we asked that
20 he provide that to Bob so that we can get that
21 corrected.

22 I know we got some information from Mike
23 Strobridge -- I was trying to get which one

24 MR. STROBRIDGE: Mike.

25 MS. LUCKHARDT: -- on the well capacity,

1 but I'm not sure we have the exact location. So
2 if you guys can give us the location we'll get
3 that corrected.

4 There was a question about the well
5 pumping that was done onsite. Yes, it was the
6 center well. We did bring a generator in. It was
7 done for approximately six hours. And the rate
8 was about 50 gallons per minute. And URS did
9 contract for and perform that task. And it was
10 out of the center well.

11 There was a question about along with
12 the well data whether the noise was done near -- I
13 guess it's wrong -- Mike Strobridge's new house
14 location and the noise test was done at the
15 location specified near there. So that the noise
16 data is coming from that location. I don't think
17 it was directly -- Mark, is it on the property or
18 not? Do you remember?

19 MR. STORM: As far as I know, it was
20 done at the new (inaudible).

21 MS. LUCKHARDT: Okay.

22 MR. STORM: Mark Storm with URS. Yeah,
23 my understanding was the noise team that did the
24 measurement at the pad, the site of your new
25 well --

1 MR. STROBRIDGE: (inaudible) -- without
2 my permission you're trespassing.

3 AUDIENCE SPEAKER: And there was a
4 construction --

5 (Parties speaking simultaneously.)

6 MR. STROBRIDGE: I had a construction
7 crew on the site --

8 MR. SPEAKER: I'm sorry, guys. I want
9 all your comments to be on the record; you have to
10 go in front of the microphone for it to be on the
11 record. I know it's really important, you guys
12 got to be by the microphone when you make your
13 comments, please.

14 MS. LUCKHARDT: Okay, so we're going to
15 have to check that, because there's some concern
16 about whether it was actually done onsite and
17 whether we actually had your permission to be
18 onsite.

19 MR. STROBRIDGE: Well, I can agree
20 that -- I can tell you right now it wasn't done
21 onsite. I had a DC bulldozer there. I had a
22 skip-and-drag and a skid -- you don't turn a
23 bulldozer on and off all day; they run all day.

24 Again, I have a full concrete crew.
25 They were pouring concrete. Not to mention if you

1 were there on the 3rd and the 4th, the 3rd my
2 crews were there. On the 4th you were supposedly
3 there at 12:30 or 1:30 in the morning. I live
4 onsite. If you were there from 12:30 to 1:30 in
5 the morning I would have been outside wondering
6 what you were doing there. Probably not being
7 very friendly about it.

8 If it wasn't me, it would have been my
9 100-pound rottweiler that's loose at night. You
10 wouldn't have been able to get out of you car.

11 And then you were supposedly there
12 onsite on the 4th from 8:30 to 9:30 in the
13 morning. My construction crews were there at 8:00
14 in the morning. Also, OptiSolar had
15 environmentalists on my west and north field on my
16 property line driving their vehicles around at
17 8:15 that same morning.

18 So, do you guys feel that you got an
19 accurate sound report with all this equipment
20 there? You got it as distant agriculture
21 equipment. I've been keeping track of all your
22 environmentalists and all the farming in my entire
23 area. There was no farming in my area till the
24 beginning of July.

25 Now, I'm not trying to call you a liar,

1 but personally, it's kind of leaning that way.
2 Because I don't feel like I got a fair shake on
3 the sound. Not with all that equipment there.

4 I'd actually like to ask the Energy
5 Commission if they could have URS review my sound
6 test on a weekend when there's no construction
7 crews onsite. And there's either me or a
8 representative of my family there onsite to make
9 sure that everybody's there when they're supposed
10 to be there.

11 And I can take my dogs offsite so my
12 dogs will not -- if I'm inside of the house over
13 there with that dog, he'll tear you up. So, I
14 don't know, but this is a very inaccurate and
15 dishonest report.

16 MS. LUCKHARDT: Okay, so we're going to
17 have to check that. We don't have the people who
18 actually did the test here tonight. So we're
19 going to have to go back and check with them.

20 Okay, there was a question about whether
21 the well onsite would be certified or not. If it
22 is required by the County for a building permit it
23 will be certified just like any housing permit
24 requirement. But I will say that regardless, if
25 the project wasn't confident about the fact that

1 they would have the water they need, they wouldn't
2 be going forward. This is a very expensive
3 project to put in if you're not confident that
4 you've got enough water out there.

5 And I think that's the list of questions
6 that I have. I may not have everyone's or have it
7 all correct, but -- oh, that's right. There was
8 the question about the basin, the quantity --
9 okay, good.

10 MR. SCOTT: Yeah, there was a comment
11 that -- this is Bob Scott with URS. There was a
12 comment that Mike had about something that
13 appeared in both DWR bulletin 118 and -- 118?

14 MR. SPEAKER: Yes.

15 MR. SCOTT: -- 118 about basin storage
16 here in the Carrisa basin. And Mike had mentioned
17 something about that the basin storage is 400,000
18 gallons. It's actually probably more like 400,000
19 acrefeet. And each acrefeet has 326,000 gallons.
20 So basinwide there are millions of gallons upon
21 millions of gallons of water in storage that are
22 available for use throughout the basin.

23 MR. LABOLLE: This is Eric Labolle; I'm
24 at UC Davis, acting as an independent consultant
25 on this project.

1 There have been a number of questions
2 regarding the 35 percent duty cycle that was used
3 to estimate pumpage. And frankly, it's very
4 difficult to estimate pumpage unless you actually
5 have measured numbers.

6 One way we go about doing it is through
7 electricity usage. Another way we can go about
8 doing it is when the wells are actually metered.

9 What's been provided in these surveys
10 are potential well yields, and kind of a maximum
11 of what this well can produce. And that's not
12 what folks are generally pumping, because the
13 pumps aren't running 24 hours a day in most cases.

14 The number was actually chosen and
15 applied equally to all the wells with their
16 potential well yield in lieu of actual numbers.

