

**M e m o r a n d u m**

**DATE** OCT 31 2005  
**RECD** OCT 31 2005

To: Commissioner Jackalyne Pfannenstiel, Presiding  
Chairman Joseph Desmond, Associate Member

Date : October 31, 2005

Telephone: CALNET (916) 651-8835



From : **California Energy Commission** – Bob Eller, Project Manager  
1516 Ninth Street  
Sacramento CA 95814-5512

Subject: **Staff Comments on the Los Esteros Critical Energy Facility II, Phase 2,  
PMPD (03-AFC-2)**

Staff has completed their review of the Los Esteros Critical Energy Facility II, Phase 2 Presiding Member's Proposed Decision (PMPD). Based on this review, we offer the following comments.

**Facility Design**

**Page 79**, first paragraph (labeled 2), line 9: Staff regularly uses this condition and is concerned that the revised condition might lead to confusion and potential delays in construction schedules. In order to make the condition consistent the second paragraph should end after, "...Foundation Investigations]." Paragraph three should then begin with "Be present, as required, during site..." The existing paragraph labeled as 3 should then be renumbered as 4.

**Page 63**, fourth line from top: the SVP 230 kV switching station is referred to as "planned." This switching station was completed in December 2004 and is operational.

**Reliability**

**Page 92**, first (incomplete) paragraph, last sentence: after the phrase, "Staff examined these factors for" insert "the project."

**Page 94**, last (incomplete) paragraph, third line: change the word "Geological" to "Geology."

**Transmission System Engineering**

**Page 109**, first paragraph, identifies the dimensions of the PG&E substation expansion as 40 ft. by 600 ft. However, item 8 on page 114 states that the expansion of the substation would increase its size by 2,400 square feet. An expansion of 40 ft by 600 ft would result in an increase of 24,000 square feet.

**Page 109**, third paragraph, second sentence: Change "WSCC reliability crieteria..." to "WECC reliability criteria...."

**Page 112**, third paragraph: The Metcalf Energy Center is listed as under construction. The Metcalf Energy Center began operating on May 27, 2005.

### **Biological Resources**

**Page 205**, bullet list: Staff also examined the potential for wildlife collisions with project features and staff vehicles. The testimony on this topic was covered on pages 4.2-11 (collisions with the facility) and 4.2-12 (collisions with vehicles) of the Final Staff Assessment. While collisions with the facility were found to be not applicable, collisions with vehicles was found to be potentially significant, so mitigation was proposed by staff and within the PMPD. This type of impact was analyzed and should be included in the bullet list.

**Page 205**, Second paragraph: The PMPD correctly identified there could be direct impacts to burrowing owl, during construction. However a reference to the Condition of Certification **BIO-20** was not included as part of the mitigation for the potential impact. This condition was part of staff's testimony on page 4.2-12 and staff requests that it be inserted into the text in addition to Conditions of Certification **BIO-10**, **BIO-11**, and **BIO-19** on page 205 of the PMPD. A typographical error for "borrowing owl", which should be "burrowing owl", should be corrected in the same paragraph.

**Page 207**, Third paragraph: Glare from the facility would be mitigated, as noted in the PMPD on page 207. However, it should also be noted that the landscape lighting will be avoided which reduces the potential for light reaching sensitive areas. The condition of certification requiring this, **BIO-17**, was inadvertently left out of this paragraph, but was part of staff's testimony on page 4.2-16. Thus, both conditions of certification **BIO-10** and **BIO-17** are mitigation for potential lighting impacts.

### **Cultural Resources**

**Page 228**, First Paragraph, Last Sentence: The unoccupied residence at 1515A Alviso-Milpitas Road, located in the southwestern corner of the project site and the remnants of structures from a flower growing complex have been demolished.

### **Soil and Water Resources**

**Page 274**, Second paragraph, fourth sentence: In the sentence, the word "loner" should be changed to "longer" so that the sentence reads: The SCVWD issued the permit to construct the final reach of the outfall on April 11, 2005 in compliance with the original Condition of Certification Soil & Water-4 and that Condition is no longer needed.

### **Visual Resources**

**Page 337**, the second sentence, second paragraph states:

"Although construction activities will be temporary, Condition **VIS-1** requires screening of the laydown areas and restoration after construction to prevent these areas from becoming sources of long-term visual blight."

However, visual screening of the laydown area is not a requirement of Condition **VIS-1** as it appears in the PMPD. On page 4.12-8 of the FSA, staff discussed the reasons why it did not believe this requirement was necessary for Phase 2 construction and recommended that it be deleted. The Committee has included Condition VIS-1 as proposed by staff (i.e., without the visual screening requirement).

