STATUS CONFERENCE

BEFORE THE

CALIFORNIA ENERGY RESOURCES CONSERVATION

AND DEVELOPMENT COMMISSION

In the Matter of the Application For Certification:	)	
	)	Docket No. 11-AFC-2
Hidden Hills Solar Electric Generating System	)	
_____	)	

CALIFORNIA ENERGY COMMISSION

HEARING ROOM A

1516 NINTH STREET

SACRAMENTO, CALIFORNIA

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Center for Biological Diversity

Jon Zellhoefer

Jack Prichett
Old Spanish Trail Association

ALSO PRESENT

Dana Crom, County Counsel
Inyo County

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PROCEEDINGS

HEARING OFFICER CELLI: Good morning, everyone. We have almost a full complement on the dais. We have applicant here. We have staff here. I see -- Ileene Anderson, can you hear me?

MS. ANDERSON: Yes, I can. Good morning.

HEARING OFFICER CELLI: Good morning. I see that you're on the phone. That's great. I'm going to -- I have Gregg Irvin. Gregg, can you hear me?

MR. IRVIN: Yes, I can. Just fine.

HEARING OFFICER CELLI: Okay. And, Gregg, who you are with.

MR. IRVIN: Spectra.

HEARING OFFICER CELLI: Okay. Oh, he's with staff?

SITING PROJECT MANAGER MONASMITH: (Nods head.)

HEARING OFFICER CELLI: Okay. I have Jay Stroh. Good morning. Jay Stroh, can you hear me?

MR. STROH: Good morning.

HEARING OFFICER CELLI: Good morning. Are you with staff or applicant?

MR. STROH: No. I'm just community. Thank you.

HEARING OFFICER CELLI: Good morning. Well, I'm glad you're here. Jon Zellhoefer is an intervenor. I'm going to unmute Jon. Welcome back, Jon.

MR. ZELLHOEFER: Thank you. I'm here.

HEARING OFFICER CELLI: Okay. Great. Tracie Wheaton. Tracie is with the applicant, and she's got -- I'm happy to see -- there's the icon for people who are listening and speaking from their computers. They're completely liberated from the telephones. That's kind of nice. So we're moving on. We're stepping up technologically here.

Good morning, everybody.

If you are with, say, the applicant or staff and you really don't think you're going to be speaking, I'd ask that you mute the phone on your end, if you can, so we don't hear your dog bark or your kids cry in the background. And then I think that's it.

We're ready to kick off.

ASSOCIATE MEMBER PETERMAN: Good morning, everyone. Commission Peterman here. Welcome to the Status Conference for the Hidden Hills Solar Energy Generating Systems Project.

Let me take a minute to introduce everyone up here on the dais and the parties with us today. I am the Associate Commissioner on this proceeding. The lead Commissioner is Commissioner Karen Douglas who is not able to be here with us today. But we are joined by her advisor, two people to my left, Galen Lemei. Immediately

to my right we have Jim Bartridge, who is the advisor to my office. And immediately -- immediately to my left we have Ken Celli who's the Hearing Officer who will be running this proceeding. And then two to the left, we have Eileen Allen who is advisor to the Commission on siting.

We have first -- to the left, we have our applicant. Does the applicant want to introduce themselves, please.

MR. JENSEN: Clay Jensen, the Project Manager, Director of Project Development for BrightSource.

MS. STRACHAN: Susan Strachan with Strachan Consulting, permitting consultant for BrightSource.

MR. HARRIS: Jeff Harris with Ellison, Schneider, & Harris on behalf of BrightSource. And we have several folks in the audience as well who will introduce themselves when they speak, if they speak.

ASSOCIATION COMMISSIONER PETERMAN: Great. Thank you. And we have staff. Please introduce yourselves.

STAFF COUNSEL RATLIFF: Yes. Dick Ratliff counsel for staff, and with me Mike Monasmith, the Project Manager.

ASSOCIATE MEMBER PETERMAN: We also have a number of intervenors. We have Jon Zellhoefer on the line. Do we have anyone from CBD on the line at the moment?

MS. ANDERSON: Yes. This is Ileene Anderson with the Center for Biological Diversity.

ASSOCIATE MEMBER PETERMAN: Great. We have Ileene Anderson with the Center for Biological Diversity. We also have as an intervenor Jack Prichett with the Old Spanish Trail Association. Is he on the line?

We also have, draw your attention to our Public Adviser's Office, who's represented by Lynn Sadler today. If you're in the room, if you have any questions, please direct them -- and you're a member of the public, please direct them to Ms. Sadler.

Also I'd like to take an opportunity to -- offer an opportunity to introduce themselves from any of our federal, State, or local partners. I believe we have a representative from Inyo County in the room on the line. Please introduce yourself.

MS. CROM: Dana Crom from the County of Inyo.

ASSOCIATE MEMBER PETERMAN: Thank you.

Anyone from -- representing any federal agencies?

Anyone representing any other California State or local agencies?

Well, good. With that. I'll turn this over to Hearing Officer Celli.

HEARING OFFICER CELLI: Thank you, Commissioner Peterman. Just a quick question. I see we have Lynn

Sadler here. Lynn, have you had any contact from Jack Prichett or Old Spanish Trails Association?

ASSISTANT PUBLIC ADVISER SADLER: Yes, we have, but I don't know if he's attending today.

HEARING OFFICER CELLI: Okay. And is there anyone on the phone representing the Old Spanish Trails Association?

Okay. Hearing none.

We'll move on.

The Status Conference on the proposed Hidden Hills Solar Energy Generation Systems was set at the applicant's request. The Committee scheduled today's event in a noticed -- in a notice that noticed all of our status conferences. We filed that on January 11th 2012, and we have copies in the podium -- or rather in the foyer here as you come in the door. It's also available on the web at the website for the Hidden Hills SEGS project.

Today, we're going to talk about -- first, the purpose of today's conference is to hear from the parties regarding the status of the Preliminary Staff's Analysis, help resolve any procedural issues, and try to assess any scheduling of future events in this proceeding.

We will first provide the applicant an opportunity to summarize their view of the case status. We did receive a document recently that contained a new

proposed schedule. I'm sure the applicant should probably lead off with that. After we hear from applicant, we'll hear from staff. After that, we'll hear from Intervenor Zellhoefer. After that, we'll hear from the CBD, or Center for Biological Diversity. And finally, we would hear, if there's anyone from the Old Spanish Trail Association, which is our newest Intervenor in the case. Then we will provide an opportunity for the general public to make comment, either those who are present or on the phone.

And I wanted to briefly recap our last status conference. At the last status conference, the parties stated that the following subject areas were potentially not in dispute. We're early on in this proceeding, or sort of towards the middle I guess. And it seems that the executive summary project description, hazardous materials, soils, traffic and transportation, transmission line safety and nuisance, facility design, geological and paleontological resources, efficiency, general conditions of compliance and closure, air quality, public health, noise and vibration, reliability, and worker safety and fire protection were what we were considering non-disputed subject areas.

The subject areas that were in dispute were, or are, water resources. We talked about a pump test last

time. We talked about impacts to the Amargosa River, impacts to neighboring wells, cumulative effects, and bio impacts. As to waste management, I have it as a -- in the disputed column, but I don't really remember why. We can find out.

Socio, we had a question regarding emergency response. And biology, we were talking about bats, birds, Raptors, Desert Fox, Desert Tortoise. I don't remember, do we have Mohave Ground Squirrel in this? We don't have that. Okay. Rare plants, mesquite bosques and hummocks I think we talked about last time.

We talked about transmission systems engineering, which wasn't necessarily in dispute per se, but that we were waiting on it on the cluster analysis from Cal ISO. With regard to visual, we talked about changing out a KOP and adding the possibility of more KOPs and night lighting.

And in land use, we had a whole complement of people from the County of Inyo. Which, by the way, Dana, if you want you can have a seat over here at the counsel table, so you can have a ready mic. Ms. Dana Crum?

MS. CROM: Crom.

HEARING OFFICER CELLI: Crom from Inyo County. She's county counsel. We talked about non-conforming use and whether there was a need for an amendment to the

general plan. Also, we spoke about cultural. Petition to compel was on the table. There was an extension of time provided to staff. We'll hear what came of that.

And then alternatives, we talked about Sandy Valley. There was distributed generation and photovoltaic that was raised by CBD.

Anyway, the Committee is interested in hearing whether any of these potentially disputed areas can be resolved and have been resolved. If not, why not?

So with that, we'll go directly to the applicant's presentation. And if you would, Mr. Harris, let's talk about the new boiler situation first.

MR. HARRIS: Okay. Great. Thank you very much. We appreciate the opportunity to be back before you. This is the second status conference. And we just want to thank the Committee for putting this into the schedule. It's a really big deal. It's a great thing to be before you, and to be able to speak openly about the issues in the case at this early stage. And so thank you, once again, for scheduling the event.

We did want to start with the boiler optimization and schedule. We think that's probably the best thing to talk about. It's the good news. The best news anyway, and we want to start with that.

And just kind of signal where we'd like to head

to the staff. We would like them to talk about the subjects in the following order, if you're amenable and the Committee's amenable:

So, first, about schedule on optimization; second, about alternatives; third, about cultural resources; fourth, about biological resources and everything that entails; fifth, visual resources; sixth, water resources; seventh, we've kind of grouped land use an socio together; and then eighth, the various and sundry subjects, TSE, waste management, whatever else the Committee wants to talk about.

So we'd sort of organized our professionals to be here in that order. And if that works for everybody, that would be great. We're certainly flexible. So should I start with the boiler optimization then, sir?

HEARING OFFICER CELLI: Go ahead.

MR. HARRIS: Thank you.

Well, I'm sorry Commissioner Douglas isn't here. Maybe it's a good thing. She might have fallen off her chair to hear an applicant say "schedule" and "good news" in the same sentence. But I think we do have some good news there, both for the project and for the staff, in terms schedule.

In most simple terms what's occurred here is that the applicant has decided to remove the large boiler from

the project configuration. And we can have Mr. Rubenstein get up in a few minutes and talk about the technical details related to the boiler system. But sort of the bumper sticker and the short answer is here that the largest boiler, the largest emitting source is going to be removed from the project design. That's an enhancement that we think will create great improvements for the project, in terms of air quality issues.

We expect, under all scenarios, to have improvements for both greenhouse gas reduction and also for criteria pollutant reduction. And again, I'm kind of on the edge of my knowledge, and I'll let Mr. Rubenstein speak a little bit more about those.