17 So what I would ask is as you're
18 providing your data to Robert with regards to your
19 specific wells and where they're located and what
20 they're pumping, don't just provide the potential
21 yield of the well, the maximum yield that you
22 might be able to get out of it, but also what
23 you're actually pumping that would be useful in a
24 modeling sense.

25 But I can say that the results

1 presented, and there were inhouse sensitivity
2 analyses run, changing the pumpage here and there,
3 to see what the changes are in the final results
4 of the model. And it's relatively insensitive to,
5 you know, reasonable levels of change in the
6 pumpage, even spatially or totally bringing it
7 down, bringing it up. Because the drawdown
8 amounts from the well onsite are minimal, at least
9 in the upper aquifer where concern is. The lower
10 aquifer, the same goes for there, too.

11 (Pause.)

12 MR. KESSLER: Are there any followup
13 comments on water? Or are we able to move on to
14 another subject? All right.

15 Why don't we move on to noise. And let
16 me suggest that if, you know, I know that this is
17 an overall sensitive subject. We've had Mike
18 share some comments and observations with us that
19 will give us some food for thought, to go back and
20 check how the surveys were conducted.

21 Is there anything else that's, say, new
22 information on noise that hasn't been presented
23 before, or expressed as a concern before? And
24 maybe I should just first start with the
25 applicant, and also with Tanya to see if they have

1 any comments before we open it up to the floor.

2 MS. GULESSERIAN: This is Tanya. I
3 don't have any noise questions, but we do have a
4 few questions regarding socioeconomics and air.

5 MS. LUCKHARDT: We don't have anything
6 to comment.

7 (Pause.)

8 MR. KESSLER: I'll just share a couple
9 of initial observations from our noise staff. And
10 I'm sorry that they couldn't be here tonight, but
11 they gave me a little script here, so pardon me if
12 I'm reading it.

13 At this point some of our initial
14 concerns are with the construction noise impacts.
15 And we are concerned about the impacts to nearby
16 residential receptors. And for duration as long
17 as 35 months.

18 And so we want to look to how that could
19 be mitigated. I know that -- or we understand
20 that the applicant feels that because of that
21 noise could be temporary that it may not need to
22 be mitigated. But in our view we're looking at
23 some options for proposing conditions of
24 certification which would consist of mitigation.

25 And those could include activities such

1 as spreading the high peak construction activities
2 so that they don't occur simultaneously. Using
3 quieter equipment such as quieter pile-driving
4 processes. Or potentially erecting temporary
5 soundwalls.

6 So, we'll just kind of leave it at that.
7 That we're still looking at that, but we do want
8 to let the applicant know that we are concerned.
9 We don't feel that this has been fully mitigated
10 yet. And we're looking at ways to accomplish
11 that. And to any degree that the applicant can
12 help us brainstorm on that, we'd appreciate it,
13 too.

14 MR. MORGAN: Okay, we understand your
15 comments. We've obviously tried to address the
16 operational noise with some enhancements and
17 supplemental filing. And we'll brainstorm and
18 think about construction with you.

19 MR. KESSLER: Great. Are there any
20 additional comments or anything new that we'd want
21 to add? Robin.

22 MS. BELL: I'm glad to hear that the
23 construction noise is a concern to you, and 35
24 months is a long time. And I was hoping that one
25 thing that maybe we could have quiet weekends and

1 that there would be a noise limit set for any
2 nighttime construction. Because it seems pretty
3 invasive, especially looking at the potential
4 sound levels of it.

5 MR. STROBRIDGE: I just have one quick
6 question. On the noise and everything, who's
7 going to police it? I'm curious. They can't go
8 above a certain decibel level, which I believe is
9 like 70 in construction, I'm not sure.

10 But who do I call if they're loud and I
11 want to call somebody. Who's going to police it?

12 MS. HOLMES: We typically have
13 requirements for doing noise surveys. That's
14 typically an operational requirement. It's
15 possible we could consider doing that for
16 construction noise, as well.

17 In terms of dealing with complaints the
18 standard condition that we impose on all projects,
19 they have to have a noise complaint line. They
20 have to respond to it within 24 hours. And they
21 have to let us know within 24 hours how they fixed
22 the problem.

23 Sometimes we get phone calls directly.

24 MR. STROBRIDGE: So, say, for example,
25 it's my daughter's birthday and their plant is

1 super loud. I got my family there. And I'm
2 angry. Can I call the sheriff's department?

3 MS. HOLMES: What I would suggest that
4 you do, if you know that you're going to be
5 planning an event out there, call them and talk to
6 them. They're going to have somebody who's an
7 individual person that is responsible for
8 addressing noise concerns specifically. If you
9 know you're going to have a birthday party, call
10 them and tell them.

11 MR. STROBRIDGE: That sounds reasonable,
12 but I just -- I have a lack of faith in their
13 response to anything that we have asked or said or
14 requested. So there's really no faith there for
15 them to do me any favors because they're not doing
16 one by putting the plant there in the first place.

17 So, I --

18 MS. HOLMES: Well, I think they do have
19 an interest in making the Commission Staff happy
20 because we can tell them they have to stop
21 construction if they're not taking care of noise
22 problems.

23 That is the hook or the hammer, if you
24 will. You know, if we get a lot of complaints
25 about noise and they're not responding to them, we

1 can tell them stop until we come up with some sort
2 of maybe an independent onsite monitor who's
3 actually using handheld equipment to monitor noise
4 levels.

5 I mean I don't know what it is, but what
6 I'm saying is that you've got input into the
7 process by calling them, which they have to
8 respond to and they have to tell us they've
9 responded to it.

10 And if that doesn't work you contact us
11 directly. And if we get a lot of complaints we
12 have the ability to tell them they have to stop.

13 MR. STROBRIDGE: Okay.

14 MS. HOLMES: That's the hook.

15 MR. STROBRIDGE: This is kind of a gray
16 area because they're in the County but under the
17 state jurisdiction, so I mean the sheriff's
18 department is probably not going to want to deal
19 with it.

