

DOCKETED

Docket Number:	15-AFC-02
Project Title:	Mission Rock Energy Center
TN #:	213462
Document Title:	Mission Rock Staff Status Report #1
Description:	Commission staff status report for Mission Rock Energy Center (15-AFC-2)
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/1/2016 12:09:06 PM
Docketed Date:	9/1/2016

Memorandum

Date: September 1, 2016
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To: Karen Douglas, Commissioner and Presiding Member
Janea A. Scott, Commissioner and Associate Member
Susan Cochran, Hearing Officer

From: **California Energy Commission** – Mike Monasmith
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Subject: **MISSION ROCK ENERGY CENTER (15-AFC-02) STATUS REPORT #1**

Per the Committee Scheduling Order dated August 12, 2016, staff submits the following status report #1 for the Mission Rock Energy Center (Mission Rock).

DATA REQUEST SUBMISSIONS AND RESPONSES

On August 1, 2016, Calpine Mission Rock Energy Center, LLC (Applicant), filed objections to 40 questions (tn:212531) contained in Data Request Set 1, which staff filed on June 24, 2016 (tn:211971). A Data Request and Issues Resolution Workshop was publicly noticed and occurred on August 26, 2016 (tn:212807) to resolve issues arising from the objections. Please see the summary of the workshop below.

To accommodate the possible need to file Motions to Compel following the workshop, and within the 30-day response period to the August 1, 2016 objection letter, staff filed a Request for Time Extension on August 26, 2016 (tn:212962), which is supported by the Applicant. The Request for Time Extension would give staff until September 26, 2016 to file any Motions to Compel for questions contained in Data Request Set 1 that were not resolved during the August 26, 2016 Workshop.

Staff filed Data Requests to Sets 1 and 1A (1A filed on July 15, 2016, tn:212305). Applicant initially requested the due dates be extended beyond the original 30-day response deadlines (July 25 and August 15, 2016, respectively) to September 1, 2016. Staff agreed to the delayed deadline with the further agreement that, with Committee approval, the result would be a day-for-day adjustment in the 180-day discovery period. Applicant requested on August 22, 2016 (tn:212911) an additional extension of 32 days, until October 3, 2016, to submit responses to Set 1 and Set 1A, with an agreement to support an additional day-for-day extension to the discovery period. Staff agrees with this request.

Staff requests that the Committee adjust the schedule, including the time for discovery, to reflect the above-referenced extensions of time for Applicant to respond to Staff's Data Requests. Staff further requests that any further delays in the submission of Data Responses would likewise result in a day-for-day adjustment in the schedule and discovery period. The Committee indicated in their August 12, 2016 Scheduling Order that discovery would conclude on November 14, 2016. However, staff requests that this date be changed to December 16, 2016 to reflect the 32 day slip in schedule resulting from the delayed submission of Data Responses to Set 1 and Set 1A. This is reflected in Staff's proposed Schedule Revisions, below.

APPLICANT'S OBJECTIONS AND DATA REQUEST WORKSHOP

Applicant objected to Set 1 questions in the following technical disciplines: biological resources, cultural resources, soil & water resources, traffic & transportation and transmission system engineering. All but traffic & transportation were discussed during the course of the August 26, 2016 publicly noticed workshop. For Cultural Resources, Applicant objected to most of staff's data requests on the basis that the information was neither reasonably available nor necessary for staff to complete the environmental analysis of Mission Rock. Applicant also cited an unreasonable burden in producing a number of technical reports. Per the California Environmental Quality Act (CEQA), staff is required to determine if the project may cause a substantial adverse change in the significance of historical resources or their surroundings, including archeological resources. Without complete cultural resource evaluation and survey information, it is a challenge for staff to timely determine what cultural resources exist within the Project Area of Analysis, whether those resources are historically significant, or how construction and operation of Mission Rock might impact those resources.

The workshop resulted in agreement that Applicant would provide all maps discovered so far from the applicant's Cultural Resources investigation. There continues to be a level of disagreement on investigating the 180 properties that constitute the Project Area of Analysis. Staff would like to see the Applicant reach out to approximately 12-15 property owners who control the vast majority of the 180 properties (e.g., Limoneira Corporation). Investigations conducted in 1995-1996 for work associated with the Santa Clara Rural Historical District survey is out-of-date; staff is seeking more current information.