But it is good information. We've been working with the air district to coordinate on that. The removal of the large boilers is what we refer to as the boiler optimization. We needed some kind of shorthand to help us work through that. And that seems to be the best description of what we're talking about, when we remove that large boiler.

Sierra Research, Mr. Rubenstein, Ms. Matthews and their staff have been working with the air district to talk about these issues. We believe that we can work through these issues relatively quickly, and that the air district should be able to provide draft conditions to the

staff in time for incorporation into their Preliminary Staff Assessment.

I think the good news, from our perspective and probably staff's as well, is that that schedule does lineup to allow for a Preliminary Staff Assessment on the April 13th date that staff had requested -- or staff had -- I don't know if requested is the right word, but that was in the last two status reports for staff. So we think that's a good, kind of, confluence there and a benefit for both the project and for the applicant.

So we've attached to the letter we filed yesterday, and we have copies for anybody who needs them, either at the dais or in the room, a proposed schedule. Does anybody -- you have those, okay.

And for anybody in the room, if you need a copy, just come up and we can provide those somewhere. Susan has them.

We've put together a realistic and reasonable schedule. And, you know, given our commercial obligations, it allows us to move forward in a way that really is consistent with the staff's schedule and with our commercial needs.

We're showing those dates -- and, again, my reference to Commissioner Douglas falling out of her chair is that we've come to agreement with staff on all dates

related to PSA, and actually even suggested a Final Staff Assessment date that is about six weeks later -- six weeks later than the staff had proposed last time. And we think that is directly a result of Sierra Research's hard work and realistic look at the air district process. Because at the end of the day, the most important thing for your decision, is to have a FDOC before you have a Final Staff Assessment. And this schedule provides for that.

So I really want to compliment everybody on our side for working hard to put these things together. And I think it's a very reasonable schedule, you know, all the way. We've given a schedule -- and just to be clear, all the way through the end of the proceeding as proposed dates. Those are not staff's proposals. Those are the applicants. And they're for your consideration. The focus really is on the earlier dates.

So with that -- would you like to hear a little bit more about the actual boiler optimization, the technical issues there?

HEARING OFFICER CELLI: One moment. Let me just inquire.

No thank you.

MR. HARRIS: Oh, good. Terrific.

HEARING OFFICER CELLI: We're mostly interested in the schedule at this point.

MR. HARRIS: Strangely enough, so are we.

HEARING OFFICER CELLI: This is just -- remember, this is not a hearing. This is a status conference. This is -- we're hanging out and talking today. That's what we're doing.

MR. HARRIS: Right. Cool.

HEARING OFFICER CELLI: So we don't really need a blow by blow.

MR. HARRIS: Okay. I guess, at that point, I think I'm going to shut up and let other people react to the proposal. But we are -- we're very pleased with where things are going. We think removal of the large boiler is a good thing for the project. And we think the schedule makes a lot of sense.

HEARING OFFICER CELLI: So thank you, Mr. Harris. Let's hear from staff regarding the boiler optimization proposed schedule.

STAFF COUNSEL RATLIFF: Well, staff agrees that the optimization proposal, which we understand will also result in an amendment to conform the design of Ivanpah, is a good thing. It reduces emissions, both criteria emissions and greenhouse gas emissions, from the project. And so we support the idea that they would make this change.

As I understand it from discussing it with the

applicant, it may delay the preliminary Determination of Compliance from the air district. And typically, the PDOC, as we call it, is the document that we have to have before we issue the Preliminary Staff Assessment. That's the way we've always tried to do our analyses. It allows us to have the air district's analysis of the project's conformity with applicable rules, including rules that provide the enforcement and compliance with the Clean Air Act.

In this case, my understanding is that the district, although the PDOC will be delayed, the district is willing to put out draft conditions, which we could put in our Preliminary Staff Assessment, so that we presumably could go ahead and publish our document in advance of receiving the PDOC. And I think that that's what we're going to try to do to try to accommodate this change that we all want.

HEARING OFFICER CELLI: Just as a practical matter, the Committee would like to see as complete a PSA as we can get. And it looks to me like the applicant is scheduling, assuming the PDOC comes out, in a way, so that it precedes the PSA, so that you wouldn't have to juggle it. So really it sounds, from my reading of this schedule, staff is really waiting on the PDOC to come out.

STAFF COUNSEL RATLIFF: Typically, we would not

put a PSA until the PDOC comes out, yes.

HEARING OFFICER CELLI: Right. So you're proposing an extension.

STAFF COUNSEL RATLIFF: Here, we are contemplating doing the opposite, assuming the air district can provide us with a useful draft of the applicable -- or what kinds of revisions, Conditions of Certification they recommend be required.

HEARING OFFICER CELLI: Okay.

MR. HARRIS: Could I add one thing to that?

HEARING OFFICER CELLI: Yes.

MR. HARRIS: Mr. Ratliff is correct, it would be essentially the district providing draft conditions to your staff. So it would be a complete PSA, including conditions.

My understanding is that this only affects two or three conditions in the overall FDOC, PDOC. It's very limited in scope, again, removal of an emitting source and some minor moving of some equipment. So I want to emphasize that what staff would have in the PSA is going to be a complete PSA and it's going to have, basically the - and I hate to use the term - but administrative draft conditions of the PDOC.

HEARING OFFICER CELLI: Excellent. Anything further on that, staff, Mr. Ratliff?

STAFF COUNSEL RATLIFF: No.

HEARING OFFICER CELLI: Okay. Thank you.

Let's go to Jon Zellhoefer. You're -- let me unmute you. Okay. Mr. Zellhoefer, do you have any comment on the proposed schedule?

MR. ZELLHOEFER: No. I think that's -- the delays are well documented. And I concur with the boiler optimization impact. I think the slight delays will be well worth it in the long term. So that's it. I'm good.

HEARING OFFICER CELLI: Good. Thank you, Mr. Zellhoefer.

Ileene Anderson, any comments regarding the boiler optimization proposed schedule?

MS. ANDERSON: Well, I think we definitely support removing those large boilers from the project, but I still think that the timeline is a bit quick. And, you know, I mean, we want to see as complete of a PSA put out there for comment as well, because it makes it difficult to, you know, comment on things if we don't have as much information sort of nailed down as possible.

And we also think that there's other -- perhaps other important issues that may require extending the timeline for the PSA.

HEARING OFFICER CELLI: I think we -- we'll probably have to cross those bridges as we get to them.

But I would say that for your purposes, it's -- this really amounts to about a three-month extension of our proposed original timeline, and includes still a good PSA and FSA and workshops in between.

So I think we'll probably have to deal with any issues that you think you need more time on as they come up. But I would say, and would you agree, Ms. Anderson, that this is sort of good news?

MS. ANDERSON: It's a step in the right direction.

HEARING OFFICER CELLI: Okay. Anything else on that?

MS. ANDERSON: Nope, that's all my comments.

HEARING OFFICER CELLI: Thank you. Now, I'm just going to inquire, I have a note from the Public Adviser's Office that Mr. Prichett from the Old Spanish Trails Association will be calling in. And I just wanted to know whether he's called in yet or not. Are you out there, Mr. Prichett?

ASSISTANT PUBLIC ADVISER SADLER: I am going to let him know. He is not. Mr. Prichett is going to call in when we deal with cultural and visual, and I will need to let him know when that is.

HEARING OFFICER CELLI: Okay. That's in about two topics or one and a half, so he should probably call

in really soon.

ASSISTANT PUBLIC ADVISER SADLER: Excellent. Thank you.

HEARING OFFICER CELLI: Thank you. Okay then, moving on then -- well, I just want to say -- ask whether there's any questions from the Commissioner regarding schedule or anything?

Okay. Well, I want to -- I appreciate change and I think that it's a good thing we're reducing emissions. So thank you for that. Your explanation was very clear. And so, as I said last time, this is a perfect example. At our last status conference, there was a -- there was some talk from staff about slippage in the schedule. And I was loathe to put out another scheduling order, because this is bearing out. This seems to always happen.

So we're going to kind of roll with it for the time being. I don't want to issue a new scheduling order, until we get closer to -- probably until after the PSA comes off, and we have a real sense of when the FSA will come off. And then we would probably issue a new scheduling order at that time.

And in the meanwhile, I'm sure you'll do your best to get things moving as quickly as we can as efficiently as we can certainly.

So with that, we are on to alternatives.

MS. STRACHAN: Thank you. On February 9th, the applicant provided the data responses to the request that staff had asked on the Sandy Valley alternative site, and also on alternative technologies. In addition, a member of the community had asked, when we had a workshop in Tecopa in January, questions about the Bloom Box technology. Applicant has contacted Bloom Energy, who's the developer of that technology, and we'll be providing staff with information on that technology to include in the analysis.

We have nothing further to add on alternatives.

HEARING OFFICER CELLI: Thank you, Ms. Strachan.

And, staff, now last we spoke, we were on the verge of a petition to compel. And there was a stipulation with regard to a 10-day extension. This was probably maybe bigger than alternatives, but what's --

STAFF COUNSEL RATLIFF: That was with regard to cultural resources.

HEARING OFFICER CELLI: That's right. Okay. So with regard to alternatives, anything on alternatives?

SITING PROJECT MANAGER MONASMITH: Yeah. Just that we did receive the data responses from the applicant. And we continue to move forward with the Sandy Valley alternative site. We actually are going to include, as part of the footprint, some parcels that are actually in

San Bernardino County, as well as Inyo County, due to issues with site control and the feasibility. And we have that information. That's the only real change from the last time we got the alternative technology information. We're moving forward with the analysis. So we're doing that in-house, and this shouldn't be a -- pose any potential conflicts with schedule at this point.

HEARING OFFICER CELLI: Okay great. Because in my memory, part of the need for petitions to compel was the absence of information regarding who the property owners were of the parcels for the Sandy Valley alternative.

SITING PROJECT MANAGER MONASMITH: Right. Hearing Officer, there was just some outstanding data requests that the applicant had in terms of providing that information in Inyo County. And we have that information for San Bernardino County and we're moving forward with that analysis.

HEARING OFFICER CELLI: And you're satisfied with that?

SITING PROJECT MANAGER MONASMITH: At this point - I'm looking at the alternatives analyst - yes, we're fine.

HEARING OFFICER CELLI: Okay.

SITING PROJECT MANAGER MONASMITH: There will be

no more data requests due to Sandy Valley.

HEARING OFFICER CELLI: Good. I see nodding heads in the audience, so that's a good sign.

Anything, Mr. Zellhoefer, regarding alternatives?

