

DOCKETED

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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***BLYTHE SOLAR POWER PROJECT
AMENDMENT***

Docket No. 09-AFC-06C

ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION

After reviewing the comments submitted by the parties and members of the public, we incorporate the following changes to the December 13, 2013 Presiding Member's Proposed Decision (PMPD):

ADOPTION ORDER

1. Page 3, ORDER No. 1, change to read as follows:

The PMPD, Supplemental Environmental Review Documentation and Committee Recommendations docketed on December 13, 2013 (TN 201432), are hereby adopted as the Commission Decision and incorporated by reference into this Order.

INTRODUCTION

2. Page 2, second paragraph, should read as follows:

The original Petition was filed on June 28, 2012 by ~~NextEra Blythe Solar Energy Center, LLC~~ Palo Verde Solar I, LLC (Applicant or Project Owner), a wholly-owned subsidiary of ~~NextEra Energy Resources, LLC~~ STA Development, LLC. A revised Petition was filed, by NextEra Blythe Solar Energy Center, LLC, a wholly-owned subsidiary of NextEra Energy Resources, LLC after it acquired the project on April 12, 2013.

PROJECT DESCRIPTION

3. Page 5, Response to Comments, the paragraph should read as follows:

Public comments on the amended project were few. One, from a nearby landowner, expressed concern about the proximity of the project. Those concerns are addressed in various sections of the SA. Another comment expressed concern about potential toxicity from CdTe thin film solar panel modules. The County of Riverside submitted comments pertaining to worker safety, fire protection, land use and biological resources. The U.S. Fish and Wildlife Service submitted comments pertaining to mitigation of biological resources impacts. We have taken those comments into account in crafting the conditions of certification we recommend herein.

4. Page 8, C., last sentence of the first paragraph should read as follows:

Linear access to the site would be the same as that of the approved BSPP, and the modified BSPP would continue to interconnect to the regional transmission grid via the same proposed gen-tie line to Southern California Edison's (SCE's) Colorado River Substation (CRS), ~~which is currently under construction.~~

5. Page 12, C., Fencing and Security, third sentence should read as follows:

Fencing would be designed to ~~resist~~ account for all wind or other loads imposed on the fence.

COMPLIANCE AND CLOSURE

6. Page 39, on COMPLAINANT INFORMATION form, header reads as follows:

ATTACHMENT A COMPLAINT REPORT and RESOLUTION FORM

BIOLOGICAL RESOURCES

7. Page 115, **BIO-9** No. 2: Desert Tortoise Clearance Surveys within the Plant Site. The second to last sentence of the paragraph should read as follows:

"Surveys outside of the active season ~~in areas other than Phase 1A~~ require approval by USFWS and CDFW".

8. Page 120, **BIO-12**, the first sentence should read as follows:

To fully mitigate for habitat loss and potential take of desert tortoise, the project owner shall provide compensatory mitigation at a 1:1 ratio for impacts to 3,975 ~~3,976~~ acres, per **BIO-28 – Table 1**, adjusted to reflect the final project footprint.

9. Page 131, **BIO-15**, fourth bullet point, should read as follows:

Identification of specific conservation measures and/or programs to avoid, minimize, reduce or eliminate CEQA significant impacts over time and evaluation of the effectiveness of those measures.

10. Page 132, **BIO-15**, No. 4 (d), should read as follows:

Statistical methods used to generate facility estimates of potential post-construction avian and bat impacts based on the observed number of detections during standardized searches during the monitoring season. ~~for which the cause of death can be determined and is determined to be facility-related;~~

11. Page 133, **BIO-15**, No. 6, should read as follows:

Adaptive management. An adaptive management program shall be developed to identify and implement reasonable and feasible measures needed to reduce levels of avian or bat mortality or injury attributable to project operations and facilities to less than CEQA significant levels. Any such impact reduction measures must be commensurate (in terms of factors that include geographic scope, costs, and scale of effort) with the level of avian or bat mortality or injury. ~~that is specifically and clearly attributable to the project facilities.~~ Adaptive actions undertaken will be discussed and evaluated in survey reports. The adaptive management program shall include the following elements:

12. Page 133, **BIO-15**, No. 7, first sentence, should read as follows:

Adaptive Mitigation: The CPM may require the project owner to implement adaptive mitigation for CEQA significant onsite injury or mortality of birds and bats, based on recommendations of the TAC.

13. Page 150, **BIO-19** No. 2 subsection No. 1 Survey Timing. The last sentence should be deleted.

~~Construction of Phase 1A as outlined in Condition of Certification BIO-28 is authorized to commence following a September survey.~~

14. Page 179, **BIO-27** should read as follows:

The project owner may choose to satisfy its mitigation obligations by paying an in lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099. Alternately, the CPM, in conjunction with the BLM, CDFW, and USFWS, may approve the project owner's use of another mitigation program or any other applicable in-lieu fee provision, ~~to the extent the in-lieu fee provision~~ provided that the Project's in-lieu fee proposal or mitigation program is found by the ~~Commission~~ CPM to mitigate the impacts identified herein. If the in-lieu fee proposal or mitigation program is found by the ~~Commission~~ CPM to be in compliance, and the Project Owner chooses to satisfy its mitigation obligations through the in-lieu fee or mitigation program, the Project Owner shall provide proof of the in-lieu fee payment or compliance with other mitigation program to the CPM prior to ~~site mobilization and construction~~ related ground disturbance.