20 I mean I have no problem calling you
21 guys, but I would assume that it wouldn't take
22 effect the same day or the same week. Probably a
23 couple weeks, you know, that type of thing.

24 But I mean I know I make too much noise
25 and my neighbor calls, the sheriff department

1 shows up. And they tell me to knock it off, you
2 know, cease and desist immediately.

3 MS. HOLMES: Well, we're not going to
4 tell you you can't call the sheriff's department.

5 (Laughter.)

6 (Parties speaking simultaneously.)

7 MS. HOLMES: And typically what we do as
8 part of the analysis is try to -- we try to make
9 sure that the kinds of conditions that John was
10 talking about where you said you can't operate
11 more than so many pieces of equipment at a time,
12 and you have to stagger heavy equipment operation.
13 And you have limitations on when things can
14 operate, like not on weekends or not in the
15 evenings.

16 We typically assess all of that before
17 the project gets licensed, so that we can insure
18 that the County's noise ordinance is met. We
19 wouldn't license a project that didn't meet the
20 County's noise ordinance.

21 MR. STROBRIDGE: Okay.

22 MR. KESSLER: I'll just mentioned that
23 another concern that we heard in walking around
24 this afternoon was what noise might the project
25 make during operations.

1 If the mirror washing is conducted in
2 the evening, you know, will there be a noise of,
3 you know, an engine pump that's running at night
4 for pressure washing? Or, you know, what could be
5 expected or what could be avoided in terms of
6 maintaining the quiet during nighttime.

7 But I think we'd appreciate it if the
8 applicant could address that at some point, too.

9 MR. MORGAN: We have not proposed to do
10 any pressure washing that I know about. I can be
11 corrected if, Pete, you or Sam want to say
12 anything. No pressure washing on the mirrors.

13 MR. JOHNSON: Yeah, no pressure washing
14 is proposed.

15 MR. MORGAN: So, we're proposing
16 actually a more manual process to do that which, I
17 think, have very little noise, but --

18 MR. KESSLER: And would the plant be
19 quiet at night? There wouldn't be really any
20 operations going on then?

21 MR. MORGAN: It is proposed, it's
22 basically a daytime operating plant to go with the
23 sun; it comes down with the sun. There'll be
24 minimal activity onsite. I think occasionally we
25 propose to be some things happening at night, but

1 they would be infrequent.

2 MR. JOHNSON: It's proposed that there
3 could be some mirror cleaning.

4 MR. MORGAN: Microphone.

5 MR. JOHNSON: It's proposed there could
6 be some mirror cleaning going on in early morning,
7 late evening hours, but that'll be essentially a
8 silent operation. It's not going to be heavy
9 equipment operating during that.

10 MS. HOLMES: Do we have noise estimates
11 for that or not.

12 MR. STORM: This is Mark Storm with URS.
13 That's something that's under analysis.

14 MS. HOLMES: Thank you.

15 MR. BELL: This is Jim Bell, again. You
16 were saying cleaning the mirrors. Can you
17 describe the operation, how you clean the mirrors.
18 I mean it's not with towels and Windex obviously.

19 MR. JOHNSON: Okay. Don't want to get
20 too close here.

21 (Laughter.)

22 MR. JOHNSON: There's still quite a bit
23 to be worked out with that, but we've had some
24 practice cleaning mirrors at some of our pilot
25 plants. And what we've found actually works quite

1 well is ironically it's quite similar to the way
2 you clean your car windshield at the gas station,
3 which is a two-sided squeegee and a sponge. Where
4 you wet the mirror with deionized water solution.
5 Then you turn around and you scrape the dirt off.

6 The key with cleaning mirrors is you
7 don't want to wait six months in between cleaning;
8 then you have too much dirt. But if you clean
9 consistently, a light cleaning like that does the
10 job. It's pretty quiet.

11 MR. BELL: And the lighting for that
12 operation, how does that -- how are you going to
13 get the lights. Do they run on a generator? In
14 other words, you can have portable lights that are
15 small, or you can have something that's run on a
16 generator where you hear putt-putt-putt.

17 MR. JOHNSON: Right. We haven't sorted
18 out all the details as far as exactly what
19 lighting. But I imagine it could be something
20 that's portable.

21 MR. BELL: Okay, a generator or plug-in
22 kind of thing at this point --

23 MR. JOHNSON: Yeah, at this point I --

24 MR. BELL: I'm concerned about the noise
25 and the lights out there.

1 MR. JOHNSON: Yeah, at this point I
2 don't know that level of detail.

3 MR. BELL: I had another question with
4 regard to the crew. Originally it was said that
5 they were going to work 7:00 to 7:00. Is that
6 still in your -- is that still the timeframe, 7:00
7 in the morning, 7:00 at night?

8 MR. MORGAN: Sam, --

9 MR. McINTOSH: This is Sam McIntosh.
10 You're referring to -- I don't understand your
11 question. Are you referring to operations or
12 construction?

13 MR. BELL: Construction.

14 MR. McINTOSH: Construction is generally
15 7:00 in the morning till 5:00 or 6:00 in the
16 afternoon.

17 MR. BELL: Okay. And I noticed in the
18 latest, you plan on running two crews, two eight-
19 hour crews. Are they just overlapping?

20 MR. McINTOSH: We're going to let the
21 contractor schedule the crew and craft. That's
22 his --

23 MR. BELL: I was just curious, I've
24 never seen your response.

25 MR. McINTOSH: We're anticipating that

1 there will be some opportunity for us to run
2 multiple crews. Sometimes it's more appropriate
3 to do that than to work the overtime. But we want
4 to allow the contractor the flexibility to --

5 MR. BELL: But it's not going to be 16
6 hours?

7 MR. McINTOSH: That's correct. It
8 wouldn't be 16 hours.

9 MR. BELL: All right, that's great.
10 Thank you.

11 MR. McINTOSH: It overlaps somewhat.

12 MR. BELL: All right.

13 MR. KESSLER: I think just to make clear
14 the concern that we heard loud and clear is that
15 should there be any engines operating at night for
16 lights, whatever, that the sound really carries in
17 the Plains. And so there's a real sensitivity to
18 that in terms of the normal quiet that residents
19 expect.