MR. ZELLHOEFER: Yes. I did review the materials that were presented. I would like to make sure that the alternatives analysis does include the impact of greenhouse gases in the manufacturing of, for example, solar panels, and also the impact of carbon dioxide emissions using, for example, this technology which I understand that -- this Bloom Box technology, which is based on fuel usage as opposed to strictly solar-type alternatives.

I do understand that in the current project, it is basically 100 percent solar with only a slight amount of natural gas used in this -- in system maintenance. So I do think that that's an important part of the analysis, particularly when looking at photovoltaics, because I know it takes quite a bit of energy to make those panels and to get those panels to the job site.

That's all.

HEARING OFFICER CELLI: I just wanted to ask you, Mr. Zellhoefer, just so for future reference, since you're speak into your computer, when you speak we need you to look directly at your microphone and speak to it, because

if you turn your head, we get a little garbled. And you said something about the manufacturing of something, and I didn't quite get that word.

MR. ZELLHOEFER: That would be the manufacturing of the photovoltaic panels.

HEARING OFFICER CELLI: Okay.

So I'm -- Mr. Zellhoefer, I'm going to ask staff, in response to that question, because you're interested in lifecycle GHG impacts, whether -- how much of that analysis does staff do?

STAFF COUNSEL RATLIFF: Well, I think we're not talk about alternatives here now. We're talking about, I suspect, cumulative impacts. And Mr. Zellhoefer apparently is suggesting that we should be quantifying greenhouse gas impacts from photovoltaic panels, but I don't believe there are any photovoltaic panels associated with this project, not that I'm aware of.

Secondarily, I think he's suggesting some kind of end-use lifecycle analysis of the greenhouse gas emissions related to the production of equipment that would go into the facility.

Staff has not ever performed that kind of analysis, simply because there's no agreed upon methodology of protocol to determine how you actually quantify that kind of cumulative effect, nor does staff

think that it would be particularly useful or determinative of any issue with regard to a project such as this.

Certainly, some degree of greenhouse gas emissions is associated with the manufacture of equipment in the facility, but it would be -- staff believes that it would be minuscule compared to the greenhouse gas emissions avoided over the life of the project. So we wouldn't see it as being a significant cumulative impact, in any case.

ASSOCIATE MEMBER PETERMAN: I'm going to ask the applicant also just to take a second and explain your technology versus photovoltaics, just so we're all on the same page.

MR. HARRIS: Okay. Yeah. And what I understood Mr. Zellhoefer to be talking about was alternative technologies, not the alternative site. But, yeah, they are different technologies. Our technology involves the mirror reflection to the boiler to boil water to produce steam. PVs are typically, you know, self-contained, if you will. It's photovoltaic conversion of electricity.

And I guess I want to agree with Mr. Ratliff too on the lifecycle analysis thing. That's something that hasn't been undertaken. There isn't any generally accepted methodology for that.

HEARING OFFICER CELLI: Thank you. So, Mr. Zellhoefer, did you hear all of that?

MR. ZELLHOEFER: Yes. And that's fine. I'm good. Thank you.

HEARING OFFICER CELLI: Great. Thank you.

I'm going to ask Ileene Anderson if she has any comment with regard to alternatives.

MS. ANDERSON: Yes. I actually, you know, support Mr. Zellhoefer's request for that, you know, lifecycle and the greenhouse gas impacts. And I think that it's really incumbent upon the CEC to develop that methodology to evaluate those impacts, because what I'm hearing is that, oh, well, we think that the impact is going to be so low that we simply won't analyze it. And I think it's informative and important to have those data evaluated.

HEARING OFFICER CELLI: I hear you.

MS. ANDERSON: And I'm not speaking necessarily for the PVs, because I understand the technology is solar thermal, but the analysis of that, I think, is also important.

HEARING OFFICER CELLI: Okay. Thank you. One moment. I'm sure we'll hear more about this as we go on.

Is there anyone -- I see I've got a new call-in user. Do we have anyone from the Old Spanish Trail on the

phone?

MR. PRICHETT: Yes. This is Jack Prichett. I just logged in a second ago.

HEARING OFFICER CELLI: Thank you. Welcome, Jack.

MR. PRICHETT: Thank you.

HEARING OFFICER CELLI: This is Ken Celli from the podium. I'm the Hearing Advisor in this case.

MR. PRICHETT: Okay.

HEARING OFFICER CELLI: Did you hear what the discussion regarding alternatives?

MR. PRICHETT: No, I did not. I just dialed in a minute ago. And did you have any comment with regard to the alternative, so far in the case?

MR. PRICHETT: No. I would like to hear them restated it, if somebody could just run them down bing, bing, bing, bing. I'm not sure of all of them.

HEARING OFFICER CELLI: Well, that's yet to -- just so you know where we stand. Today is a status conference. This is -- It's not a hearing.

MR. PRICHETT: Yes.

HEARING OFFICER CELLI: We're not taking evidence yet. What's going to happen is staff is going to publish first a Preliminary Staff Assessment. It's going to include all of the usual alternatives analysis, PV, you

know, everything, hydro, all the other -- you know, gas fired, everything.

MR. PRICHETT: Right.

HEARING OFFICER CELLI: And so they do a good job of that. They even have -- there's been discussion of these bloom boxes is going to be included. So the analysis is pretty far reaching.

MR. PRICHETT: Yes.

HEARING OFFICER CELLI: But as you participate -- and it's great to have you, Mr. Prichett, representing the Old Spanish Trails Association. As you participate in some of these workshops, and as you evolve with the case, you're going to get a real sense of what alternatives are going to be included. And then as we have many of these status conferences scheduled, you'll be able to bring to the attention of the Committee anything that you think might be lacking.

MR. PRICHETT: Right.

HEARING OFFICER CELLI: So good. Thank you. With that then -- and your timing is perfect, because we're now getting into cultural, which I think is your issue, so let's hear from the applicant -- oh, one moment.

Question from Ms. Allen. Go ahead. Eileen Allen.

MS. ALLEN: This is a question for staff. Are

you aware of whether BLM has received an application for a separate solar facility proposed in the Sandy Valley? If so, does it involve the same site or overlap the applicant's alternative?

STAFF COUNSEL RATLIFF: I'm not aware and apparently Mike isn't either.

SITING PROJECT MANAGER MONASMITH: I think there had been discussion about a PV project in the past, but I'm not aware of any specific filed application with BLM or any of the privately held land, which is substantial in Sandy Valley as well.

MS. ALLEN: Thank you.

HEARING OFFICER CELLI: Is that it on alternatives?

Galen, anything?

Galen, did you have anything?

MR. LEMEI: No.

HEARING OFFICER CELLI: Okay. Great. Thank you.

Let's hear from applicant with regard to cultural.

MS. STRACHAN: Thank you. At the end of the last status conference, our technical cultural experts and staff's cultural experts met to discuss some of the outstanding data requests. Specifically, there were two, 127 and 128, which staff in its Status Report number 1 had

stated that a motion to compel may be provided.

HEARING OFFICER CELLI: And if you wouldn't mind reminding us, what are the asking for in 127 and 128?

MS. STRACHAN: I was fearful you were going to ask me that. I think it's a research. It deals with going into doing further research on the sites that were identified within the project boundaries.

HEARING OFFICER CELLI: Okay, within the footprint of the project?

MS. STRACHAN: Yeah. It was taking the analysis a step further with regard to those sites within the project site.

HEARING OFFICER CELLI: Okay. Thanks.

MS. STRACHAN: As a result of those discussions, we agreed to provide the responses to 127 and 128. 127 was provided. We can't move on and do 128, until we get staff's approval of 127, because 128 is the actual work -- work in the field, so we're waiting to hear back from them.

So to our knowledge -- at this point, we do not believe that there are any unaccounted for, so to speak, cultural resources, data requests. I know in staff's status report, they made the comment that data response -- or request 121 and 134 that the applicant has not yet committed to undertake the completion of these.

In actuality, our records show that we did provide a response to 134 in January as part of our data response set 1D. And that for 121, that one is answered as part of 127. So we'll work with staff to just make sure they've got all the appropriate information and to clarify that.

HEARING OFFICER CELLI: Thank you. Staff.

STAFF COUNSEL RATLIFF: We agree that it doesn't look like a motion to compel will be necessary. We are, I think, meandering to some kind of resolution of the issues over what information the applicant will provide, and what we need four our analysis.

So we'll keep trying to workout these data requests issues with them, and open hopefully you won't hear anymore about it.

HEARING OFFICER CELLI: So it sounds like you were able to resolve whatever was outstanding last time. It looks like a petition to compel is now off the table.

STAFF COUNSEL RATLIFF: Well, it certainly seems to be. Like I think Ms. Strachan just said, staff has not yet responded to what I believe is the workplan for the work. And I don't know what changes or adjustments we might make with that. That's still something we have to discuss with the applicant. So it's not a resolved issue yet.

And until it is, I can't tell you for sure that everything is going to be okay. But we're continuing to discuss it with the applicant, and they've been very responsive in the discussions we've had with them so far.

HEARING OFFICER CELLI: Thank you. I just -- I want to make sure that we're not giving the impression from the podium that the Committee has a position one way or the other on a petition to compel. It's actually something the Committee can actually do. And it helps focus issues. It helps get things moving along. And if any party needs to bring one where we're don't -- that isn't something that's disfavored. It's something that we think is part of the process and we're happy to do it. So I just want to be clear about that.

Lets's hear from Mr. Zellhoefer, with regard to cultural.

MR. ZELLHOEFER: No, new issues. I think, at this time. Everything is good.

HEARING OFFICER CELLI: Thank you. Cultural issues. Ileene Anderson, any cultural matters from CBD?

MS. ANDERSON: No, I don't have any, at this time. Thanks.

HEARING OFFICER CELLI: Thank you. Let's -- I know we have some from the Old Spanish Trail Association, so let's here from Jack Prichett on the cultural issues,

please.

MR. PRICHETT: Yes. One issue I wish to reiterate, where I think it was Ileene just asked about the status of the Sandy Valley site, because that also sits right astride the corridor of the Old Spanish Trail, as defined by the National Parks Service. So I'd like to know the status of that, and whether we need to consider that as -- for its potential impacts on the Old Spanish Trail.

And then second, I sent a proof of service announcement around earlier, let's, see last week. I believe it was on Thursday. And I pointed out the law, the National Trails System Act, that defines the Old Spanish Trail as the 1829 to 1848 mule caravan period.

And I am now working on a report, which I will submit to the Commission, that defines what we know that will show and map with archival evidence what we know about the route of that mule caravan in the area and perhaps across the project area.