Verification: If electing to use this provision, the Project Owner shall notify the ~~Commission~~ CPM that it would like a determination that the Project's in-lieu fee proposal or other mitigation program ~~mitigates~~ would mitigate for the impacts identified herein. Prior to site mobilization and construction related ground disturbance the Project Owner shall provide proof of the in lieu fee payment or other mitigation program to the CPM.

SOIL AND WATER RESOURCES

15. Page 196, **SOIL&WATER-7**, Verification to Condition of Certification, should read as follows:

Verification: No later than 60 days prior to any wastewater or storm water discharge ~~or use of land treatment units~~, the project owner shall provide documentation to the CPM, with copies to the CRBRWQCB, demonstrating compliance with the WDRs established in **Appendices B, C, and D**. Any changes to the design, construction, or operation of the evaporation basins, ~~land treatment units~~, or storm water system shall be requested in writing to the CPM, with copies to the CRBRWQCB, and approved by the CPM, in consultation with the CRBRWQCB, prior to initiation of any changes. The project owner shall provide to the CPM, with copies to the CRBRWQCB, all monitoring reports required by the WDRs, and fully explain any violations, exceedances, enforcement actions, or corrective actions related to construction or operation of the evaporation basins, ~~treatment units~~, or storm water system.

16. Page 204, APPENDIX B, replaced in its entirety per Staff Comments on the PMPD (TN 201548).

17. Page 214, APPENDIX C heading, should read as follows:

REQUIREMENTS FOR WASTE DISCHARGE— NextEra Blythe Solar Energy Center ~~Palo Verde Solar I~~, LLC, Owner/Operator, Blythe Solar Power Project, Riverside County

18. Page 215, APPENDIX C, No. 18, should read as follows:

The evaporations ponds shall be managed and maintained to ensure their effectiveness, ~~in particular,~~

19. Page 216, APPENDIX C, No. 26, should read as follows:

The Discharger shall implement the attached Monitoring and Reporting Program, Appendix D, and revisions thereto, in order to detect, at the earliest opportunity, any unauthorized discharge of waste constituents from the Facility, or any impairment of beneficial uses associated with (caused by) discharges of waste to the ~~brine~~ evaporation pond.

20. Page 219, subparagraph B. 2. e., change to read as follows:

e. Oily and greasy liquid waste; unless specifically allowed by these WDRs or approved by the Regional Board's Executive Officer; and

21. Page 220, APPENDIX C, B. No. 5, should read as follows:

Use of wastewater or ~~cooling tower liquids~~ on access roads, well pads, or other developed project locations for dust control is prohibited.

CULTURAL RESOURCES

22. Page 236, insert the following paragraph before the final paragraph:

CRIT filed comments on the PMPD on January 13, 2014. The comment letter indicates that while CRIT appreciates the changes made to the proposed conditions of certification in response to CRIT's concerns, cultural resources impacts may not be fully mitigated. The recommended conditions of certification set forth the committee's best effort at balancing the need to protect cultural resources with the state's need to achieve its climate and renewable resources goals.

CRIT also states that under the CRMMP the project owner would be empowered to reject avoidance alternatives based solely on its own determination that avoidance is impractical. We disagree. Condition of Certification **CUL-5** sets forth a comprehensive scheme for monitoring discoveries of cultural resources

pursuant to the CRMMP, which will be prepared with the participation of tribal entities. The CRMMP will make implementation of the CRMMP the responsibility of the CRS and the project owner. We are satisfied that implementation of the conditions of certification will ensure that cultural resources discoveries are treated appropriately, with avoidance being one of the available options.

NOISE

23. Pages 292 – 294, delete paragraph letters only D – G (retain descriptive labels).

SOCIOECONOMICS

24. Page 302, re-letter page header as “C. SOCIOECONOMICS”
25. Page 302, insert the following paragraph before Findings and Conclusions:

On January 13, 2014, CRIT submitted written comments on the PMPD. In those comments, CRIT asserts that the proposed project has significant environmental justice implications that are not addressed by the PMPD. The amended project’s environmental justice impacts were considered by staff in the pertinent sections of the SA, exhibits 2000 and 2001. (Ex. 2000, pp. 1-5 – 1-6.) Those impacts are unchanged from those of the approved project and are therefore not reiterated in the PMPD. The PMPD is the supplemental environmental review documentation required by section 25500.1,

Dated: January 14, 2014, at Sacramento, California.

ORIGINAL SIGNED BY

KAREN DOUGLAS
Commissioner and Presiding Member
Blythe Solar Power Project
Amendment Committee

ORIGINAL SIGNED BY

DAVID HOCHSCHILD
Commissioner and Associate Member
Blythe Solar Power Project
Amendment Committee