20 Any other comments on noise?

21 MR. TWISSELMAN: Yeah, if you want to
22 get rid of the real noise, ban the motorcycles.

23 (Laughter.)

24 MR. TWISSELMAN: That's what I hear.

25 MR. KESSLER: Well, when's the hunting

1 season on those?

2 (Laughter.)

3 MR. TWISSELMAN: (inaudible).

4 (Laughter.)

5 MR. KESSLER: I know we have some
6 questions or comments in socio and air quality
7 from Tanya. So, I think we'll move to those next
8 if no one objects.

9 Which do you want to start with?

10 MS. GULESSERIAN: I'll start with
11 socioeconomics. In the Energy Commission's
12 Staff's data requests it points out that the AFC -
13 - and this question goes to the argument that this
14 project is going to bring a lot of benefits to the
15 local economy because of the money it's going to
16 bring in -- the AFC says that it's going to
17 provide approximately \$170 million in construction
18 payroll. That's on page 5.10-7.

19 On 5.10-14 it says that it anticipates
20 construction costs to be paid out in wages and
21 salaries of roughly \$55 million.

22 So, the question was what's the
23 difference between construction payroll and wages
24 and salaries.

25 The response seems to, I think there was

1 just a misunderstanding. It mixed in the
2 operations workforce with construction. So I
3 wanted to ask, is it actually correct that of the
4 170 million for construction payroll, 55 million
5 is to the actual construction workforce?

6 MR. HOPKINS: I think if I remember
7 right that what had happened was the 55 million
8 was a yearly estimate. And since it's 36 months,
9 it's 170 million.

10 MS. GULESSERIAN: The 55 million is a
11 yearly estimate of the construction payroll?

12 MR. HOPKINS: Yeah, wages and salaries
13 per year.

14 MS. GULESSERIAN: Wages and salaries --

15 MR. HOPKINS: Whereas once the total --

16 MS. GULESSERIAN: -- construction per
17 year.

18 MR. HOPKINS: I believe that -- I don't
19 have that request in front of me. Can you tell me
20 which number request --

21 MS. GULESSERIAN: So, if --

22 MR. HOPKINS: -- that was?

23 MS. GULESSERIAN: Oh, sorry, it's data
24 question 88 of --

25 MR. HOPKINS: 88 --

1 MS. GULESSERIAN: -- data requests.

2 MS. HOLMES: It says, please describe
3 the difference between construction payroll and
4 wages and salaries. And the response that you
5 gave is the construction payroll refers to wages
6 to the applicant's outside construction
7 contractors and associated craft workers. The
8 operation employees receive wage and salaries.

9 Does that ring a bell?

10 MS. GULESSERIAN: And operations really
11 has nothing to do with the construction payroll.
12 So I think there's a misunderstanding. So I was
13 thinking maybe you meant that of the \$170 million
14 in construction payroll, 55 million was to the
15 actual workers? I was just trying to guess at
16 what your answer should be.

17 MR. HOPKINS: We can look into it, but I
18 think what we were saying was it was a yearly
19 estimate. The 55 million was wages and salaries
20 per year; total construction payroll was the total
21 number.

22 MS. GULESSERIAN: Okay.

23 MR. HOPKINS: For three years.

24 MS. GULESSERIAN: Okay. Is it true that
25 there hasn't -- you haven't signed any actual

1 construction contract yet?

2 MR. MORGAN: This is Rob Morgan. That
3 is correct, we have not signed a construction
4 contract.

5 MS. GULESSERIAN: Okay, so you don't
6 know which contractors will be building the
7 project?

8 MR. MORGAN: Correct.

9 MS. GULESSERIAN: Is it true that you're
10 building a pilot plant in Kern County right now?

11 MS. LUCKHARDT: We're not doing
12 interrogation. You don't need to ask if it's
13 true.

14 MS. GULESSERIAN: Is there a pilot plant
15 being --

16 (Laughter.)

17 MS. GULESSERIAN: -- built?

18 MR. MORGAN: There is a demonstration
19 and testing facility being built in Kern County
20 near Kimberlina Road.

21 MS. GULESSERIAN: And without
22 interrogating, is the contractor for that pilot
23 plant TIC?

24 MR. MORGAN: That's correct.

25 MS. GULESSERIAN: Okay. So are you

1 aware that TIC was the contractor for the
2 Riverside Energy Resource project and that more
3 than half of their construction workers were from
4 outside of the State of California, and that is
5 their regular practice?

6 MR. MORGAN: I'm not aware of that, and
7 I don't actually follow the project-by-project
8 construction contracting party.

9 MS. GULESSERIAN: Okay. Well, that is
10 the case. And there is a concern that most of the
11 projects would be provided to out-of-state workers
12 rather than ones in the local area.

13 MR. MORGAN: If I may, that's a bit of a
14 lead to suggest that the contractor we're using
15 for our demonstration facility and your assertions
16 about their behavior should be applied to this
17 project.

18 MS. GULESSERIAN: Okay, but you have
19 hired -- you have signed a contract with TIC at
20 this time for the pilot project?

21 MR. MORGAN: Only for the pilot project.

22 MS. GULESSERIAN: Thank you. That's all
23 the questions I have on socioeconomics.

24 And so I have just a couple on --

25 MR. KESSLER: Okay, want to move to air.

1 MS. GULESSERIAN: -- on air if nobody
2 else has anything.

3 MS. BELL: Can I just ask one question?
4 I'm sorry, I didn't catch the name of the street
5 where this pilot project is. Is it something that
6 -- will it have condensers and things that we
7 could go see and see the structure so we would
8 know what the effect is and the noise?

9 MR. MORGAN: The pilot project's at the
10 site of a former biomass power plant. So it has
11 an existing steam turbine and a wet-cooled
12 condensing cooling cycle. And it's at the
13 intersection of 99 and Kimberlina Road.