HEARING OFFICER CELLI: Now, have you been participating in the workshops, Mr. Prichett?

MR. PRICHETT: This is the second one that I have participated in. Now, are they on a regular basis, because I went through my Email. I didn't see that I got a notice. So if there's a regular calendar time, let me

know and I will be sure that I'm on or someone else.

HEARING OFFICER CELLI: Well, generally, they're noticed by staff. As far as these Status Conferences are concerned, we noticed them all in a single noticing that went out in January, and that's on the website. You can always check in there. And that's a good thing to do just as a back up, in case you're wondering whether you're missing something. You can always go to the website and look and see what's up there.

MR. PRICHETT: Right. I'm on it right now, and I -- but I mean there's a lot of postings. And if you only posted it in January -- if it's on a regular weekly basis, I'll put that on my calendar.

HEARING OFFICER CELLI: Yeah. It's, I would say, periodic, not regular.

MR. PRICHETT: Okay. And is there a difference between a Status Conference and a workshop?

HEARING OFFICER CELLI: Yes, a very important difference.

MR. PRICHETT: Okay.

HEARING OFFICER CELLI: The big difference is that the Committee that is going to decide this case is presiding over a Status Conference.

Now, this isn't a hearing and we're not taking evidence. This is really sort of the informal

conversation to find out how things are going. A workshop, the Committee does not participate in. That's an opportunity for the parties to get together. Our regulations require that those meetings be noticed. And so staff will notice them, and staff will pretty much run those workshops.

But the workshops are very important, because it sounds to me like the information you have to provide to staff is very useful, and very important. So I think that -- I want to make sure that you're participating fully in the workshop.

MR. PRICHETT: Indeed.

ASSOCIATE MEMBER PETERMAN: And I'll ask that our Public Adviser just follow-up with you, Mr. Zellhoefer after the status conference just to make sure that you have access -- that you'll be able to locate where all -- you know, how to get information about the workshops and the status conferences.

Oh, sorry, Mr. Prichett, you as well.

MR. ZELLHOEFER: I would appreciate that.

HEARING OFFICER CELLI: Thank you. And so anything on that, staff, with regard to the Old Spanish Trail Association, the new definitions provided, the 1948 -- or rather 1848 through 1849 mule caravan?

MR. PRICHETT: It's 1829 through 1848.

HEARING OFFICER CELLI: Thank you. I stand corrected.

STAFF COUNSEL RATLIFF: We received the information, and we appreciate Mr. Prichett's contribution, and assistance on this. I think there was also a question as to what the status of Sandy Valley is. And just to clarify, without belaboring it, staff is looking that as a site alternative to the proposed project.

HEARING OFFICER CELLI: Well, that would certainly affect it. So, Mr. Prichett, you'd mentioned one the Sandy Valley item and two, the definition of the mule caravan period. Anything further with regard to cultural?

MR. PRICHETT: There is still a question, the law does not -- the law does not consider the wagon train -- the wagon trails, known variously as the Mormon Road or the Great Salt Lake Road, which then were built, more or less, following the Old Spanish Trail. In some cases, they run right over it. For instance, some places on the Old Spanish Trail highway.

I'm not sure whether the Commission or the Applicant wish to consider the -- you know, those wagon trails as part of the Old Spanish Trail or whether they want to consider them as separate cultural resources,

since there is a confusion between the two.

HEARING OFFICER CELLI: Staff, can you respond to that?

STAFF COUNSEL RATLIFF: I don't know the answer to that.

HEARING OFFICER CELLI: So is staff looking into what those distinctions. Apparently, you have two trails that converge and diverge in various places.

SITING PROJECT MANAGER MONASMITH: Yes. Our cultural resources staff are reviewing Mr. Prichett's submittal. It was discussed briefly at our workshop last week on the 22nd, and that he participated in. It was based on that, that his submission came through and we are reviewing it. And we'll continue to engage him.

HEARING OFFICER CELLI: Thank you. So for that reason, you need to stay tuned and participate in the workshops, Mr. Prichett, so you can sort of shepherd that.

MR. PRICHETT: I will do my best. And if I can't be on, I'll have someone else from our organization call in.

HEARING OFFICER CELLI: Excellent. Anything further on cultural, Mr. Prichett?

MR. PRICHETT: Only that the Old Spanish Trail there, we have discovered -- we continue to discover on-the-ground pieces of it, in and about the project area.

So it's a very live issue.

HEARING OFFICER CELLI: Very good. Appreciate your input.

MR. PRICHETT: All right. That will do it for me.

HEARING OFFICER CELLI: Thank you. Anything, Commissioner Peterman, on cultural?

ASSOCIATE MEMBER PETERMAN: This is a general question about cultural resources. Have any concerns been raised by local tribes?

STAFF COUNSEL RATLIFF: Yes. The staff has met more than once with several of the tribes, and have had a number of discussions with them about their concerns. I have not been present at those meetings, but the staff is trying to take into consideration those concerns.

HEARING OFFICER CELLI: Thank you.

Okay. We're moving on to bio then. Let's hear from applicant with regard to biology.

MS. STRACHAN: Yes. We had a positive workshop with the staff on February 22nd, last Wednesday. One of the topics talked about at great length was Desert Tortoise. At the workshop, the staff provided what their thinking is to date generally with regard to mitigation ratios for Desert Tortoise and suggested avoidance measures.

They're going to continue in those efforts and we'll look forward to getting further information from staff, and working with them on mitigation.

HEARING OFFICER CELLI: Staff, bio?

STAFF COUNSEL RATLIFF: Yes. The staff, particularly at the last workshop, discussed the value of the habitat, which the project would affect, and the various complications, in how you evaluate that habitat.

The USGS mapping of Desert Tortoise habitat suggests that it's a habitat of high value. I think the opinion of the biologists who have viewed the site is that it is not of the same quality as the habitat at Ivanpah or Calico or some other projects that the Commission has licensed.

At the same time, the habitat is not uniform. And so there are a number of issues to try to determine what kind of compensatory obligation the applicant would have, in terms of making certain that impacts to Desert Tortoise are fully mitigated as required by the California Endangered Species Act.

One of the things that we discussed in the last workshop with the applicant was the possibility of looking at changing the project footprint to reduce impacts to areas that might be considered to be better habitat. We understand that the applicant is very sensitive to

suggestions of changing the footprint, because this could go to the engineering of the project, and the feasibility of the project.

So nevertheless, I think they have at least accepted the possibility of looking at that. We don't know whether that is going to be one of the answers as to what to do, in terms of mitigating impacts by avoidance, of whether making -- reconfiguring the project footprint would make sense. But we wanted to examine it, particularly since the better habitat for tortoise and perhaps for other sensitive species tends to be along the California-Nevada border and in that area.

So that's something we will look at to try to determine if it makes sense or to see if it -- if there is any possibility of doing avoidance.

HEARING OFFICER CELLI: Any other -- besides December Tortoise, any other issues of any other flora or fauna.

STAFF COUNSEL RATLIFF: Well, yes. I mean, there are kit fox on the site, and that's an issue that, along with the Desert Tortoise presence, we have had a number of discussions with the Department of Fish and Game staff, and this presents certain kinds a logistical problems, because kit fox is also a protected species, and one as I believe that you cannot get a take permit for. So it

presents certain challenges for how you do a project where there is kit fox habitat.

Secondarily, there are numerous plants which are rare in terms of the CEQA definition of rare plants. Some of these plants have been found, in very few instances, in California, and CESA is a California specific statute.

The applicant has suggested that the reason these plants have not been discovered in California is simply because there's been no inventory for them broadly, and has suggested perhaps, if it looked more broadly, it would find it's not as rare as it would appear to be.

And I think it's my understanding that they may be taking that course to try to determine that the plant is, in fact, a much more broadly located plant than our current understandings and records would suggest.

HEARING OFFICER CELLI: Thank you. Go ahead.

ASSOCIATE MEMBER PETERMAN: Following up on your discussion of the kit foxes, has Fish and Game expressed any opinions on the kit fox issues, and is Fish and Game working with CEC staff on any data requests in this area?

STAFF COUNSEL RATLIFF: Yes. We have, I think, made progress. We're working with the regional office of Fish and Game, and they've recently become much more involved in the biological issues. And we're very encouraged by that. We want to make sure that the

mitigation under the endangered species -- the State Endangered Species Act is reflective of their views on what it should be. And so, yes, we're working very directly with them now.

MR. HARRIS: Could I add a couple things here. And Ms. Strachan was actually going to talk about the kit fox and plants too, so she may have some things to chip in here as well. But as to the Desert Tortoise, I guess, one of the things I want to point out is the tower height, and we talked a little bit about this last time.

In terms of avoidance, as that term is used, one of the things that we've said consistently in the AFC and thereafter, is that by making the tower taller -- it's a 700 foot tower here, 750 in this case, as opposed to a shorter tower at Ivanpah, we were able to shrink that project footprint in considerably. And maybe we haven't done a good job of explaining that or taking credit for that shrinking footprint with the taller tower.

To me, that is -- there's already a significant amount of avoidance incorporated into the project design, and it's one of the reasons that the project is the way it is. And then as the kit fox, I guess the one thing I want to add, we're not talking about the San Joaquin kit fox, which is a listed threatened or endangered species. This is the desert kit fox.

Nevertheless, we understand the issues that are going on in other solar projects. We understand the profile the kit fox issue has. And we take it very seriously and we're going to work very closely with staff on those kit fox issues.

Anything you want to add?

MS. STRACHAN: Oh, I was just going to add that at the workshop on the 22nd, CEC biologist Carol Watson did a very good job, I think, of explaining what staff's concerns are with kit fox. We understand that there are data requests pertaining to kit fox that are forthcoming. We look forward to seeing those.

With regard to the special status plants, we did provide staff last month with a report of survey results that we did in the surrounding area to complement the ones that were done on the staff -- on the site, excuse me, that do show that the plants, several of the ones on the site are found in the other areas.

Staff provided good information for us, in terms of what it's considering in terms of its threshold for determining if mitigation is required. And we'll continue working with them on that issue.

HEARING OFFICER CELLI: Thank you. I'm going to -- what I'd like to do for the sake of the Commissioners, is let me ask the intervenors if they have

any bio issues and then we have any follow-up questions, and we'll move on.

So, first, Mr. Zellhoefer, anything regarding biology, biological issues, biological resources?

MR. ZELLHOEFER: Yes, I do. And, first, I would like to clarify what was just mentioned about the tower height. I think that the impact on biological by BrightSource's choice of going to a higher tower could be perhaps a little bit better documented so that we could all see how much has been mitigated before we even started to look at the project. So I commend them on that.