To incorporate this change the PMPD should be revised as follows:

"Although construction activities will be temporary, Condition VIS-1 requires screening of the laydown areas and restoration of construction staging and storage areas after construction to prevent these areas from becoming sources of long-term visual blight."

#### **Applicant's Comments on the PMPD**

Prior to completion of staff's review of the PMPD we received the applicant's comments on the PMPD. In their comments, the applicant provided corrections to the PMPD for Conditions of Certification **WORKER SAFETY-3** and **COM-8**. Staff concurs that these conditions, as attached to the applicant's October 28, 2005 comments, should replace these conditions in the final Committee decision.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE LOS ESTEROS CRITICAL  
ENERGY FACILITY, PHASE 2  
(LOS ESTEROS 2)

DOCKET No. 03-AFC-2

(Revised 7/29/05)

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1516 Ninth Street  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

*Also send a printed or electronic copy of all documents to each of the following:*

**APPLICANT**

Calpine  
Rick Tetzloff, Project Manager  
700 NE Multnomah, Suite 870  
Portland, OR 97232

Steve De Young  
Environmental Manager  
4155 Arbolado Drive  
Walnut Creek, CA 94598  
[steve4155@astound.net](mailto:steve4155@astound.net)

**COUNSEL FOR APPLICANT**

Ellison, Schneider & Harris LLP  
Greg L. Wheatland  
2015 H Street  
Sacramento, CA 95814  
[glw@eslawfirm.com](mailto:glw@eslawfirm.com)

**INTERESTED AGENCIES**

San Jose Dept. of City Planning and  
Building Code Enforcement  
Richard Buikema, Sr. Planner II  
801 N. First Street, Room 400  
San Jose, CA 95110  
[rich.buikema@ci.sj.ca.us](mailto:rich.buikema@ci.sj.ca.us)

County of Santa Clara Planning Office  
Bob Eastwood  
County Government Center  
70 West Hedding Street  
East Wing, 7th Floor  
San Jose, CA 95110-1705

Santa Clara Valley Water District  
Luis Jaimes  
5750 Almaden Expressway  
San Jose, CA 95118-3686

California Air Resources Board (CARB)  
Michael Tollstrup  
Project Assessment Branch  
P.O. Box 2815  
Sacramento, CA 95812  
**mtollstr@arb.ca.gov**

William DeBoisblanc, Director Permit  
Services  
Bay Area Air Quality Mgmt. District  
939 Ellis Street  
San Francisco, CA 94109

Regional Water Quality Control Board  
(RWQCB)  
Judy Huang  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
**jch@rb2.swrcb.ca.gov**

City of San Jose  
Environmental Services Department  
Municipal Water System Division  
3025 Tuers Road  
San Jose, CA 95121

**INTERESTED PARTICIPANTS**

Cal-Independent System Operator  
Jeff Miller  
151 Blue Ravine Road  
Folsom, CA 95630  
**jmiller@caiso.com**

Electricity Oversight Board  
770 L St., Suite 1250  
Sacramento, CA 95814

Doug Davy  
Sr. Project Manager  
CH2M Hill  
2485 Natomas Park Dr., # 600  
Sacramento, CA 95833  
**ddavy@ch2m.com**

**INTERVENORS**

CURE  
Marc D. Joseph, Esq.  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080  
**mdjoseph@adamsbroadwell.com**

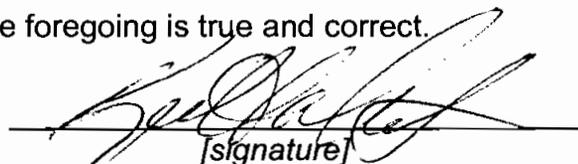
Californians for Renewable Energy, Inc.  
(CARE)  
Michael E. Boyd, President  
5439 Soquel Drive  
Soquel, CA 95073  
**michaelboyd@sbcglobal.net**

Californians for Renewable Energy, Inc.  
(CARE)  
Robert Sarvey  
501 W. Grantline Road  
Tracy, CA. 95376  
**sarveybob@aol.com**

**DECLARATION OF SERVICE**

I, **Keith A. Muntz** declare that on **October 31, 2005**, I deposited copies of the attached **Staff Comments on the PMPD** in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct.

  
[signature]

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Hearing Officer  
MS-9

Bob Eller  
Project Manager  
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Margret J. Kim  
Public Adviser  
MS-12