14 MR. SPEAKER: What?

15 MR. MORGAN: Kimberlina Road, near
16 Wasco.

17 MS. GULESSERIAN: Does anyone else have
18 any questions on socioeconomics? I'll just move
19 on to air.

20 We just want to acknowledge that we
21 received the revised modeling on the air on
22 Monday, which was yesterday. And that we'll be
23 looking those over and letting you know if we have
24 any questions.

25 On the air data request number 2, and

1 response, I think that there is -- the applicant
2 is double-counting the control efficiency of
3 watering and under-estimating emissions.

4 In data response 2 the applicant assumes
5 a soil moisture content of 50 percent, and it says
6 achieved by watering.

7 And then in data response 3 the
8 applicant assumes a 60 to 70 percent control
9 efficiency due to watering.

10 So, we would think this is double-
11 counting the watering and under-estimating the
12 emissions. So we would want to ask for a revised
13 analysis of those emissions.

14 MR. MORGAN: Okay, we'll clarify.

15 MS. GULESSERIAN: Thank you. Let's see,
16 data response number 6, this is about emissions
17 due to wind erosion. We asked for revised
18 emissions for both construction and operation of
19 the project to include fugitive dust emissions due
20 to wind erosion of disturbed areas. Because
21 currently the air quality analysis doesn't account
22 for fugitive dust emissions from wind at the
23 graded site.

24 And these emissions would occur 24 hours
25 a day, 365 days a year unless there is absolutely

1 no wind.

2 The applicant proposed to replant
3 vegetation as quickly as possible, but there's no
4 schedule for revegetation.

5 So we asked for a schedule and for
6 revised emission estimates. The response on the
7 revised emission estimates says that you're not
8 going to revise them because it's, I think,
9 negligibly small.

10 We disagree that you can just assume
11 that it's negligibly small and we again would ask
12 that those emissions be quantified so we can
13 determine what kind of dust there will be in the
14 area on windy days. So that was just a comment
15 that I wanted to make.

16 MS. LUCKHARDT: Okay, that's fine.

17 MS. GULESSERIAN: Yeah. And ask for the
18 revision. And we can do that in a data request if
19 you want.

20 MS. LUCKHARDT: Yeah, because I think
21 you have our answer that we don't believe it's
22 necessary. So, you can ask.

23 MS. GULESSERIAN: Okay. We'll ask
24 again. The project now -- this is about the
25 supplement. It now has an onsite manufacturing

1 building with additional sources of air pollutants
2 including welding, fume extraction system and
3 baghouse. I guess that system consists of
4 baghouse filters.

5 And we wanted to know when the applicant
6 is going to submit a revised application to the
7 San Luis Obispo Air District.

8 MR. MORGAN: It's actually going out
9 very soon, in the next week or two.

10 MS. GULESSERIAN: Okay, thank you.
11 That's all the questions I have.

12 MR. KESSLER: Is that for the standby
13 generator, Tanya?

14 MS. GULESSERIAN: I asked about the
15 manufacturing building.

16 MR. KESSLER: Oh, okay.

17 MS. GULESSERIAN: So, assume that a
18 revised application would be submitted based on
19 all of the new project elements.

20 The revised -- the application to the
21 Air District would also include the generator.

22 MS. LIEBA: Yes, it does.

23 MS. GULESSERIAN: And other new project
24 elements.

25 MS. LIEBA: If they were applicable,

1 yes.

2 MR. KESSLER: Are you done, Tanya?

3 MS. GULESSERIAN: I am done, thank you.

4 MR. KESSLER: Did the applicant have any
5 topics that it wished to discuss tonight? Okay.

6 And you didn't have any more, Tanya?

7 MS. GULESSERIAN: No, thank you.

8 MR. KESSLER: Okay. Pardon me?

9 MR. MORGAN: Just no thank you.

10 MR. KESSLER: Okay. How about you
11 folks, did you have any other topics that you
12 wanted to discuss tonight?

13 MR. SPEAKER: Visual's on the list.

14 MR. KESSLER: Okay, visual's on the
15 list, and we don't have a particular comments or
16 questions at this point, but we certainly want to
17 give you that opportunity. So, if you'd like
18 that, let's make that our next topic. And, yes,
19 ma'am, please come up.

20 MS. COCHRANE: I don't know, I just --
21 Susan Cochrane. I just really feel that we have a
22 tiger by the tail here. In 20 years California's
23 going to increase by 25 million people. And I
24 feel this is a chance to guide our destiny.
25 Because Carrisa Plains we've got to contribute

1 something out here.

2 And, you know, what are we going to do?
3 Are we going to have a prison? They're going to
4 have big towers. They got ammo in them, too. A
5 mental hospital? I've lived, you know, by
6 prisons. I went to high school with a mental
7 hospital.

8 Or are we going to have a solar farm?
9 And I just really feel that we've got to
10 contribute something. I don't know if this
11 public's aware that we almost ended up with
12 Avenal's prison. And some day we got to do
13 something.

14 So, I really think the solar farm is the
15 best of all evils. It's renewable energy and we
16 need it. So, I don't know what these folks would
17 like to choose, but I know what I would choose.

18 Being the Homeland Security guy's here
19 -- he didn't leave, did he? The guy that had the
20 Homeland Security shirt on? Well, anyways, my
21 husband and I, we own the site of the solar farm.
22 And I was born and raised out here. And I had to
23 leave when I got out of college to make my living,
24 hoping some day to come back.

25 And one time I went two months and

1 wasn't out here. So I have been here every month,
2 I don't know how many years that's been, since
3 1974. And I've lived in a place where I've had
4 neighbors ten feet away. And we have property out
5 here. We're looking forward to building our house
6 out here and not having neighbors ten foot away.

7 And my heart, you know, really goes out
8 to a lot of these people that are here tonight. I
9 counted, there was only seven local people here
10 that have been born and raised. And I feel bad
11 for these people that moved into an area where
12 everyone else has paid their property taxes and
13 they expected it to stay idle. And our families
14 have been trying to scratch a living out here
15 for -- since the 1800s.

