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July 28, 2014

Mathew Handel
Vice President
NextEra Blythe Solar Energy Center, LLC
700 Universe Blvd, FBD/JB
Juno Beach, FL 33408

SUBJECT: BLYTHE SOLAR POWER PROJECT (09-AFC-6C)
AUTHORIZATION TO START LIMITED CONSTRUCTION ACTIVITIES

Dear Mr. Handel:

The California Energy Commission staff is currently in the process of completing its review of the pre-construction submittals required for the Blythe Solar Power Project. However, before this review is completed, staff has determined that limited construction activities pertaining to Units 1 and 2 as outlined in NextEra Blythe Solar Energy Center, LLC's (NextEra) July 1, 2014, Limited Notice to Proceed Work Plan (Work Plan, see Attachment) may commence as of July 28, 2014, provided that the following items have been completed:

- The Security payment receipts for BIO-12 and BIO-28 have been received;
- The Raven Management fee payment receipts for BIO-13 have been received; and
- The Bureau of Land Management's Authorized Officer has issued a Notice to Proceed to the project owner authorizing construction.

The initial construction activities outlined in the Work Plan include installation of temporary desert tortoise fencing, geotechnical investigation activities, reactivation of an existing groundwater well, and limited staking and surveying relevant to the above activities. You must comply with all applicable Cultural Resource conditions of certification and full-time biological, archaeological and Native American monitors shall be present during all construction activities as outlined in the Work Plan's Environmental Monitoring Plan.

The review of the pre-construction submittals will continue, including on-going review of the draft Cultural Resources Monitoring and Mitigation Plan. You will be given a full notice to proceed for all other construction activities when all pre-construction condition of certification submittals are approved as required by the conditions of certification. The Energy Commission staff will continue to work closely with NextEra to ensure conformance with all conditions of certification as written in the Energy Commission's Final Decision.

If you have any questions, please call me at (916) 651-8891 or e-mail me at mary.dyas@energy.ca.gov.

Sincerely,

Mary Dyas
Compliance Project Manager

cc: Energy Commission Docket Unit
Kevin W. Bell, Senior Staff Counsel, Energy Commission
Stuart McCurdy, NextEra Blythe Solar Energy Center, LLC

Attachment

NEXTERA BLYTHE SOLAR ENERGY CENTER, LLC

Blythe Solar Power Project

Limited Notice to Proceed Activities

Work Plan

CACA – 048811
Docket No. 09-AFC-06C

For Submittal to the:
Bureau of Land Management
Palm Springs South Coast Field Office
Palm Springs, California
and the
California Energy Commission

1 July 2014

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CONTENTS

APPENDICES

1 INTRODUCTION

This Limited Notice to Proceed Work Plan (Plan) describes certain limited activities that NextEra Blythe Solar Energy Center, LLC (NextEra Blythe Solar) proposes to conduct at the Blythe Solar Power Project (BSPP) under a Limited Notice to Proceed (LNTP). These activities are related to solar field Units 1 and 2 and include:

- Installation of temporary desert tortoise fencing
- Geotechnical investigation activities
- Reactivation of an existing groundwater well
- Limited staking and surveying relevant to the above activities

Well reactivation, staking and surveying activities are targeted to begin on or after mid July 2014; fencing and geotechnical work would not start until on or after August 1, 2014. The purpose of this Plan is to provide an overview of the activities and to define the environmental commitments that will be implemented to facilitate compliance with California Energy Commission (CEC) Conditions of Certification (COCs) and U.S. Bureau of Land Management (BLM) Record of Decision (ROD) and Right of Way (ROW) Grant requirements.

In preparation for desert tortoise clearance surveys during the Fall (September/October) 2014 active season, NextEra Blythe Solar Energy Center, LLC, the Project owner, will construct a temporary DTF around the perimeter of the Unit 1 and Unit 2 construction area. At some point in the future, permanent desert tortoise fencing will be attached to the base of permanent security fencing. The geotechnical activities are required to complete final engineering and design and to meet the requirements of COC/BLM measures Civil-1 and GEO-1.

CIVIL-1 includes the following requirement:

> The project owner shall submit to the CBO for review and approval the following:
>
> 1. Design of the proposed drainage structures and the grading plan;
> 2. An erosion and sedimentation control plan;
> 3. Related calculations and specifications, signed and stamped by the responsible civil engineer; and
> 4. Soils, geotechnical, or foundation investigations reports required by the 2010 CBC.
>
> Verification: At least 15 days (or project owner- and CBO-approved alternative time frame) prior to the start of site grading the project owner shall submit the documents described above to the CBO for design review and approval. In the next monthly compliance report following the CBO's approval, the project owner shall submit a written statement certifying that the documents have been approved by the CBO.

GEO-1 includes the following requirement:

> The Soils Engineering Report required by Section 1803 of the 2010 CBC should specifically include laboratory test data, associated geotechnical engineering analyses, and a thorough discussion of corrosive soils, hydrocompaction of dynamic compaction; and the presence of expansive clay soils. The report should also include recommendations for ground improvement and/or foundation systems necessary to mitigate these potential geologic hazards, if present.
>
> Verification: The project owner shall include in the application for a grading permit a copy of the Soils Engineering Report which addresses the potential for liquefaction; settlement due to compressible soils, ground water withdrawal, hydrocompaction, or dynamic compaction; and the possible presence of expansive clay soils, and a summary of how the results of the analyses were incorporated into the project foundation and grading plan design for review and comment by the Chief Building Official (CBO). A copy of the Soils Engineering Report, application for grading permit and any comments by the CBO are to be provided to the CPM at least 30 days prior to grading.