I would like to see, for example, the project 25 percent smaller in footprint, because of the tower height and how that might have affected things. Also, in reading through the data responses on the turtles, it appears that they could be just as easily Nevada turtles as California turtles. There's a certain range to their wandering. And it seems that most of the instances of turtles are almost right on the California-Nevada border.

So when the discussions of relocating turtles comes up, I would hope that staff keeps in mind that these turtles might have been from Nevada just as easily as they were from California, and we should relocate the turtles to habitat that is most helpful to them. And if that is in Nevada, I would hope that we would certainly consider

that.

That's all.

HEARING OFFICER CELLI: Thank you. Let's hear from Ileene Anderson from the Center of Biological Diversity.

MS. ANDERSON: You know, I don't think I have any comments on the bio at this time. Although, I look forward to our next workshop.

HEARING OFFICER CELLI: Well, thank you. Let's hear from Jack Prichett. Jack, are you still on the line?

I think we went away. He really only had a cultural issue, so I guess he couldn't participate further.

So with that, I'm going to ask Commissioner Peterman if you had any questions with regard to bio?

Let's hear from Eileen Allen. Eileen, you might want to even explain to everybody what your role is, so that it would -- because they're wondering which Commissioner you're with.

MS. ALLEN: Good morning. I work with all the Commissioners on technical aspects of the power plant siting cases. So I look at all the material, then talk with the Commissioners and their advisers about questions and clarification that I'm looking for related to various potential issues. So that's why some of these kind of

subject-by-subject specific questions are coming forward. And then some of my questions relate to how progress and information provided will affect the schedule.

So along those lines, following up on the last status report by staff, when does staff expect BLM to submit a Biological Assessment and request for a Section 7 consultation process to the Fish and Wildlife Service?

STAFF COUNSEL RATLIFF: I'm thinking about this before I say something that will probably be wrong, but the project in California that BrightSource has proposed is on private land. The transmission portion of the project, which is from this project that goes into Nevada, is on BLM land. And as I understand it, the Service is doing a biological opinion, and is in consultation on the Nevada side of the project.

The California project and the context of that biological opinion, and that BLM right of way permit will be a connected action, which will be included in the overall analysis that the U.S. -- that the Service will do as part of that consultation.

So there will be a biological opinion that looks at impacts to protected species on the private land that is the project side. The timing of that biological opinion, perhaps the applicant has a better sense of when the biological opinion is expected. I don't know what the

schedule is. My experience from past cases is that usually these opinions come out either very late in our process or after our process is concluded. But perhaps the applicant knows more about whatever schedule the service is using for that biological opinion.

MS. STRACHAN: It's our -- obviously, it's not a schedule that we control. We're the connected action associated with the BLM process. But our understanding is the Biological Assessment to be submitted to Fish and Wildlife Service is being prepared, and we've submitted to -- from BLM to Fish and Wildlife Service in the next couple of -- couple of months. And then the Fish and Wildlife Service has 135 days for which to add -- issue the biological opinion.

STAFF COUNSEL RATLIFF: Just to clarify, the Biological Assessment is something that the project proponent prepares and submits to the Service. If Ivanpah is any guidance on this, the Service typically rejects the Biological Assessment more than once for lack of complete information -- or the information that they want before they prepare the opinion.

And so the timing of the filing of the assessment certainly is relevant to when you actually see the biological opinion, but it isn't necessarily -- it doesn't give you a concrete guide to when there will be a

biological opinion.

MS. ALLEN: Thank you. This is still kind of vague as to when the process will be completed. So does staff anticipate any concerns with being able to complete its Final Staff Assessment for biological resources?

STAFF COUNSEL RATLIFF: No, we don't. I mean, we have our own issues, of course, and our own difficulties, but I don't think staff's assessment of the impact to protected species is reliant on the issuance of a biological opinion. We'll have the benefit of the Biological Assessment that the applicant has provided, but we'll also have developed a great deal more of information through our data requests, and through working with Fish and Game as the trustee agency.

So I think our analysis is largely independent of that done by the Service. And if the biological opinion comes out in time to be -- to inform our assessment, that's good, but we aren't dependent upon it.

MS. ALLEN: I also wondered about the status of the draft Desert Tortoise relocation plan. I think that's a question that's directed to the applicant.

MS. STRACHAN: We filed the draft of the relocation plan January -- I believe it was January. What we're also dealing with, and I think Mr. Zellhoefer brought that up, is that -- brought the issue up, is the

translocation and whether the tortoise could be translocated to Nevada or California. I think there's a concurrence that the better habitat, the more suitable habitat is in Nevada. However, there's some concern that with -- with Fish and Game and that's being addressed right now.

MS. ALLEN: Thank you. That concludes my questions for bio resources.

HEARING OFFICER CELLI: Thank you. Thank you for the information. Let's move to the next, which is visual. Mr. Harris, you brought that up to -- we're talking about the tall tower and its utility, but go ahead, applicant, on visual.

MS. STRACHAN: Thank you. Visual was the other issue area that was discussed at the workshop on the 22nd. Based on that workshop, we understand that staff, and they stated in the status report, have hired a consultant. It's our understanding that the purpose of the consultant is to verify the simulations that we prepared and included in the AFC.

We had discussion at the workshop about if staff were, or the consultant were, to determine that any of the simulations needed to be revised, that we have a preference that we prepare those simulations. The simulations actually use the engineering drawings that

have been prepared by the pro -- for the project. The engineers actually create 3-D CAD models that are then used to do the simulations.

So just to ensure that that detailed information is used, our preference is that we would be the ones to prepare any revised simulations.

We also provided -- have provided information that staff requested pertaining to the transmission lines and the poles that are on the project site. Staff questioned why those were not visible from some of the KOPs for which they believe they should -- or would expect them to be visible. And we had our technical expert provide some figures, which demonstrated why you cannot see those. It's our understanding that staff agrees with the information that was provided, and that is information that will be docketed.

We also understand that KOP 7, which is the one from Old Spanish Trail, that was provided in our first round of data requests -- or responses. That staff, at this time, is concurring with the location of that KOP. There was discussion in their status report that put into question the accuracy of that location. And we based the information off of National Park Service maps, conversations with the National Park Service, that seems to be definitive data that was available to us at that

time, and staff seems to be concurring with that conclusion.

Lastly, there was a reference made in the status report, and talked about a little bit at the workshop about glint and glare, and we have data requests that were provided to us on those. We're preparing those responses, an we'll file those on March 5th.

HEARING OFFICER CELLI: Thank you. Let's hear from staff. Do you agree with all of that, specifically the simulations that -- remember, last time we were speaking, there was a question about who was going to prepare the simulations. Is that acceptable to staff that the new revised simulations come from applicant?

STAFF COUNSEL RATLIFF: Well, staff has basically undertaken to review the simulation work that was done. I'm reluctant to say anything more until our review is complete.

HEARING OFFICER CELLI: Okay. So you agree with the transmission line? I'm remember reading there was a concern in the --

STAFF COUNSEL RATLIFF: Well, I think the -- at the workshop there was discussion about why the transmission line was not visible in the KOPs that were used.

The explanation is that geographic features from

the KOPs that we have obscure it. They can't be seen. I think that seems to be a good explanation. I think there was further discussion about whether an additional KOP from near the California border on the Old Spanish Road would perhaps be indicative of what, if any, visual impact you have from that transmission line.

HEARING OFFICER CELLI: Okay. So do I understand then that -- do we have a concern over the appropriateness of KOP 7?

SITING PROJECT MANAGER MONASMITH: Staff and consultants are working on that right now. And we actually -- they are reviewing the information. Actually, Mr. Prichett had also weighed in on this issue during the staff workshop back on the 22nd. Our staff are actually in the field today working on this issue and verification issues, in terms of accuracy oh KOP 5, and KOP 7, the one in question on the Old Spanish Trail.

HEARING OFFICER CELLI: And did KOP 8 go away? Do you remember when we were talking about KOP 8 last time, that was in dispute?

SITING PROJECT MANAGER MONASMITH: Yes. Yes, that's gone away.

HEARING OFFICER CELLI: Okay. So we have seven KOPs, and that's what we're going with.

Okay. Good. The record should reflect that

there were nodding heads in the affirmative.

(Laughter.)

HEARING OFFICER CELLI: Let's go to Mr. Zellhoefer. Anything regarding visual impacts, Mr. Zellhoefer?

MR. ZELLHOEFER: Now, I brought those up last week with the staff review. The glare issue coming off of KOP 7 is being addressed. It cannot be properly represented in any kind of photographic or printed. But the plans of it and the visuals of it, I believe, are being addressed. My concern is that traffic heading eastbound on Old Spanish Trail coming from Tecopa. When you come to that point, there is a curve in the road, you'll be looking down upon the two towers, and I did have a concern about glare and possibly the effects of distracting the driver.

HEARING OFFICER CELLI: And you presented that at the workshop, Mr. Zellhoefer?

MR. ZELLHOEFER: Yes, I mentioned that at the workshop. And I believe that is what was addressed just a few minutes ago, that is going to be dealt with in early March.

HEARING OFFICER CELLI: So that's the glint and glare issue.

Anything further on that?

MR. ZELLHOEFER: Yes, particularly from KOP 7.

HEARING OFFICER CELLI: Okay. Glint and glare, KOP 7.

MR. ZELLHOEFER: There is a number of glint and glare data requests that's gone in that we'll be waiting for the responses from on March 5th.

HEARING OFFICER CELLI: Thank you, Mr. Zellhoefer.

Anything further on visual from Mr. Zellhoefer?

MR. ZELLHOEFER: No, not on visual.

HEARING OFFICER CELLI: Okay. Let's hear from Center for Biological Diversity. Ileene Anderson.

MS. ANDERSON: No, I don't have any comments on visual, at this time. Thank you.

HEARING OFFICER CELLI: Is there anyone on the line from the Old Spanish Trails Association?

Hearing none.

Commissioner Peterman, any questions regarding visual?

Saying none. Okay. Good. Let's move on to land. Land is a big one. And I want to acknowledge for the record that we have Dan Crom.

MS. CROM: Crom.

HEARING OFFICER CELLI: Crom.

MS. POTTENGER: Hearing Officer Celli, If

possible, can we do water resources first before we move to land use.

HEARING OFFICER CELLI: Sure. Oh, I'm sorry. I crossed it out. Water. We're on to water resources. You're right.

MR. KAZIO: Gary Kazio, BrighSource Energy.

HEARING OFFICER CELLI: Gary, your mic needs to go on. Could you say your name again, please, and spell it.