For Soil and Water Resources, one area of contention is related to floodplain development, as draft Federal Emergency Management Agency (FEMA) maps indicate nearly complete coverage of the Mission Rock site by a one hundred year flooding event. Staff inquired about the status of the final FEMA maps and dates when the Applicant might obtain FEMA approval to proceed with floodplain development. Staff also requested engineering profiles of earthwork, proposed slide slopes and a demonstration that Mission Rock, when combined with other property uses in the nearby area, would not exacerbate the impacts of flooding. In their objection letter, Applicant stated the questions require the type of detailed engineering information only determined during final design stages of the project that would occur after the project was approved and cleared for construction. They further argued that none of the information sought by staff was reasonably available, relevant, or necessary for the Commission to make a decision on the AFC.

During the workshop, Applicant agreed to reach out to the Ventura County Watershed Protection Agency to determine what information and improvements would be necessary from the applicant in order to receive permission to build in the 100-year flood plain and comply with certain flood protection standards as conditioned in a Floodplain Development Permit from the Ventura County Public Works Agency. Applicant also agreed to look into the effort needed to provide staff with preliminary profiles of proposed earthwork.

In addition to the Ventura County Watershed Protection Agency, staff has received correspondence from, and engaged in discussions with, the County of Ventura

Resource Management Agency. The Planning Division of the Resource Management Agency requested that the potential Mission Rock project impacts should be evaluated in accordance with Ventura County's adopted CEQA environmental thresholds of significance. As was mentioned at the July 28, 2016 Site Visit and Informational Hearing, staff agrees with the County, and intends to adopt their thresholds of significance in its environmental analyses. Staff has met with the Ventura County Department of Airports, and received comments from the Ventura County Department of Transportation. Staff has also held discussions with the Ventura County Planner and the Associated Historical Societies and Museums of Ventura County.

Staff is also in the process of engaging several other local agencies, including the Briggs Elementary School District, the Blanchard Elementary School District, and the Ventura County Environmental Health Division. Additional outreach is also underway for local fire, police and emergency first-responders like the Ventura County Fire Department, the Santa Paula Fire Department, the Ventura County Sheriff's Department and the Santa Paula Police Department. Staff has previously provided responses to Data Adequacy inquiries submitted by the city of Santa Paula on May 16, 2016 in a Response to Data Adequacy Questions, dated June 9, 2016 (tn:211836), and continues to work towards greater communication with the city.

**ENERGY COMMISSION STAFF'S SCHEDULE REVISIONS
MISSION ROCK ENERGY CENTER (15-AFC-02)**

ACTIVITY	NEW DATE	OLD* DATE
Data Requests, Set 1	06/24/16	06/24/16
Data Requests, Set 1A (agreement to file Data Responses on 9/1/16)	07/15/16	N/A
Informational Hearing, in Santa Paula	07/28/16	07/28/16
Applicant's Objections to Data Requests, Set 1	08/01/16	N/A
Staff files Request for Time Extension (to respond to 8/1/16 objection letter filed by Applicant)	08/26/16	N/A
Data Request and Issues Resolution Workshop, in Sacramento	08/26/16	N/A
Status Reports #1	09/01/16	09/01/16
Data Responses Set 1 and Set 1A deadline	10/03/16	09/01/16
Staff Motion to Compel deadline	09/26/16	N/A
Data Response and Issues Resolution Workshop, in Santa Paula	Early-October, 2016	Mid-September, 2016
Data Requests Set 2	Early-October, 2016	TBD
Committee Status Conference	10/19/16	10/19/16

Data Responses, Set 2	Early-November, 2016	TBD
End of Discovery	12/16/16	11/14/16
PSA Publication	Mid-December, 2016	Mid-November, 2016
PSA Workshop, in Santa Paula	Early-January, 2017	Late-December, 2106
FSA Publication	Early February, 2017	Mid-January, 2017

***OLD DATE:** per August 12, 2016 Committee Scheduling Order