Geotechnical data collected during pre-construction activity will be analyzed by NextEra Blythe Solar Energy Center, LLC to select the type and size of foundations required for the various project structures and equipment and for submittal to the CBO.

In addition, geotechnical and other pre-construction activities are required to comply with conditions specified within COC BIO-8 and to minimize potential impacts to environmental resources during the ground-disturbing activities. BIO-8 includes the following requirement:

> The project owner shall undertake the following measures to manage the project site and related facilities during site mobilization, operation and maintenance in a manner to avoid or minimize impacts to biological resources:
>
> > 18. Monitor Ground Disturbing Activities Prior to Pre-Construction Site Mobilization. If pre-construction site mobilization requires ground-disturbing activities such as for geotechnical borings or hazardous waste evaluations, a Designated Biologist or Biological Monitor shall be present to monitor any actions that could disturb soil, vegetation, or wildlife.

Reactivation of existing water well would provide water for dust control.

2 PROJECT DESCRIPTION

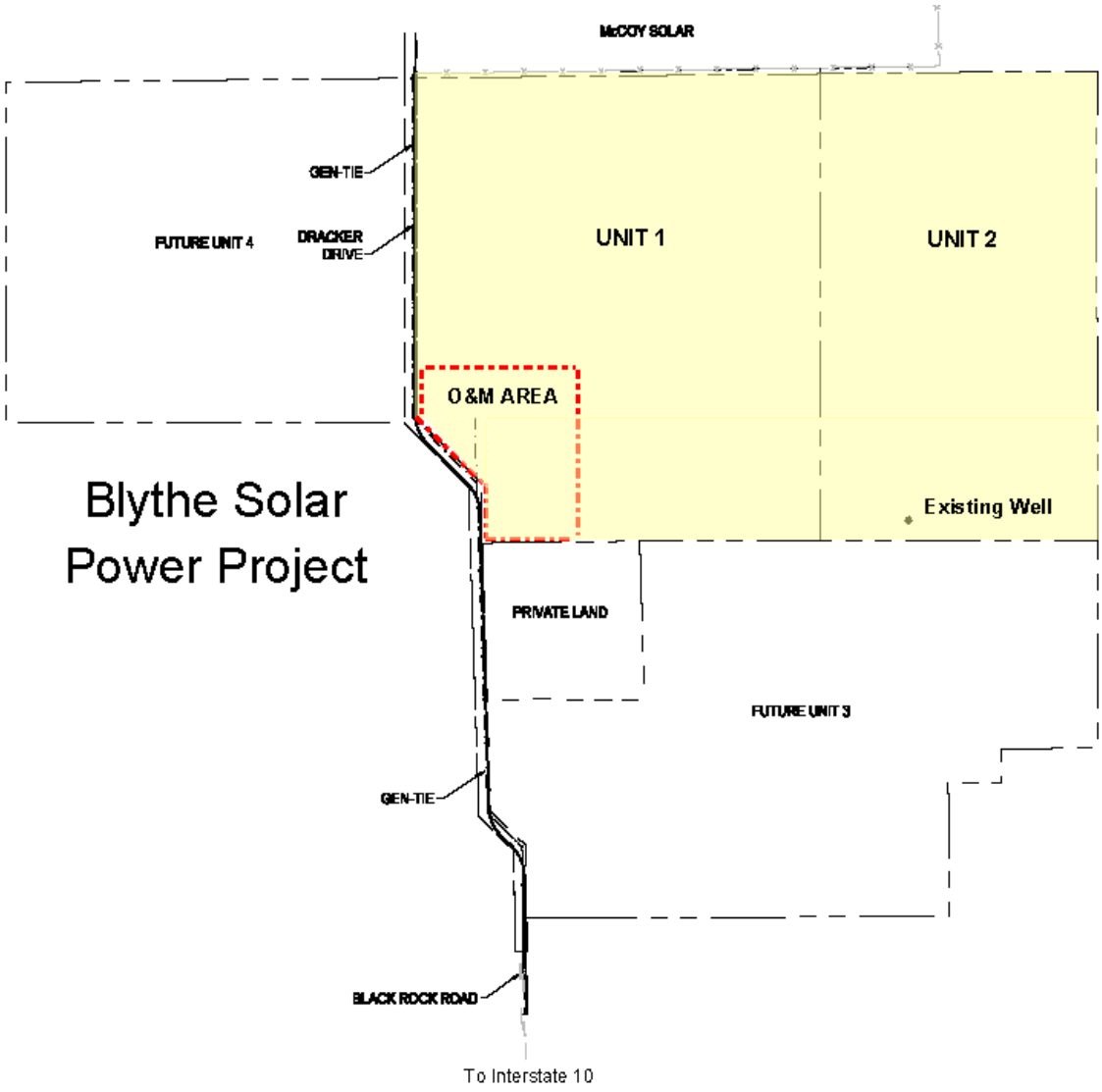
The BSPP was previously approved and received a ROW grant (CACA 048811) on October 22, 2010 for a 1,000 MW solar energy generating plant utilizing thermal parabolic trough technology on 6,831 acres (Approved Project). NextEra Blythe Solar applied for an amended ROW grant from the BLM for development of the Modified Project. The Plan of Development (POD) Supplement for the Modified Project was submitted to the BLM by the Applicant in March 2013. NextEra Blythe Solar, as holder of the BSPP ROW grant CACA 048811, relinquished a portion of the original ROW and requested a variance from the existing approval to amend the grant to convert the BSPP to photovoltaic technology, reduce the size of the solar plant site, and reconfigure the solar plant site to allow transmission and access road corridors through the BSPP site for two projects proposed to the north. The Final Environmental Impact Statement (EIS) prepared by the BLM (2014) for the Modified Project was released in May 2014, and a Record of Decision (ROD) and an amended ROW grant by the BLM are pending approval of the reconfigured Project.