MR. KAZIO: Gary Kazio, K-a-z-i-o.

HEARING OFFICER CELLI: Thank you.

MR. KAZIO: BrightSource Energy, assistant project manager for the Hidden Hills project.

In order to address staff's concerns in the data requests 2A, we were requested to do a pump test to determine the feasibility of performance of the aquifer that delivery water for our project. We developed a seven-day pump test plan, and got concurrence with resource experts from both Inyo County and the California Energy Commission.

We analyzed the six wells that are located on the site. Two of which were proven to be satisfactory to move forward with the test. We drilled some monitoring wells around those existing wells to help further refine the model to determine drawdown from the effects of pumping

the amount of water that was going to be needed.

We started the testing at about four and a half day of very good results. In a short period of time, the aquifer actually stabilized and the drawdown was pretty much static at that point.

After the four and a half days, after doing the testing, we had some vandalism on one of the wells, and prematurely stopped the test. But as we collected all the data, and as they started to analyze the data, it was demonstrated that the aquifer was going into a static state, and that the results that we did obtain, were very conclusive of what was actually occurring in the aquifer.

The results did clearly demonstrate that we had the ability to draw the 140-acre feet per year over the four and a half day period. And we are very confident that with the four and a half days worth of test results, that it will demonstrate -- that it will fit a true curve for the performance.

Also, during that period, we'd noticed that the one-foot drawdown only occurred about 200 feet from the well. So through the continuous pumping of the four and a half days, and with the aquifer becoming stable, the drawdown was actually closer into the actual well location than what was actually in the conservative model that was provided in the AFC. So overall the results were really

quite well.

The report will be finalized by the 29th of February and given to the CEC staff to help further their analysis.

HEARING OFFICER CELLI: Thank you. Staff, anything on that, please?

STAFF COUNSEL RATLIFF: We look forward to seeing the report.

HEARING OFFICER CELLI: And let me ask you this, what about a four and a half day pump test rather than a seven day pump test?

STAFF COUNSEL RATLIFF: I can't answer that. I think that's a question for the technical staff, and we may want to look at the materials that they filed.

HEARING OFFICER CELLI: I'm just trying to anticipate, is this something that's going to require yet another pump test, and then we're going to drag out our schedule any?

STAFF COUNSEL RATLIFF: I think it's a fair question. I don't know.

SITING PROJECT MANAGER MONASMITH: Our technical staff were, I believe, briefed yesterday and I've not got an opportunity to talk with them. I think they want to see the final report that gets filed tomorrow, and then this obviously will be included in our status report that

we filed, for number three here, in a couple weeks.

HEARING OFFICER CELLI: Do you have a workshop coming up? When is your next workshop?

SITING PROJECT MANAGER MONASMITH: At this point, it's not scheduled. Though we've had discussions with the applicant about a mid-March workshop probably in Inyo County. It will be our eighth and final of discovery.

HEARING OFFICER CELLI: You know, as these issues come up that can affect scheduling, that's really the sort of things we're focusing in on.

MS. CROM: If I can just Interject briefly, I will indicate that applicant did brief Dr. Bob Harrington, who was here at the last conference on behalf of Inyo County, on Friday afternoon. And we too await the test results. But I do know that applicant has been very good in including Inyo County, and particularly Dr. Harrington who is our Water Director, on these issues.

HEARING OFFICER CELLI: Great. Thank you.

MS. CROM: And we'll respond as soon as we receive the report. If there's any concerns, obviously, Dr. Harrington will bring those to everybody's attention.

HEARING OFFICER CELLI: So that will be something, I guess, we're just going to have to hear about.

Go ahead.

MR. JENSEN: Yeah. I apologize for switching seats here to confuse people.

HEARING OFFICER CELLI: Just state your name for the record.

MR. JENSEN: Sure. Clay Jensen, BrightSource, project manager. I wanted to provide a little bit more science background. I definitely am probably not the appropriate person to be describing this. But as I heard it, as you do these pump tests over time, you're measuring the drawdown that's occurring around through the monitoring wells.

And as that drawdown hits a curve, there's a predicted curve of where these plot points are going to be -- and again, this is far more technical than I even completely understand. But from the conversations I've heard and our scientists are telling us, that the data very quickly followed a particular path or a particular curve and began to level out to a horizontal position.

And what I'm understanding that to mean is that the additional two and a half days of testing that would have gone between the four and a half days of seven days, would not have provided material information that would have altered the conclusions of the report. So from the applicant's perspective that's what was included in the report -- will be included in the report.

So we don't think that there will be any need to reset the study. We quickly wanted them to run that analysis in the event that staff needed that additional data to hold schedule. And it's compelling, in our opinion, the evidence that there's no use to resetting that data, because you're going to replicate the same results over the same duration, so there's not a reason to. So I just wanted to address the scheduling perspective. Our opinion is very strongly that it won't have an impact on schedule.

HEARING OFFICER CELLI: Thank you. Let's hear from Mr. Zellhoefer regarding water resources.

MR. ZELLHOEFER: I concur with what Clay just said. I haven't done water engineering in a long time, but I did graduate from UCLA with a civil engineering degree, and what he described, in terms of curves and reaching the status point, I understand, and I agree with. I'm glad to hear that they found the water necessary for the project. And that was my concern brought up over the hearing. And this puts the water issues to rest, in my book.

Thank you

HEARING OFFICER CELLI: Thank you, Mr. Zellhoefer, and go Bruins.

(Laughter.)

HEARING OFFICER CELLI: Let's see. Let's hear from Ileene Anderson from Center for Biological Diversity regarding any water issues.

MS. ANDERSON: Yeah. Well, as you know, we're concerned about the water issues, and basically, the Pahrump Aquifer and its relationship to the Amargosa. But that said aside, to address the issue that we're currently discussing, we look forward to the report as well. But we do think the due diligence should be had and a full seven days worth of pumping should occur.

HEARING OFFICER CELLI: Okay. I just -- I want to be clear that, in my discussions with staff just now, that they have yet to notice the next workshop, but I certainly hope that this matter will be discussed at the next workshop. I'm sure it will be. And certainly you'll be there Ms. Anderson to help participate in that.

MS. ANDERSON: I plan on it.

HEARING OFFICER CELLI: Thank you.

Is there anyone out there from the Old Spanish Trail Association on the phone?

Okay. Hearing none.

Commissioner Peterman.

ASSOCIATE MEMBER PETERMAN: No.

Eileen Allen

MS. ALLEN: This is for the applicant. Have you

identified a date for filing the proposed water supply mitigation plan?

MR. KAZIO: In January, BLM actually had a meeting to determine what some of the impacts would be as a result of having a connected action. I think that's BEA's application for the transmission corridor.

And in that meeting they had come to -- of which the meeting the CEC had the ability -- the CEC staff also had the ability the listen in to that meeting. As a result, BLM has come to a determination of what they feel would be their portion of the mitigation.

They have worked on drafting a letter to the CEC, and I know they've been having conversations with CEC staff to determine what that will look like.

We're expecting -- we are awaiting for that letter to come out, so we can also participate, and what the content of what that letter is, and then to also formulate any other measures that may also come as a result of other forms of mitigation.

So to answer your question, no, I don't have a date.

MS. ALLEN: In progress and some things beyond your control.

MR. KAZIO: It's imminent. Correct. My understanding is that it is imminent and should be in a

short period of time.

MS. ALLEN: Okay. This is the first we've heard about the vandalism on one of the wells. What's being done now to prevent future vandalism?

MR. KAZIO: When we did the drilling of the monitoring wells for around the actual well location, we had staff on site. So we had two well locations. And the staff -- and we had full-time biologists, and we had full-time resource experts monitoring the data that was occurring in the wells.

And they were going back and forth between the two wells, so this vandalism actually occurred while they were at one well location. So as they moved back and forth, somebody had come in and created the vandalism. And it's under investigation right now by Inyo County.

So we did have staff at the time, so it's kind of hard to prevent those type of occurrences when we did have folks out there and it happened right underneath us while we were there.

MS. STRACHAN: If I could say, there's really nothing -- I mean, there was the well activity going on, but other than that, there's nothing out there to vandalize. The site is basically bear. I think that if there was something -- some other activity occurring, that's something we would have to address at that time.

MR. KAZIO: I think for the construction activity, there will be a security plan that will be developed and submitted to the CEC as part of the record also.

MS. ALLEN: Thank you.

HEARING OFFICER CELLI: I just want to, while we're on water, we had received a comment about a month or so ago from something like the Friends of the Amargosa River or Amargosa River Conservancy or something like that. Are they participating still in workshops?

SITING PROJECT MANAGER MONASMITH: Yeah. The Amargosa Conservancy has been active participants. I don't believe they participated last Wednesday on the 22nd, but Donna Lamm, the executive director, Bill Christian, who's with The Nature Conservancy, but works closely with Amargosa, have been monitoring our information, publications. They are particularly interested in the results of the pump tests, and I'm sure they will participate with us in our mid-March workshop in Shoshone is probably where we'll go.

HEARING OFFICER CELLI: Okay. Good. Thank you.

And let's move on now to land use. Applicant, this is a big issue, so far as we can tell.

MR. JENSEN: Again, Clay Jensen with BrightSource Energy.

With this topic, I'm going to allow Dana, if it's appropriate, at the end of the conference, to ask questions, and for us to have some dialogue at that point. So I'm not going to get into a whole lot of detail, other than to let you know that the Commission has received three bits of correspondence from Inyo County relative to the both land use and socio impacts of the project.

I'll hit those one at time very briefly. The first one I'll address is the letter dated February 23rd from Joshua Hart, the planning director. In essence, the letter is encouraging BrightSource to apply for a general plan amendment. We're preparing a formal response to that document that we'll have available to the Commission staff and to Inyo County in the next couple of days. By the end of the week we plan to provide that to both parties.

We'll go through, and we have some disagreement in the language used in the letter. There's some facts in here that we generally have a different feeling about, that's not important to get into at this juncture.

What I will tell you is a couple of key data points. We have scheduled a presentation to the Board of Supervisors in Inyo County for March 13th. So we've been working with Inyo County staff to get that coordinated and scheduled. We plan to solicit input from the Board on a path forward for us. And we'll have a better update at

the next status conference on what we've decided to do cooperatively with Inyo County. So that's one key data point.

Another key data point is the letter from Mr. Hart. In our opinion, it provides some very good dialogue regarding conformance with the existing zoning. And while we may disagree with their position, we recognize that that's their position and we need to find a path forward in regards to conformance with the existing zoning and land use, and we're encouraged to do that.

