

Mary Dyas - Re: Questions sent 1-30

From: Mary Dyas
To: Robin Bell
Date: 2/28/2008 3:17 PM
Subject: Re: Questions sent 1-30
CC: AGENA GARNETT; Mary Strobridge
Attachments: TN 45483 02-28-08 Responses to Robin Bells Questions.pdf

DOCKET 07-AFC-8	
DATE	FEB 28 2008
RECD.	FEB 28 2008

Robin,

I do understand and appreciate your keeping us aware of the local actions and questions. I am working to insure that our technical staff address the stated concerns as they prepare their preliminary analyses.

Please be aware that staff does not rely solely on the applicant's Application for Certification (AFC). The Energy Commission staff has the responsibility to perform an independent, CEQA-based assessment of the AFC which was filed by the applicant, Ausra, with the Energy Commission seeking a license to construct and operate the proposed CESF facility. The Energy Commission's CEQA review process, as I mentioned in my previous e-mail, does take time. While we do not respond individually to questions at this stage of the analysis, we do incorporate concerns and questions into the process of formulating staff's technical analyses for our preliminary staff assessment (PSA), the initial document distributed for public and agency comment. Our intent is always to insure that specific concerns and questions are addressed in this document. Therefore, it would be premature to comment on the specific concerns raised in your letter (regarding Alternatives, Biology, Noise, Water and Visual) at this time since staff is still in the early stages of obtaining all the required information to do their full analyses. All public comments and concerns are docketed and shared with staff and will be considered within the analysis as appropriate. You will find that many and hopefully all of your concerns will be addressed in this document.

In addition, there will also be one or more local public workshops relating to data responses from the applicant to staff's initial requests for information. The Energy Commission staff's Carrizo Data Response Workshop is scheduled for Wednesday, March 12, 2008. The published Notice was mailed out on Tuesday, February 26, 2008 and is also on the Commission's Carrizo webpage. At this workshop, staff and the applicant will issues based upon staff's data requests and the applicant's data responses which are posted on the project's Energy Commission website http://www.energy.ca.gov/sitingcases/carrizo/documents/applicant/2008-02-27_DATA_RESPONSES_1-78.PDF. The workshop also affords another opportunity for you, and the rest of the public, listen, ask questions, and make comments that will be valuable for staff and the applicant.

In response to your question regarding the timing/scheduling ---

Staff spoke with a USACE representative on February 1, 2008, to inquire about the regulatory process looking forward. Staff was told the site is an "other waters of the U.S.," and so the question is whether to regulate it under the Clean Water Act. The drainage is an intrastate waterway, and so under the Supreme Court decision (Solid Waste Agency of Northern Cook County vs. USACE), USACE headquarters will have to decide if there is a link to interstate commerce and historic or future navigation that justifies asserting jurisdiction. Staff was also told that the duration of this jurisdictional determination was unknown at this time. Following the jurisdictional determination, and if it is determined that the drainage falls into the USACE's regulatory authority, a nexus analysis would be necessary, followed by the issuance of the Section 404 permits. Staff's draft proposed schedule listed in the Issues Identification Report does not take into account this unknown timing. Also, please keep in mind that the proposed schedule may change depending on the need for additional data requests, and any other unforeseen factors. An updated schedule was issued in a Committee Scheduling Order dated February 4, 2008. This scheduling order can be found on the Energy Commission's webpage at:

http://www.energy.ca.gov/sitingcases/carrizo/notices/2008-02-04_COMMITTEE_SCHEDULING_ORDER.PDF

Attached is a copy of Ausra's responses to your questions sent 1/30/08. They are also working on responses to the questions sent in by John Ruskovich as well as questions asked at the Informational Hearing held on 1/28/08. They anticipate having the responses for the other two sets of questions by the scheduled Workshop. Please keep in mind that the Energy Commission will also address these other questions in the context of staff's analyses in the PSA.

We look forward to your, and other members of the public, continuing to participate in our process.

Mary Dyas -- Project Manager
California Energy Commission
Energy Facilities Siting Division
1516 Ninth Street, MS-15
Sacramento, CA 95814
916-651-8891 Phone
916-654-3882 FAX
mdyas@energy.state.ca.us

>>> "Robin Bell" <robin@midstateexpo.com> 2/27/2008 3:53 PM >>>
Mary,

Some locals believe the CEC has no intention of providing answers to our questions and that these meetings are merely an exercise to appease us.

I am somewhat more optimistic however, I am concerned about the length of time it's taking for my questions to be addressed. At this point, even preliminary answers such as "we don't feel this is a significant issue" or "we will include this question on a data request" would be helpful.

Also, regarding the question asked by the public at the site visit, where are they in the process of getting answered?

Again, please understand, this project will have a major impact on our lives and getting responses to our questions is of the utmost importance to us.

Sincerely,

Robin Bell

----- Original Message -----

From: Mary Dyas
To: Robin Bell
Sent: Tuesday, February 19, 2008 6:58 AM
Subject: Re: Questions sent 1-30

Robin,

I do understand and am working with staff to get some answers for you. You raised a number of good points and asked some very good and thoughtful questions. I don't want you to think we're taking your concerns lightly. A lot of the answers will depend on staffs analysis and possible further data requests; however, I will endeavor to have something ready for you by the end of the week.

Just so you are aware, the Commission staff's Data Response Workshop is scheduled for Wednesday, March 12th. I'm working to get the Notice for that out by early next week. At this workshop, staff and the applicant will hash out any issues around staff's data requests and the applicant's data responses (which are due in this week). This is also another opportunity for you, and the rest of the public, to further ask questions and make comments.

Another point is that staff can't rely solely on the applicant's AFC. Staff does their own independent, unbiased, analysis of each technical area; which does take time. And staff is still in the early stages of obtaining all the required information to do their full analyses. That's why I mentioned above, that some of the questions you've raised may take more time. But once again, I will endeavor to have a response to your questions, such that they are at this time, by the end of the week.

Thank you for your continued patience in this matter.

Mary Dyas -- Project Manager
California Energy Commission
Energy Facilities Siting Division
1516 Ninth Street, MS-15
Sacramento, CA 95814
916-651-8891 Phone
916-654-3882 FAX
mdyas@energy.state.ca.us

>>> "Robin Bell" <robin@midstateexpo.com> 2/15/2008 7:40 PM >>>
Mary,

Do you have any answers to the questions I sent? Even if you don't have all the answers, answers to some of questions for now would be greatly appreciated. Please understand that although this is just your job, it is our lives and homes at stake and your response will help us make major decisions regarding our future.

Sincerely,

Robin Bell