In addition to the approvals by the BLM, NextEra Blythe Solar submitted a Revised Petition to Amend (PTA) for the Project to the CEC in April 2013. The CEC approved the modifications and issued the Blythe Solar Power Project Amendment Commission Decision (Amendment Decision) in January 2014.

Once constructed, the Project will permanently occupy approximately 4,138 acres, including linear facilities, within the BLM ROW grant area. The Project, when completely constructed, will consist of four solar units. The Project boundary and features are shown for reference in Figure 1. Unit 1 will consist of a water treatment facility and substation for the entire Project as well as a solar PV field that will generate a nominal 125 MW. Units 2 and 3 will consist of solar PV fields that generate a nominal 125 MW each. Unit 4 will consist of a solar PV field that generates a nominal 110 MW.

This Plan is intended to govern certain limited activities that must be implemented prior to commencing construction of Units 1 and 2.

Figure 1 Project/Unit Boundaries and Features[1]



[1] This Plan governs activities within the shaded area, approximately 1200 acres for Unit 1 and 850 acres for Unit 2.

3 DESERT TORTOISE FENCE CONSTRUCTION ACTIVITIES

Desert tortoise fence construction activities will be completed within Units 1 and 2 as shown in Figure 2. Temporary tortoise fencing will be constructed along the eastern, southern, and western boundary; the northwestern and northeastern corners of the fence will connect to the McCoy Solar Energy Project permanent security fence, which includes permanent desert tortoise exclusionary fencing on the lower section of the security fence. Temporary I-beam design desert tortoise guard will be installed at locations along the boundary to permit access for equipment and pedestrians as shown in Figure 2. The specifications for the proposed temporary fencing are included in Appendix A and are consistent with U.S. Fish & Wildlife Service Desert Tortoise Recovery Guidelines in accordance with the Desert Tortoise (Mojave Population) Field Manual, December 2009. Approximate coordinates for fence corners and features are tabularized in Table 1.

3.1 Dust Control

A water truck will be utilized to control dust as required by CEC and BLM air quality requirements.

3.2 Flagging and Clearing

The boundaries of all areas to be fenced will be flagged prior to beginning any activity, and all ground disturbances will be confined to the flagged areas and outside of any environmentally sensitive areas that would be delineated during environmental clearance surveys (see Section 6.2). All project vehicles and equipment will be confined to the flagged areas. Once flagged, and within 24 hours prior to the initiation of construction, a desert tortoise survey will be conducted in accordance with the measures specified in Section 6.2.2 and Appendix B. After the survey, an approximate 10-foot-wide linear swath of vegetation along the entire fencing perimeter will be cleared to create a path for the installation of the tortoise fencing. Total disturbed acreages are estimated as follows:

Unit 1	**1200 acres**
Unit 2	**850 acres**
TOTAL Units 1 & 2 (approximate)	**2050 acres**

3.3 Construction

All fencing will be constructed with durable materials (i.e. 11 gauge or heavier) suitable to resist desert environments, alkaline and acidic soils, wind and erosion. Tortoise fencing material will consist of 1-inch horizontal by 2-inch vertical, galvanized welded wire 36 inches high as referenced in Appendix A. Trenching activity will be performed by wheel or track-mounted equipment capable of excavating a trench to a minimum of 12 inches below grade. Fence post length will be a minimum of 60 inches driven to a

depth of at least 30 inches. Once the fence posts have been installed, the galvanized welded wire will be stretched and attached to the posts such that the fabric is a minimum of 12 inches below finished grade and extends a minimum of 24 inches above final grade. Alternatively, where rocky soil or other conditions warrant, the wire will be bent and extended 14 inches to the outside of the fence (the side to exclude tortoises). The mesh will be pinned to the ground and covered with cobble according to the option 2 specifications of the USFWS. The trench will be backfilled with excavation spoils and final grade established to ensure the minimum depth and height of the desert tortoise fence fabric complies with the USFWS requirements.

Where vehicular or pedestrian access is indicated, tortoise fence guard will be installed. The location of the guard area will be trenched in a similar fashion as described above only wider, approximately 6’ wide by about 24” deep. The pre-fabricated W14X90 Beams assembled with Nelson studs per drawings will be placed at the bottom of this trench, within a wooden frame (per concrete dimensions). Concrete will be poured in two layers; the first layer of concrete will fill as a uniform pad up to the bottom of the W14X90 Beams. The second layer of concrete will be poured between the exterior sides of both of the W14X90 beams and the wood frame up to the top of the beam’s elevation. After the concrete is cured, the wooden frame will be removed and the exterior of the Desert Tortoise Guard will be backfilled with soil.