16 When we were approached with this, at
17 that time some of the local families out here were
18 just having babies. And I remember that, I
19 thought how neat it would be that these fathers
20 could get jobs out here instead of going back and
21 forth to town and be home with their kids every
22 night. And then maybe those kids wouldn't have to
23 move away and go get a job.

24 And talk about energy, you know, don't
25 spend the gas going back and forth on the road to

1 town, get a job out here. And some people say,
2 oh, well, it's going to be union. We're all smart
3 enough to join a union. And they have great
4 retirements. A lot better than ranching.

5 It's a hard living out here. And we've
6 addressed a lot of things tonight. One of the
7 things, biological. I've moved cattle through
8 most of this, probably every section out here, in
9 my life. And when you move a water tank or a
10 water trough, something, to the area of the shade,
11 jackrabbits and horny toads used to come out of
12 the woodwork. We didn't know where they came
13 from.

14 But the wildlife is going to be very
15 happy for the solar plant. A lot of it will be,
16 because they will have shade. The little
17 burrowing owl that's out there. I visit him a
18 lot. And they'll relocate him, but he'll move
19 back as soon as all the construction's done.
20 He'll be back. They always do that. They don't
21 care; they just -- they adjust to everything.

22 And as we know, Darrell knows, we know
23 where the elk came from and the antelope came
24 from.

25 The traffic, we survived, the PG&E lines

1 went through here when I was a kid. They set up
2 camps out here. We were happy to have PG&E. They
3 made our roads better; we got electricity. And
4 then the traffic was held up a lot, and then
5 Madonna Construction redid our roads. We were
6 happy to have all that traffic holdups. We got
7 new roads.

8 And like Darrell says, wouldn't it be
9 great if they remodeled Bitterwater Road. If they
10 all got together we could really do something.

11 So we all survived that. And, you know,
12 we'll survive this. And the transportation, well,
13 we all use electricity so what are we going to do,
14 you know? Go without electricity? Like Mr.
15 McMillen said, it would be great if we all had
16 these solar things on our roofs, but it's kind of
17 not too cost effective. The cattle trucks and
18 grain trucks have gone out here for many
19 generations.

20 The soil erosion problems I hope they
21 don't apply any of that to farming, because we
22 create a lot of dust out here trying to scratch a
23 living.

24 And I was always told, when I was a kid,
25 that, you know, if you're not changing you're

1 going backwards. So I just really think, you
2 know, since 1974 I've been working to get back out
3 here. And now is my chance. And I know we got to
4 keep changing. I mean I live in Salinas, that's
5 where we've raised our family. It's been
6 wonderful, but everybody knows the reputation
7 Salinas has.

8 So, I hope nobody takes anything
9 personal but that's my feelings.

10 MR. SPEAKER: Do you plan on moving
11 back?

12 MR. TWISSELMAN: I'd like to make a
13 comment --

14 MS. COCHRANE: Next year.

15 MR. TWISSELMAN: -- following that.

16 (Audience parties speaking
17 simultaneously.)

18 MR. TWISSELMAN: -- just from here I
19 don't have -- this is as far as the property goes,
20 but I do in the others, too. And one of the big
21 things as far as talking about environment and
22 wildlife, just like this thing they got down here,
23 south end of the Plains monument. Well, I got one
24 on this end that I've operated, myself, without
25 the government.

1 And the only way I can hold onto that
2 and keep it the same way it is for the next
3 hundred years is if I can sell a little bit of
4 property. You know, they talk about six sections
5 being big. That's nothing. I'm talking about
6 400,000 or 500,000 acres in this mountain range.

7 And in order to maintain that, which we
8 want to do, to keep it just like it's been, we got
9 to get some money. And if we can't do that we can
10 subdivide under the subdivision laws, but we got
11 enough sections, we can sell sections.

12 And we could very well be forced to do
13 that if we lose that Williamson Act or Proposition
14 13. Tomorrow morning I would have to start
15 planning on selling property if we lost either one
16 of those.

17 But if I can get enough money selling a
18 few acres to the solar outfit, I can maintain that
19 thing like it is. And all my kids, I got eight
20 kids and 22 grandkids. They all have an intimate
21 feeling towards that. That's a lifestyle. We
22 make our money somewhere else all the time.

23 But that's a real important factor as
24 far as maintaining the environment. I just
25 thought I'd mention that. Okay.

1 MR. KESSLER: Thank you. Yeah. Let me
2 ask just one question real quick. Just something
3 came to mind on visual. My understanding of the
4 visual mitigation is to primarily address it with
5 specific parcels to the extent needed.

6 Has the applicant developed plans for
7 any particular parcels in developing visual
8 screening at this point? Or have any property
9 owners approached the applicant with such a
10 request at this point in time?

11 MR. MORGAN: I believe the answer is no
12 to both questions. We have not developed specific
13 plans. We have not had specific conversations
14 with the land- or homeowners. And we have not
15 developed a specific plan yet.

16 MR. KESSLER: So would you encourage
17 property owners to express that desire, should
18 that be their interest, directly to you?

19 MS. LIEBA: Yeah. I think what we're
20 doing at this point is we've looked at, from a
21 visual resource perspective, and Amy could
22 probably speak to this better than I can.
23 However, potentially affects views for the
24 project, and those specific landowners we've
25 addressed in our visual assessment, an idea of the

1 tree-planting allowance or to allow for visual
2 screening on their properties, rather than on our
3 site.

4 MR. BELL: Jim Bell, again. You did
5 have a plan at one time. We saw it, it was
6 introduced sometime. There was contact with
7 regard to that. Primarily myself. Originally I
8 had a conversation with Mr. Fontana. He told me
9 no matter, give me a call, we'll talk about it.

10 I called him, told him what I'd like to
11 do on the thing. I didn't get a call back from
12 him. I got a call back from URS and just said,
13 flatly, we're not a sensitive receiver.