In the letter, it describes a variety of possible paths forward within a general plan amendment. We want to have continued discussion with Inyo County, and we'll open that dialogue immediately to figure out what the actual path would look like, which of the options outlined would be the best path forward for the project. So part of our response will be requesting additional correspondence communication to figure out within the general plan amendment, or the other options considered in that report, which path makes the most sense.

So our plan is to get that clearance and that clarity, and have the presentation on the 13th, solicit feedback from the Board of Supervisors, and then react accordingly, and -- which may very well include submitting an application for a general plan amendment. So that's

how we plan to address that particular letter from Inyo County.

I don't know if you want me to go through all the letters and then come back for questions?

HEARING OFFICER CELLI: Really not, I would say, unless the rest of the dais does, and they're shaking their heads no. I appreciate your comments with regard to the February 23nd, which I thought was quite a demonstration on Inyo County's part, that they were really sort of bending over backwards to find a way to make this work. And so I'm glad to note that you've got a 3-13 presentation. So, no, you don't have to go through the entire history.

MR. JENSEN: Perfect. So I'll just real briefly summarize another letter related to socioeconomic impacts. Again, I want to compliment Inyo County on their effort that they went through to develop what they consider to be possible impacts to the project on their services and infrastructure.

We've looked at them each individually, and we'll be preparing a response or our thoughts to those impacts. I think that can be best characterized by a bit of a gap in understanding on a few elements that we haven't provided enough data to Inyo County to demonstrate that our impacts are going to be less than what they've

identified in their letter.

So we will be providing a lot of that information specific to a site security plan and related impacts to the sheriff's office and traffic and transportation impacts, which are the two largest categories. So we'll be going and working with Inyo County on those individual impacts, and Commission staff, to help get us to common ground.

I don't think there's a lot of significant concern with the thought process. So I think we're encouraged by the letter and look forward to the open dialogue.

The last letter is regarding -- from Inyo County recording site reclamation. And I think that, from our perspective, we'll be working with staff to work with Inyo County as well to come up with a common goal for our reclamation plan that we anticipate to look very similar to previous projects that the Energy Commission has approved or authorized. So we don't expect significant departure from what we're used to seeing as a reclamation plan from the Commission. That's all we had.

HEARING OFFICER CELLI: Thank you.

Staff, let's hear from you regarding -- this is -- we're talking now about land use and socio, I guess, but mostly the Committee is really interested in land use.

STAFF COUNSEL RATLIFF: Well, I can say a lot or a little, and my preference would be to say a little.

The letters speak for themselves. I think they're illustrative of the difficulties that can arise when local agencies are opposed to a project in their jurisdiction, even though the State has the authority to override such opposition. It seems like there are all kinds of complications that arise in that -- a person went to that approach.

We're still hopeful that there will be conformity, and that the designation for the site will change, so that there will be conformity with the project. And we're reviewing the letters that the County has provided us so far.

ASSOCIATE MEMBER PETERMAN: Is staff planning to attend or call in to the 3-13 Board of Supervisors meeting.

STAFF COUNSEL RATLIFF: I don't -- you know, I just became aware of that, so I don't know, but it sounds like a good idea.

ASSOCIATE MEMBER PETERMAN: If there's an opportunity to do so, I think that would be valuable.

MS. CROM: Dana Crom on behalf of Inyo County. We don't have a call-in process for our board meetings, so we would encourage staff to be there in person.

HEARING OFFICER CELLI: Seems like a good idea. Thank you.

So let me ask -- we'll come back around to you on that, Ms. Crom, unless you had something right now that's relevant to that.

MS. CROM: No, that would be fine. I'll go ahead and play clean-up.

HEARING OFFICER CELLI: Let me just ask the intervenors first. John Zellhoefer -- Zellhoefer, if you have any input with regard to land use or socio, socioeconomics?

MR. ZELLHOEFER: I think on the procedure when we were looking at the solar overlay plan for Inyo County, particularly the southeast part of Inyo County, extensive public hearings were held. And it is my understanding, having followed it quite closely, being in Tecopa, that it was approved, that there was a general plan amendment approved.

And I actually started getting inquires from solar companies regarding Tecopa and using the land there for solar projects. It was only after the threat of a lawsuit that the County then rescinded this solar overview to the general plan amendment. And I am certainly understanding of the frustration that perhaps -- I haven't spoken with the applicant, but perhaps the applicant is

feeling, because, in my opinion, the public process was followed. The input from the public was received. The County supervisors voted. And there was a general plan amendment change.

And now it seems that we've kind of backed into this position, where we're dealing with this project on a case-by-case basis. I know these things happen, but I think that the -- I would hope that the Commission understands that there was a full public process in the southern Inyo area, and the zoning amendment change was done in conformance with County procedure. And from the residents' standpoint, the standpoint of Charleston View and Tecopa, we have no issues whatsoever with this being a solar project.

HEARING OFFICER CELLI: Thank you, Mr. Zellhoefer -- Zellhoefer.

Let's go to Center for Biological Diversity and Ileene Anderson.

MR. ZELLHOEFER: Yeah, you're welcome. Thank you. And also I am --

HEARING OFFICER CELLI: Oh, go ahead.

MR. ZELLHOEFER: This is the first I've --

HEARING OFFICER CELLI: Mr. Zellhoefer, did you want to make further comment, because you just went silent?

MR. ZELLHOEFER: Yes. It's a little bit of delay, sorry. I would also be interested in knowing about this March 13th hearing, if it's going to be in Independence with the county supervisors? So if somebody there, maybe Dana or somebody -- I know it's noticed, but I will try to find out more about it and possibly be there myself.

HEARING OFFICER CELLI: Anything further?

Okay. Let's go to Ileene Anderson, Center for Biological Diversity regarding land and socioeconomics.

MS. ANDERSON: I have no comment on those two issues at this time. Thank you.

HEARING OFFICER CELLI: Thank you.

Is there anyone on the phone from the Old Spanish Trails Association?

Commissioner Peterman.

And questions, Eileen Allen, on land use or socio?

MS. ALLEN: I'll wait to hear from Ms. Crom.

HEARING OFFICER CELLI: Okay. Well, we'll put it -- anything further from Inyo County?

MS. CROM: Just briefly. One question has come up concerning the March 13 board meeting, that would be a Tuesday, a normal board day for Inyo County. BrightSource has been invited and the afternoon, I believe, to give a

presentation to the Board of Supervisors on the project and to basically field questions from the board members.

As it currently stands, there may be a workshop in the morning with staff addressing the Board of Supervisors on this project. What I will indicate is that our agendas are published on our website, which is inyocounty.us. And that will also include all of the back-up information.

So as it stands right now, it is a presentation before the Board of Supervisors as its normal meeting on March 13th. And the agenda will have the times and the information.

HEARING OFFICER CELLI: And when you said presentation by staff, did you mean Energy Commission staff?

MS. CROM: No, that would be our staff. Sorry.

HEARING OFFICER CELLI: Okay. I just want to be clear.

MS. CROM: Inyo County staff. But we would invite the Energy Commission staff to participate to the extent that they can. We do not have WebEx. We are not wired, so to speak in that room. So if that creates some difficulty, we can attempt to address that. But I would ask them to let us know as soon as possible, so I can get our IT person working on it, if we need to.

With respect to the land-use issues, Inyo County has made it clear from day one that the project is not in compliance with the general plan. I understand Mr. Zellhoefer's comments concerning the prior general plan overlay. However, it was only after litigation, not a threat of litigation, that led to the withdrawal of that general plan overlay, and the general plan designation over the area that this project falls within.

We have been requesting that the applicant submit a general plan amendment for a number of months, including prior to the submission of the AFC. When we met with them, the applicant -- and expressed what we believe to be the concerns of our bosses, the Board of Supervisors, that land-use issues are near and dear to their hearts, and that this project, to the extent that it can be made compliant with the general plan, be done so.

So I look forward to the applicant meeting with the Board of Supervisors and being able to respond to their inquires on this particular issue.

The reason for the letter that was sent by Mr. Hart was because we actually have not -- other than a request to meet with the Board of Supervisors, we have not had any dialogue with the applicant since prior to the last review hearing in January. So I am hopeful that we will receive some feedback from the applicant, and that a

dialogue can resume between the County and the applicant on these land-use issues.

With respect to the socioeconomic letter, that is something that the County has been working diligently on with CEC staff, including -- and particularly with our economist. If -- I mean one of the frustrations has been the lack of information that has been provided by the applicant. And I believe that's noted in the letter. And as this Commission is aware, the project site from the service center in Inyo County is more than 250 miles away. I just tracked what I drove from Bishop to here, it's 270 miles. That's about how far it is from the project site to Bishop, which is where most of our services are provided.

We simply do not have an infrastructure out in this area, or we have very little infrastructure out in this area. And so attempting to absorb any additional costs is simply not doable.

We have recommended, and we would still recommend and request, that if there is a workshop on the issues of socioeconomics, that it be held in Inyo County preferably in independence, so that the affected county departments can be present to address the concerns that they may have and as are outlined in their letters.

Lastly, the County did address site reclamation

in a recent letter, that is because we did not see really any discussions on it. As I indicated, we had -- as we indicated at the last conference, we have had some discussions with the applicant concerning site reclamation. However, those discussions have not -- we have not had any discussions since prior to the last review hearing, and we simply do not want that issue to fall between the cracks.

Other than that, I think those are the only points that I have, and I'd be happy to answer any questions.

HEARING OFFICER CELLI: Thank you. Eileen Allen, you had some questions that you didn't get to finish.

MS. ALLEN: My questions have been answered for now. There may be questions further on at other status conferences, depending on how this area evolves.

HEARING OFFICER CELLI: Yeah. I just want to go off the record just briefly.

(Thereupon a discussion occurred off the record at 11:49 a.m.)

(Thereupon the hearing went back on the record at 11:52 a.m.)

HEARING OFFICER CELLI: If we're not, we'll go back on the record.

MS. POTTENGER: Hearing Officer Celli?

HEARING OFFICER CELLI: Yes. Ms. Pottenger.

MS. POTTENGER: Pardon the Interruption. I believe Inyo County raised several issues that are of great concern to the applicant, and we'd like to have a chance to respond to those, given that land use is such an important issue to the Committee.

HEARING OFFICER CELLI: Okay. Let's hear from the applicant. Ms. Pottenger, go ahead.

MR. JENSEN: I appreciate it. Actually, I'll handle this part of the conversation. Again, Clay Jensen, BrightSource Energy.