Figure 2 Desert Tortoise Fence and Access Locations

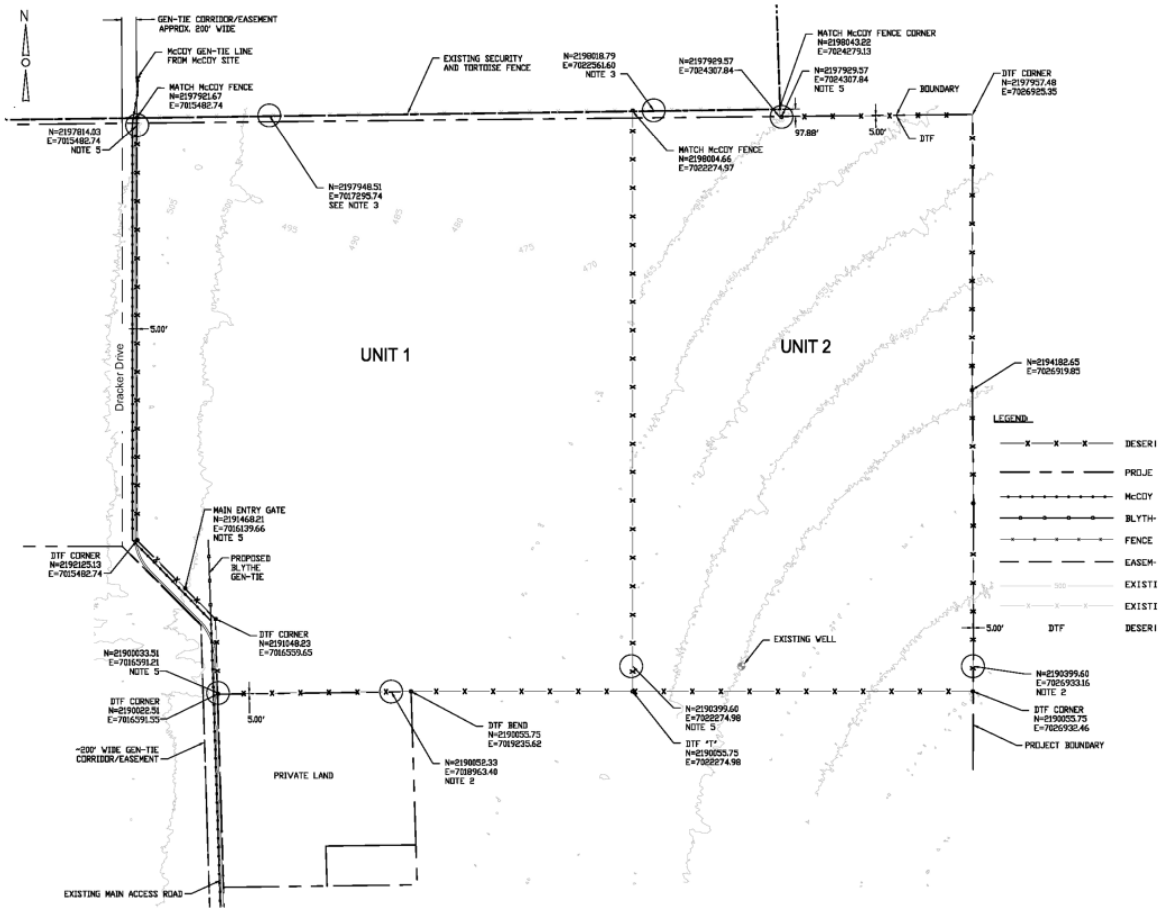


Table 1 Desert Tortoise Fence Coordinates (approximate)

Corner or Feature	Easting	Northing	Notes
NW 1 Guard	7015482.74	2197921.67	Match/meet MSEP Fence, vehicular access
NE 2 Corner	7024279.32	2198042.71	Match/meet MSEP Fence
NE 3 Corner	7024279.32	2197929.85	NE Interior Corner
NE 4 Guard	7024306.82	2197930.14	NE Boundary
NE 5 Corner	7026925.35	2197957.48	NE Boundary Corner
E 6	7026919.85	2194182.65	E Boundary change in direction
E 7	7026937.70	2192628.04	E Boundary change in direction
E 8 Guard	7026933.16	2190399.59	SE pedestrian access
SE 9 Corner	7026932.46	2190055.75	SE Boundary
S 10 Guard	7018963.40	2190052.33	S pedestrian access
SW 11 Corner	7016591.55	2190022.51	SW Boundary
SW 12 Guard	7016591.21	2190033.51	SW Corner
SW 13 Corner	7016559.65	2191048.23	Change in fence direction
W 14 Guard	7016139.66	2191468.21	Primary vehicular access
W 15 Corner	7015482.74	2192125.13	Change in fence direction

4 GEOTECHNICAL ACTIVITIES

Geotechnical activities will be completed within Units 1 and 2 as shown in Figure 3. The geotechnical investigation will involve drilling up to 24 soil borings to depths indicated in Table 2, plus four soil test pits to a depth of approximately 6 feet and one Percolation Test. In addition, thermal and DC resistivity testing will be completed at 3 locations. To avoid impacts to sensitive resources, final locations of borings and test pits (micrositing) will be determined by GPS equipment and the environmental monitors on the day of the testing, as well as the route to each test site as further described below and in Section 6. The work area for each geotechnical testing location will encompass a temporary construction area of approximately 20 by 40 feet for equipment laydown areas, 4x4 vehicle parking, and area to maneuver the equipment around the boring site. Additionally, rods used to determine soil resistivity will be temporarily placed in the ground outside of this construction area. Geotechnical investigation locations may differ from the locations provided in Table 2 based on final engineering and preliminary results obtained during the geotechnical investigations. The geotechnical investigation locations and activities will remain within the ROW limits for which legal access has been granted. A typical geotechnical crew will consist of two crew members with the addition of an equipment operator. Multiple crews may work concurrently to complete the required geotechnical investigations. Geotechnical activities are anticipated to be completed over a period of four-six weeks.