14 So there was contact, and that was the
15 conversation. Well, the other one wasn't a
16 conversation back, it came email.

17 So, I guess, where do we go from here?
18 How would you like the individuals to approach?

19 MS. LIEBA: Actually, I would love to
20 understand where that happened, because I was not
21 aware of that. And our visual resource person is
22 shaking her head, as well.

23 MR. BELL: Yeah. I talked to Perry. We
24 had a conversation. And he never called me back.

25 MS. LIEBA: He probably directed you to

1 us so that we could make sure, as the visual
2 resource specialist, --

3 MR. BELL: No, he didn't direct me, he
4 just said, I'll get back to you. And then -- I
5 think it was an email, was it not? It said
6 basically we're not a sensitive receptor. That
7 was it.

8 MS. BELL: We tried -- he told us he'd
9 do whatever it was to make us happy.

10 MR. SPEAKER: If you want to get on the
11 record.

12 MS. LIEBA: Yeah, I think for the
13 record, Robin had a conversation with Perry.

14 MS. BELL: Yeah, and he told us he
15 wanted to do whatever would make us happy. Sure,
16 they'd plant eucalyptus across our east boundary.

17 And then when your plants came out that
18 you were going to plant, trees in front of
19 people's houses or along people's houses, and
20 minimal effort, we were told, you know, that was
21 it. We weren't a sensitive receiver.

22 And that was actually in writing,
23 through emails, that I have sent to the Energy
24 Commission. So we're just out of luck as far as
25 any visual screening?

1 MS. LIEBA: No. I think, Robin, I don't
2 remember that specifically, but I would, you know,
3 encourage you to talk to me specifically, or Amy
4 specifically about your particular household and
5 whether or not you have potential issues relative
6 to visual.

7 But I think what was done was a visual
8 assessment of the potential key observation
9 points, as they call them, for the Energy
10 Commission that would potentially have effect for
11 the project, itself.

12 The clarification was your particular
13 parcel was not identified as a key observation
14 point that potentially had effects for the
15 project. However, we're not saying that you
16 wouldn't be able to see the site, or there isn't
17 something for you, in particular.

18 So, I think what Perry had said to you,
19 and I'm not sure about the other conversation, was
20 that we want to hear from you relative to your
21 potential views. And we would assess that from
22 URS and from Ausra, what potential screening would
23 be relevant for the project site relative to your
24 particular parcel.

25 MS. BELL: And I had asked that question

1 quite awhile back, what determined who is a
2 sensitive receiver, and not, what are the
3 guidelines. You know, how do you pick who gets to
4 have a good view and who doesn't.

5 But regardless, you know, it seemed like
6 you pretty much said we were out of luck was the
7 answer we had.

8 And while I'm up here, about visual
9 impacts. So you are turning the mirrors to turn
10 any potential glare off of highway 58, that turns
11 potential glare towards residences now. And our
12 parcel.

13 And I know you're putting a solid
14 fencing around, but we're above you and would be
15 able to see over a six-and-a-half-foot fence. So,
16 is there a distance that glare is concerned?

17 MR. MORGAN: I'm going to hand this to
18 Pete Johnson who can answer that pretty well.

19 MR. JOHNSON: I'll just use this mike.
20 I'm Pete Johnson; I'm the solar plant engineer,
21 designed a lot of this.

22 One of the interesting things about
23 these mirrors is that they're designed to focus
24 down to a point. And that point is 50 to 75 feet
25 away from the mirror.

1 And what that means is as the mirror
2 focuses down to a point it defocuses in that same
3 distance. So if a mirror focuses within 75 feet
4 from it, that means an additional 75 feet from
5 that mirror the brightness that you would see
6 coming off it is the same as the brightness that's
7 hitting it.

8 In other words, if you were standing 150
9 feet from a mirror it would look just as bright as
10 the sun. So it would have the same brightness as
11 looking up in the sky.

12 I believe your property is beyond --

13 MS. BELL: it's about a mile.

14 MR. JOHNSON: So it's about a mile away.
15 So, from 5000 feet away a mirror that's aimed
16 towards your house will be about as bright as
17 water from an airplane. So there will essentially
18 be no bright glare issues with a mirror aiming
19 towards you because the light's actually spreading
20 out as it goes towards you.

21 If I look at the sun the light is coming
22 parallel to me, if light's spreading out it's
23 actually dimmer by the time it gets to your house.
24 The only way you'd be affected is if you lived
25 within 150 feet of where a mirror is.

1 Does that make sense?

2 MS. BELL: It does except we just drove
3 up and back on highway 58 past the (inaudible) --
4 395. I mean it certainly has a reflection,
5 certainly had a glare to it. And we weren't --

6 MR. JOHNSON: I'm not familiar with the
7 site.

8 MR. BELL: 58 and 395 there's a large
9 solar --

10 MS. HOLMES: Kramer Junction. We
11 licensed it. It's a different technology. It's
12 not --

13 MR. JOHNSON: Okay, yeah, the --

14 MS. BELL: But it's still mirrors,
15 right?

16 MS. HOLMES: It is mirrors.

17 MR. BELL: Yeah, I mean there's mirrors.

18 MS. HOLMES: Well, no, I mean I think --

19 MR. SPEAKER: (inaudible).

20 MR. JOHNSON: A mirror is a -- the only
21 way they behave the same is if the shape were the
22 same. I can't really comment on the optics on
23 that system as much. But I know that our system
24 will actually defocus the sunlight if you're 150
25 feet or farther away. So it'll be less bright than

1 looking up in the sky.

2 MS. BELL: (inaudible).

3 MR. JOHNSON: Yeah. I mean it's visible
4 from public roads.

5 MR. KESSLER: I think Supervisor -- I'm
6 sorry, this lady had a comment. You're already
7 here.

8 MS. HAYNES: Kelly Haynes. And I just
9 want to, for the record, from the very first
10 meetings I spoke with you and we were told
11 anything we needed in trees for visual would be
12 taken care of pretty much.