Dana referred to several bits of information that I'd like to go through and just highlight a couple of responses to that. Prior to the last status conference, we were in fairly engaged dialogue with Inyo County regarding a variety of issues. And during those discussions, there's been a tremendous amount of frustration by both parties. I think there's some concern -- valid concern from Inyo County's perspective that there's not readily available information to fully understand the impacts of the project.

And I believe it's a nuance of the process itself, where the information needed to do a full assessment is a normal part of the Energy Commission process. So in October of last year, and November of last

year, and December of last year, we were still preparing bits of reports and data that is necessary to fully understand a security plan, a fire needs assessment plan, traffic and transportation modeling. There's certain pieces of that that Inyo County -- we're now getting in our hands to be able to provide and work with Inyo County productivity. So some of our early discussions were, you know, waiting for the information to become available.

I just wanted to point out that we had a lot of continued dialogue with Inyo County over -- since our first discussions, which were early last year, about a variety of topics. And there's a lot of clear open communication early in the process.

During our recent discussions prior to the previous status conference, we -- the frustration over a general plan amendment application not being submitted grew to a point where we were given the impression, because we were told to, to discontinue discussions relative to these specific impact areas until after we had applied for a general plan amendment.

We were seeking clarification in-house, not from Inyo County formally, on the best path forward. And I'm sure you can understand that the interconnected nature of a general plan amendment process through Inyo County, as it relates to a CEQA review, and the environmental

documents associated with that. And we discussed during the last status conference that we continue to endeavor to work with Inyo County as how best to structure the CEQA analysis between -- and work the two processes together. So we look forward to that dialogue.

But that put us in a position where we were not comfortable until we had an opportunity to speak with the Board of Supervisors about a path forward. So we endeavored to set that up.

I would also like to point out that I believe that the letters incorrectly portray our level of communication with the County since the last status conference. We have had dialogue with Inyo County. It was referred to before that we were working with Dr. Harrington on our water mitigation, and review of the pump test program. We've been endeavoring to speak with the Inyo County Sheriff's Office for several months. That understandably it was brought up into a cohesive document of all the departments, so we understand why now we're in a position of not being able to communicate directly for that purpose.

Additionally, there was some coordination effort over the last several weeks to set up the March 13th discussions. And we were -- continue to be under the impression that the County Administrative Officer, Kevin

Carunchio, wanted to be the point of contact for Inyo County related matters. So Mr. Hart's letter has referred to our not contacting Inyo -- Mr. Hart regarding a general plan amendment path forward.

We're under the impression that those discussions all are kind of revolved and related together through a broader dialogue of impacts to the County.

I think that the recent string of letters have opened the door of communication a bit from our perspective, and we're now ready to engage fully in that process starting on the 13th, or actually as referred to before, in advance of the 13th to understand what exact path for a general plan amendment might look like.

But I did want to put on record that we don't feel that we've gone silent, and we think we have had continued communication with the various departments of Inyo County, specifically before the last status conference. And then since that time, it has been somewhat limited, but there has been ongoing communication, which obviously with our acceptance of the invite to present at March 13th, we've established a record that we do want to work with Inyo County.

HEARING OFFICER CELLI: Thank you. I wanted to say for the Committee that the Committee is encouraged by the applicant's presentation and communication with the

Board of Supervisors. And the Committee has a very strong preference for resolution between the parties, with regard to land use.

And with regard to socio, the Committee would like staff -- Energy Commission staff to be in Inyo when those discussions take place, and have those discussions in Inyo, so that the public, the locals, can participate in any input having to do with fire, emergency services, et cetera.

The Committee wishes to be informed regarding any further delays as they seem to arise. We're going to have these monthly status conferences for the next couple of months, anyway, and then we'll see how things unfold with regard to the boiler -- what are we calling it -- the boiler optimization, and any other extensions in our calendar.

The Committee wishes that staff participate on the 3-13 presentation to the Board. We feel it's important for the Energy Commission to be there to answer any questions, to know what's going on, understand what the representations are, so that we're all dealing with the same -- operating out of the same book, and ask that staff participate in that. I understand that that might be a big traveling matter, but still that would be a preference of the Committee.

With that, I'm going to ask then, because we've covered all of the areas, if there's anything further on anything -- any matters that the applicant wishes to present to the Committee?

MS. POTTENGER: Nothing further from us, Hearing Officer Celli. We do thank the Committee for having these monthly status conferences, and we look forward to continuing to work with both staff and Inyo County on resolution of all issues.

HEARING OFFICER CELLI: Thank you, Ms. Pottenger and Mr. Harris.

Anything further from staff?

STAFF COUNSEL RATLIFF: No.

HEARING OFFICER CELLI: Thank you, Mr. Ratliff.

Anything further from Mr. Zellhoefer?

MR. ZELLHOEFER: Yes. Thank you. Just to follow up on the conversations between Inyo County and the applicant, I would bring to the Board's attention that Tecopa and Charleston View are as far from Bishop as you are. And when the CEC is looking for public input, it is almost impossible for the residents in the area affected by this project to attend meetings in Independence or in Bishop. I know this is a logistical problem, which will be encountered many times before this project is built.

But speaking on behalf of the folks that live in

and around Tecopa, I would like to see as many hearings, even at the County Board of Supervisors level, held in the Tecopa area as opposed to the Bishop/Independence area.

Thank you.

HEARING OFFICER CELLI: Thank you, Mr. Zellhoefer. And I just want to point out that it's very convenient, I hope for you, to be able to participate in this status conference by the WebEx teleconferencing system that we have. And when staff goes down to Inyo County, Tecopa or Shoshone or wherever, that we do what we can to set up and have a WebEx hearing there, so that people can actually call in and participate that way.

So we're doing what we can to make it easy for the locals to participate and have a voice and a say in this process. So thank you very much for your participation, Mr. Zellhoefer.

Ileene Anderson, any last comments?

MS. ANDERSON: Yes. As a intervenor, I'm greatly appreciative of the WebEx, but I'd also like some conferring between -- I know that staff confers with the applicant on the workshop dates. I'd also like the same opportunity with regards to workshop dates, because I do feel that they're actually more productive, if, you know, I'm there in the room.

HEARING OFFICER CELLI: I would agree with you

there. And I'm going to ask and I -- just so know, Mr. Monasmith is nodding his head in the affirmative here that staff will participate -- will include you in their scheduling decisions. Anything further?

MS. ANDERSON: Fabulous. Thank you.

HEARING OFFICER CELLI: Thank you, Ms. Anderson.

Anyone on the phone from the Old Spanish Trails Association?

Okay. Hearing none.

Let's go to the public comment period.

We have -- one moment. I'm sorry Dana Crom from Inyo County, please go ahead.

MS. CROM: Nothing further from Inyo County. Thank you.

HEARING OFFICER CELLI: Thank you. Sorry for forgetting you.

If we could have the Public Adviser come forward and just state on the record whether we have any members of the public in the room that wish to make a comment.

ASSISTANT PUBLIC ADVISER SADLER: There are no members of the public in the room.

HEARING OFFICER CELLI: Thank you very much. Then we will go to the phone, and we will open up the phone lines for public comment.

And ladies and gentlemen, on the telephone, first

I'm going to go through and ask questions of the people who were able to identify themselves. And then I'll have to open it up to the people who we just see as call-in user number one, number two, number three.

So Arthur Haubenstock, are you still on the phone.

Okay. He apparently has hung up.

Gregg Irvine, did you wish to make a comment?

MR. IRVINE: No, I'm still here. I have no comment.

HEARING OFFICER CELLI: Thank you, and thank you for listening in.

Gregg Wheatland has sent me an email that said he's just monitoring and doesn't need to participate.

Ileene Anderson we heard from.

J. Stroh, did you wish to make a comment?

J. Stroh, who was muted.

MR. STROH: -- WebEx, thank you very much.

HEARING OFFICER CELLI: I'm sorry, Mr. Stroh, could you say again. We didn't get that.

MR. STROH: Oh. I appreciate the opportunity to participate via WebEx and listen in on these meetings. No comment other than that. Thank you very much.

HEARING OFFICER CELLI: Thanks for participating. Thanks for being here.

Jeanine Hinde. She's with --

SITING PROJECT MANAGER MONASMITH: Staff.

HEARING OFFICER CELLI: -- Staff. Okay.

Okay. Karen Parker?

MS. PARKER: Thank you. No comment.

MS. POTTENGER: Karen Parker and Tracie Wheaton are with the applicant.

HEARING OFFICER CELLI: Okay. I'm sorry. So Karen Parker, you did not have a comment to make. You're with applicant, as is Tracie Wheaton.

Is there anyone on the phone, at this time, who would like to make a comment, please speak up?

MR. ZELLHOEFER: Ken, this is Jon. I have a closing comment, please.

HEARING OFFICER CELLI: Sure, go ahead, Mr. Zellhoefer.

MR. ZELLHOEFER: This is not as an intervenor. This is more as a member of the public. I would like to bring to the Energy Commission's attention that the Nye County Board of Commissioners voted last week unanimously to support this project. And you will be getting that correspondence from them shortly, if you have not received it already.

HEARING OFFICER CELLI: Thank you. And just for -- just so we know, Nye County is in Nevada, right?

MR. ZELLHOEFER: Yes. Nye County is the adjoining sister county, if you will, next to Inyo County on this project. And I believe they are also going to be requesting status as an agency participant, so -- but you'll be hearing that from them. It may just take a few days. But they are definitely behind this project.

HEARING OFFICER CELLI: Thank you, Mr. Zellhoefer.

Is there anyone else on the telephone, at this time, who would like to make a comment?

We have a -- let me unmute everybody. Is there anyone on the phone who'd like to comment?

I have two more people on the phone that unfortunately are identified as call-in user number three and call-in user number five. Did either of you wish to make a comment at this time?

And then I also have a person on the phone who has identified themselves as hyphen. And I wonder if you would like to make a comment?

Okay. Hearing none. Then I will return the meeting back to Commissioner Peterman for adjournment.

ASSOCIATE MEMBER PETERMAN: Thank you, everyone, for participating in the status conference. As usual, progress has been made. We look forward to the next update. This meeting is adjourned. Enjoy your day.

(Thereupon the California Energy Commission hearing concluded at 12:08 p.m.)

CERTIFICATE OF TRANSCRIBER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing California Energy Commission Status Conference was transcribed in shorthand by computer-assisted transcription by me, James F. Peters, a Certified Shorthand Reporter of the State of California, from the electronic sound recording.

I further certify that I am not of counsel or attorney for any of the parties to said hearing nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February, 2012.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
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