4.1 Soil Borings and Test Pits

The soil borings will be completed via use of a truck-mounted, soil-boring machine and the test pits will be completed via use of a rubber-tired backhoe. A pickup truck support vehicle will also be utilized with both the truck-mounted soil-boring machine and backhoe. Soil boring activities will require a work area measuring approximately 20 by 40 feet at each location. A truck-mounted drilling rig will use hollow-stem auger drilling techniques to bore approximately 6-inch diameter holes to required depths within the Units 1 and 2 footprints at locations shown in Figure 3. Soil samples will be collected continuously for the first 10 feet of depth and every 5 feet thereafter. At each sample location, a hollow metal tube will be driven 18 inches below the bottom of the auger to determine the strength of the native soil material. One sample, consisting of approximately 0.5 pounds of material, will be collected at each sampling depth. Approximately 7–14 samples will be collected at each boring based on the overall boring depth provided in Table 2.

Test pit excavation will require a work area approximately 20 feet by 40 feet at each location. A rubber-tire backhoe will be used to excavate to depth of approximately 6 feet. Each test location will be approximately 3 feet wide and 6 feet long at the bottom. As shown in Figure 3, geotechnical activities will be completed within the ROW limits associated with Units 1 and 2 as approved in the BLM Record of Decision and ROW Grant and the CEC Amendment Decision. All areas of disturbance will be walked and staked, or otherwise designated, by environmental and cultural monitors prior to initiation of disturbance.