13 I mean it was -- we sat on the porch --
14 I mean stood on the porch.

15 MS. LIEBA: Yeah, I remember that
16 conversation.

17 MS. HAYNES: So I just wanted that for
18 the record because it's being said that nobody's
19 been talked about or hasn't been --

20 MS. LIEBA: No, no, and I apologize,
21 you're right. We spoke here at the meeting and --

22 MS. HAYNES: Yeah.

23 MS. LIEBA: -- we've had conversations
24 in the meeting, but as far as contact with us at
25 our office, that I was not aware of. So I wanted

1 to make sure that was clear.

2 MS. HAYNES: Yeah, no, I have not
3 personally contacted the office. I just, you
4 know, was waiting to see what's happening.

5 MS. LIEBA: But, yeah, the initial
6 conversations we had were relative to homeowners
7 and what -- their potential. I was trying to get
8 information from you guys as to what types of
9 trees, as far as the planting allowance would be,
10 relevant to this area.

11 Again, you, as a local person, would
12 know what would require the least amount of water,
13 et cetera. So we wanted to make sure that we were
14 gaining your input as to what types of trees would
15 be planted if a planting allowance was given for
16 residences that had the potential for visual
17 impacts.

18 MS. HAYNES: Actually that wasn't what
19 our conversation was about. It was more about
20 that you guys would provide trees for us if we
21 felt that our visual would be impacted. So,
22 that's all, just for the record.

23 MS. LIEBA: Okay, I --

24 MS. SPEAKER: Seeing as we're on the
25 record, what happened to Perry?

1 MR. MORGAN: Perry got very sick
2 yesterday and couldn't make the trip down.

3 MR. SPEAKER: Pardon me?

4 MR. MORGAN: Perry got very sick
5 yesterday and couldn't make the trip down. So I'm
6 in his place.

7 (Audience parties speaking
8 simultaneously.)

9 MR. KESSLER: Okay, I think Supervisor
10 Patterson, it's your turn. Thank you for waiting.

11 SUPERVISOR PATTERSON: I just wanted to
12 speak briefly to visual, since this particular
13 item wasn't raised tonight. And I know it is of
14 concern. It's been raised at every other meeting
15 we've had. And that's the visual impact of the
16 turbine building and the cooling towers,
17 themselves.

18 Whatever you can do about mitigating the
19 size of those, because their sheer size is
20 impactful, as well as the lattice structure of the
21 circulation of the water. And, you know, whatever
22 you can do with that. It is a consideration.

23 Certainly one of the beautiful and unique
24 qualities of this plain is the openness and the
25 ability to, you know, see for miles and miles.

1 So, the plant, itself, will have some
2 visual impacts besides the mirrors.

3 But what I wanted to say, regardless of
4 your opinion about this particular plant, we know
5 that there's interest in the Carrizo for solar
6 power generation. This is only one of three
7 plants that are currently being considered for
8 this area.

9 And when Ausra first came to me in San
10 Luis Obispo several months ago to talk about their
11 proposal, one of my biggest concerns was that
12 because of the technology and the size of the
13 plant that it was under the jurisdiction of the
14 California Energy Commission, not the County.

15 And I had concerns that a lot of the
16 discussion and decisionmaking would be going on in
17 Sacramento. And difficult for our community to
18 have input.

19 And this is the fourth meeting that CEC
20 has had here. And they'll have at least that many
21 more. And I want to thank them for being
22 responsive to us. And also the applicant and
23 their consultant for making the effort to come out
24 here and to hear our concerns, and to work with us
25 to best mitigate this facility.

1 So, again, I very much appreciate CEC's
2 sincerity and effort in coming here and being a
3 part of the process in our neighborhood, and not
4 have us go to Sacramento. And I've seen that
5 happen before.

6 So, regardless of how you feel about
7 this plant, we've had the opportunity to give our
8 input and we'll continue to have opportunities to
9 weigh in. And there's always a balance that has
10 to be struck. And that's the ultimate decision
11 that will be made.

12 So I encourage all of you to continue to
13 participate in the process. And I thank all of
14 you for coming tonight and engaging in the
15 dialogue with the CEC and the applicant and their
16 consultants.

17 So, thank you.

18 MR. KESSLER: Thank you. Standing on
19 the cord. I wanted to thank the applicant for the
20 food, their hospitality tonight and arranging for
21 this meeting.

22 I wanted to thank you all for your
23 effort and energy to be in here to the twilight
24 hours to express yourselves and let us know your
25 concerns. And I hope you know that we've taken

1 vigorous notes and I hope you've seen that we've
2 tried to listen to you and explore your concerns
3 and will address them ultimately, as will the
4 applicant.

5 So, if no one has any further comments
6 thank you. We'll see you again at, I believe, at
7 least the PSA workshop; and depending on how some
8 of these other issues play out, there may be
9 another workshop such as this in the interim.

10 So, stay posted. But, thank you,
11 everybody. We appreciate it.

12 (Whereupon, at 10:30 p.m., the Data
13 Response Workshop was adjourned.)

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CERTIFICATE OF REPORTER

I, TROY A. RAY, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Data Response Workshop; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said workshop, nor in any way interested in outcome of said workshop.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of August, 2008.

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345□

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
For the CARRIZO ENERGY
SOLAR FARM PROJECT

Docket No. 07-AFC-8

PROOF OF SERVICE

(Revised 7/24/2008)

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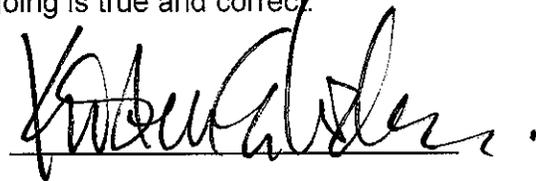
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I, Kristen E. Walker, declare that on August 29, 2008, I deposited copies of the attached August 5, 2008 Data Response Workshop Transcript in the United States mail with first-class postage (FedEx) thereon fully prepaid and addressed to those identified on the Proof of Service list above.

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I declare under penalty of perjury that the foregoing is true and correct.



Kristen E. Walker