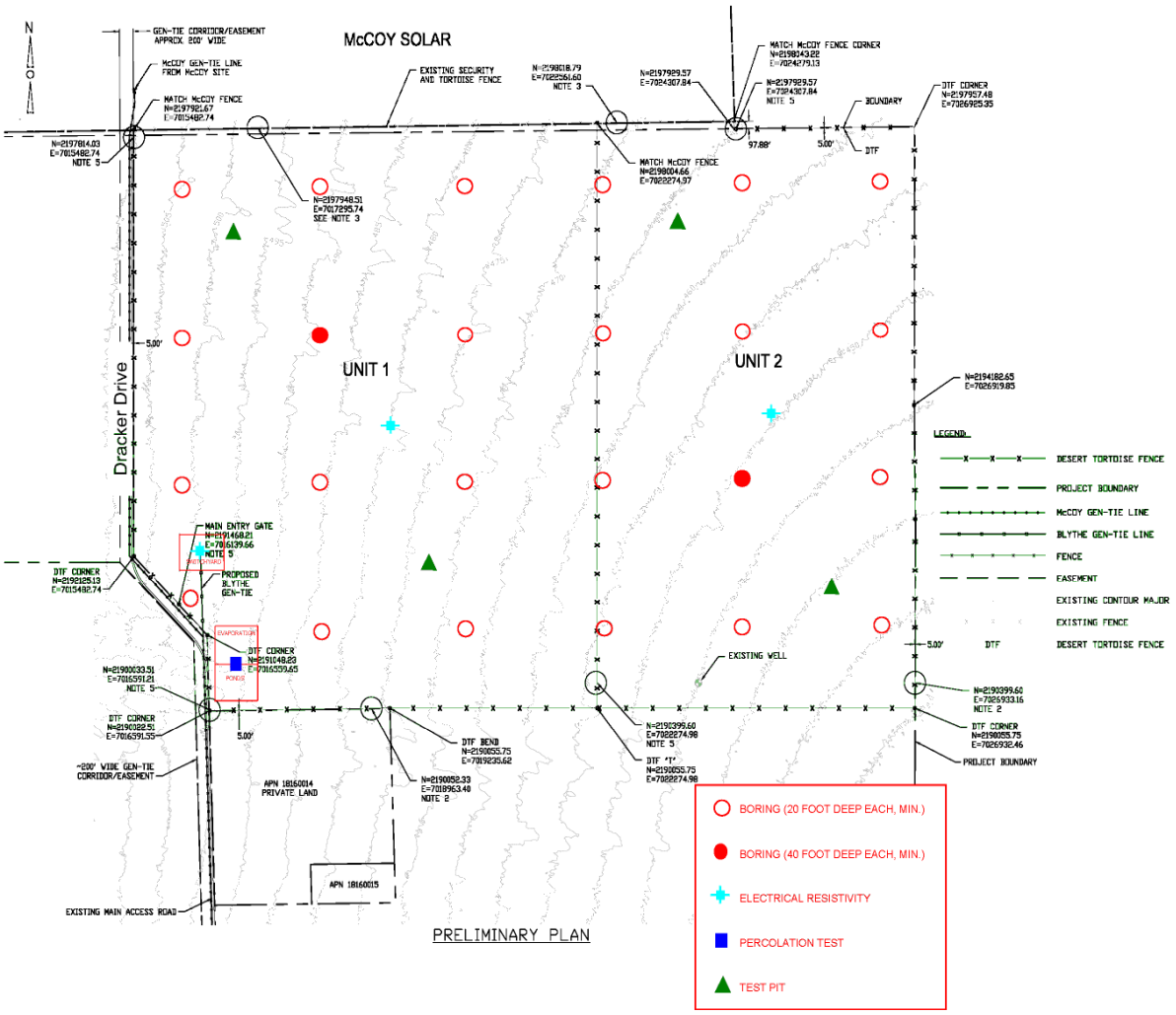
4.2 Static Tests

Geotechnical activities will include driving steel test posts into the ground to a depth of 6–12 feet. Each steel post will measure approximately 6–8 inches in width, and will be driven into the ground via a post pounder mounted on a light-duty truck. Static tests will be performed to measure the stability of the embedded post. Once the testing is complete, the post will be removed and the hole will be backfilled with native soil and compacted in order to return it to its pre-geotechnical work state. The steel test posts will be located within the previously disturbed areas associated with the abovementioned test pits and borings.

4.3 Resistivity Testing

A soil resistivity survey will be conducted using hand-carried equipment at each sampling location identified in Table 2 and as shown in Figure 3. Soil electrical resistivity measurements will be obtained using equipment brought to the test location via a 4x4 pick-up truck. Soil resistance measurements will be taken with four 0.375-inch metal rods, which are connected by 20-gauge wire a 12-volt DC battery. The rods will be inserted 3–6 inches into the ground such that the four rods form a straight line, with the electrical source in the middle. Each rod will be inserted into the ground at varying spacing up to maximum rod spacing of 50 feet. Each test will then be repeated at a right angle to the original configuration.

Figure 3 Units 1 and 2 Boring and Test Pit Locations[2]



[2] All locations are approximate and will be finalized during the field work activities

4.4 Access Routes

All soil boring, soil resistivity, and test pit locations will be accessed by driving on existing roads, trails, or previously disturbed areas to the extent possible. In the event existing roads, trails, or previously disturbed areas are not available, all routes would be located within the approved ROW for Units 1 and 2 and along the gen-tie and access route. In order to ensure the protection of environmentally sensitive resources, the routes will be established in direct coordination with biological, archeological and unexploded ordnance (UXO) monitors as described below in Section 6. Each test location can be relocated in the field within the ROW limits to avoid environmentally sensitive resources.

4.5 Soil Salvage

Geotechnical activities will have minimal impact on the vegetation and soil; however, in the event vegetation is to be removed, it will be chopped with hand tools (i.e., loppers) and spread into the top soil. Sources of soil disturbance will be limited to the vehicle use and activity conducted in the vicinity and for the performance of the geotechnical tests. The geotechnical borings will be backfilled with native backfill in order to preserve native materials in the soil.

Table 2 Geotechnical Investigation Locations[3,4]

Test Location	Easting	Northing	Test Pile	Test Pit	Resistivity / Testing	Percolation Test	Approximate Area of Disturbance (square feet [sq. ft.])
1	7016190	2197166	X				800
2	7018228	2197166	X				800
3	7020329	2197166	X				800
4	7022346	2197166	X				800
5	7024386	2197166	X				800
6	7026441	2197166	X				800
7	7016190	2195109	X				800
8	7018228	2195109	X				800
9	7020329	2195109	X				800
10	7022346	2195109	X				800
11	7024386	2195109	X				800
12	7026441	2195109	X				800
13	7016190	2193164	X				800

[3] Coordinates are in accordance with the California Coordinate System CCS83, Zone 6
[4] Coordinates are approximate and will be finalized during field work activities based on findings of environmental clearance surveys as specified in Section 6.

14	7018228	2193164	X				800
15	7020329	2193164	X				800
16	7022346	2193164	X				800
17	7024386	2193164	X				800
18	7026441	2193164	X				800
19	7016309	2191542	X				800
20	7018228	2191109	X				800
21	7020329	2191109	X				800
22	7022346	2191109	X				800
23	7024386	2191109	X				800
24	7026441	2191109	X				800
25	7016944	2196511		X			800
26	7023453	2196648		X			800
27	7019807	2192018		X			800
28	7025718	2191675		X			800
29	7016447	2192197			X		800
30	7019247	2193903			X		800
31	7024829	2194070			X		800
32	7016980	2190650				X	800
					Total (sq. ft.)		25,600
					Total (acres)		0.59

5 REACTIVATION OF AN EXISTING WELL

Pre-construction activities may include the reactivation of an existing on-site groundwater well. The existing well is shown in both Figure 1 and Figure 3. Well activation may be required for purposes of providing water for dust control. It is assumed that approximately 2 acre-feet of water would be necessary to provide dust control during LNTP activities. Alternatively, water may be trucked to the site in which case well reactivation would not occur. If trucking is necessary, truck trips are not expected to exceed 3 trucks per day from the Blythe area. Well reactivation, if necessary, would require installation of a temporary pump, piping, generator, flow meter, auto pump shutoff switch, and hand/auto station for pump start/stop. A water tank may also be utilized to fill water trucks. The water tank is estimated to be a 10,000 gallon horizontal water tank elevated about 8 feet above grade. Refuelling a water tank may also be utilized to fill water trucks. The water tank is estimated to be a 10,000 gallon horizontal water tank elevated about 8 feet above grade. Refuelling of the generator would also be required.

If the existing groundwater well is reactivated, groundwater monitoring will occur in accordance with the approved Groundwater Level Monitoring, Mitigation, and Reporting Plan developed in accordance with CEC COC/BLM Measure SOIL&WATER–5.

6 ENVIRONMENTAL MONITORING PLAN

The activities defined in this work plan will be conducted in a manner that will avoid and minimize the potential for impacts to environmental resources including biological and cultural resources. The following environmental monitoring plan has been developed to define the avoidance and minimization measures that will protect resources to the maximum extent practicable during the implementation of the limited activities described in this Plan. These measures are based on a review of the environmental resources identified within the BSPP ROW limits as described in the Petition to Amend (PTA) Commission Decision (January 2014) and the Final EIS (May 2014), and a review of the applicable CEC COCs and BLM requirements contained in the Final EIS, ROD and ROW Grant. This environmental monitoring plan describes the environmental protection measures that will be taken during the course of the limited activities described in this Plan and, therefore, serves as a stand-alone plan.

6.1 Environmental Monitors

Environmental monitors will be responsible for three primary roles as further described below:

(1) conducting environmental awareness training,

(2) completing pre-construction surveys and environmental clearance surveys of the access routes and work areas as appropriate, and

(3) ensuring that environmental commitments included in Section 6.2 and those stipulated by CEC and BLM are adhered to.

Environmental Monitors: Prior to completing any LNTP activities, the qualifications for environmental monitors (Designated Biologists [DBs], Biological Monitors [BMs], Cultural Resources Specialists [CRMs], Cultural Resources Monitors [CRMs], Paleontological Resources Specialists [PRSs], and Paleontological Resources Monitor [PRMs]) will be provided to the CEC and BLM for approval per the applicable CEC COCs/BLM Measures (BIO-1; BIO-3; CUL-3; and PAL-1).

Environmental Awareness Training: Prior to commencing any LNTP activities, the environmental monitors (Designated Biologists [DBs], Cultural Resources Specialists [CRMs], and Paleontological Resources Specialists [PRSs]) will be responsible for providing Worker Environmental Awareness Program (WEAP) training to all onsite personnel. The WEAP training may be provided in person or by video. The WEAP training will follow the WEAP presented to the CEC and BLM (June 2014). Logs of all trained personnel will be maintained documenting completion of the WEAP training, and the sign-in sheets will be made available to the CEC and BLM upon request.

Environmental Clearance Surveys: To determine whether sensitive environmental resources are present along the access routes and at the proposed work locations, the following steps will be implemented by the environmental monitors:

Step 1, Due Diligence – Environmental monitors will be provided with hard copy maps and GIS data that can he uploaded to a handheld GPS device that includes all the environmental resources

identified during surveys completed to date. Environmental monitors at a minimum will be provided with data that includes jurisdictional waterways and known sensitive wildlife species locations, rare plant locations, and (for the designated Cultural Resources Monitor [CRM] only) archeological resources (sites and isolates).

Step 2, Access Route Identification – Environmental monitors will meet with the crews onsite to create a preliminary access route to obtain access to each work location based on environmental resources that have been previously recorded onsite. The environmental monitor(s) will provide the work crew(s) with an overview of known sensitive environmental resources that have been recorded in the area.

Step 3, Environmental Commitments - Environmental monitors will perform clearance surveys ahead of the work crews along the access route and proposed work locations. Biological monitors will perform surveys to identify sensitive species including but not limited to desert tortoise, Mojave fringe-toed lizard, American badger, desert kit fox, Couch's spadefoot toad, and nesting birds. CRMs will also perform surveys ahead of the work crews to confirm the locations and existing conditions of known resources and identify any new sensitive archeological resources.

Step 4, Avoidance Buffers and Alternate Siting – In the event a sensitive environmental resource is identified, avoidance buffers will be established per the discretion of the appropriate environmental monitors and per the requirements included in Section 6.2 below. The avoidance buffers will either be flagged in the field with staking or will be adhered to based on the environmental monitor presence to ensure the area is avoided during the LNTP activities.

6.2 Environmental Commitments

6.2.1 General Environmental Commitments

Several general best management practices will be implemented to avoid and minimize the potential for impacts to environmental resources including:

- All LNTP activities will be completed within the limits identified in the right-of-way grant and the limits of the LTNP work areas (Sections 3, 4, and 5).
- LNTP crews will follow only the prescribed routes to enter and leave the work area per the discretion of the environmental monitors and must be escorted by a Biological Monitor unless otherwise instructed by the Designated Biologist.
- All LNTP onsite personnel will receive WEAP training prior to performing onsite activities.
- Project vehicles will not exceed 25 miles per hour on unpaved roads.
- Vehicle refueling will occur offsite to the extent feasible. Some equipment (e.g., trencher and generator), may require refueling onsite. Refueling will not occur within 50 feet of waters of the State.
- Spill kits will be available onsite at all times.
- All LNTP activities will occur during daylight hours. No nighttime work will occur.

6.2.2 Biological Resources Commitments

The following best management practices will be implemented to avoid and minimize the potential for impacts to biological resources associated with LNTP activities:

- A Designated Biologist will be identified and approved by the CEC and BLM and will direct biological monitoring during the LNTP activities. Qualified biological monitors may also perform biological monitoring under the direction of the Designated Biologist. The Designated Biologist will be an authorized desert tortoise biologist that has experience with identifying desert tortoise, burrowing owl, sensitive plants, etc.
- Prior to accessing a work area, the Designated Biologist will identify an appropriate route for gaining access to the required work areas. Biological monitors will assist with avoidance/minimization of impacts to sensitive resources and document impacts using a GPS unit. The on-site monitors will take photographs and record notes of the monitoring activities.
- To prevent the introduction of new invasive weedy plant species into the project area, vehicles and equipment will provide wash tickets indicating equipment has been cleaned prior to being brought on site. No vehicles or equipment shall be allowed on site unless they are free of dirt, mud, oil, or any other potentially contaminating substance.
- If active nests or suspected active nests are detected, a non-disturbance buffer zone will be established per the discretion of the biological monitor. No work activity will occur within the avoidance buffer areas until the biological monitor determines that the fledglings are independent of the nest or has verified nest failure.
- If LNTP activities occur during the burrowing owl (BUOW) nesting season (February 1–August 31), BUOW surveys will be conducted within the work area and a 500-foot buffer. If BUOW burrows are discovered in the work area, the Designated Biologist or biological monitor will establish and mark a 250-foot non-disturbance Environmentally Sensitive Area (ESA) radius around the burrow. If an active, non-breeding BUOW burrow is detected, a 160-foot radius will be maintained between the burrow and the proposed work area(s), or as determined by a biological monitor.
- All kit fox and badger burrows will be marked and flagged for avoidance. A minimum 500-foot non-disturbance buffer, or other buffer determined in consultation with the resource agencies, will be established around any active kit fox or badger dens.
- Within 96 hours of LNTP activities, the Designated Biologist will complete a clearance survey of the proposed access routes and LNTP work locations for all desert tortoise burrows and tortoises. All desert tortoise burrows and tortoises identified during the clearance surveys of the fence line

will be addressed in accordance with the procedures for clearing for fence line as summarized in Appendix B. Desert tortoises and burrows detected within the project area during geotechnical activities will be avoided and appropriate non-disturbance buffers will be established.

- Special status plants that require avoidance and/or mitigation and Couch's spadefoot toad pools will be avoided during LNTP activities.
- At the end of each work day, the Designated Biologist shall ensure that all potential wildlife pitfalls (trenches, bores, and other excavations) outside the area fenced with desert tortoise exclusion fencing have been backfilled. If backfilling is not feasible, all trenches, bores, and other excavations shall be sloped at a 3:1 ratio at the ends to provide wildlife escape ramps, or covered completely to prevent wildlife access, or fully enclosed with desert tortoise-exclusion fencing or inspected by the Designated Biologist or Biological Monitor(s) at the beginning of each work day.

6.2.3 Archeological Resources Commitments

The following best management practices will be implemented to avoid and minimize the potential for impacts to cultural resources associated with LNTP activities:

- A Cultural Resources Monitor (CRM) will be present during all ground disturbing activities. A Tribal Cultural Consultant (TCC) will also be provided an opportunity to monitor ground disturbing activities.
- All known untreated archaeological sites eligible to the California Register of Historical Resources and/or National Register of Historic Places will be avoided during ground disturbance associated with geotechnical testing activities and temporary exclusion fence installation. To facilitate avoidance, all known archaeological sites will be plotted on Project field maps in possession of all CRMs. Archaeological site locations will also be loaded onto hand-held digital devices (i.e., GPS receivers and/or tablet computers) used for monitoring tracking purposes during fieldwork. This will enable CRMs to respond in real-time to the present location of geotechnical crews in relation to known archaeological sites.
- CRMs, under the direction of the Lead CRM/Archaeological Monitoring Supervisor, will work with the Designated Biologist to identify appropriate routes for gaining access to the required work areas and ensure that all known sites are avoided.
- CRMs will inspect the route of travel for each geotechnical testing crew, accompanying them during transit. Should a previously unidentified archaeological site be identified while traveling to geotechnical test locations, the CRMs shall have the authority to redirect the route of travel in coordination with the geotechnical testing crew to determine an appropriate alternative route to the testing site to avoid impacts to the newly discovered archaeological site. Isolated artifacts

(i.e., three or fewer artifacts found within five meters of each other) will not constitute an archaeological site.

- The CRMs shall have the authority to temporarily stop work in order to inspect potential archaeological discoveries at a proposed testing site. Should the discovery constitute an archaeological site, the CRM shall redirect geotechnical testing crews to another appropriate location to continue their work.
- During temporary exclusion fence installation activities, the CRMs shall have the authority to redirect the fence installation crew to avoid any newly identified archaeological sites an appropriate distance from the resource.
- The TCCs shall have the authority to temporarily stop work in order to make visual inspections of potential cultural deposits. The on-site CRM shall discuss the potential finding with the TCC and a decision will be made as to the resumption of ground disturbing activities in the immediate vicinity of the potential cultural discovery. The ultimate responsibility for avoidance and protection of archaeological resources lies with the CRM. If agreement between the TCC and the CRM cannot be reached, no further work in the immediate area will be allowed until BLM and CEC have communicated with the Project Archaeologist, TCC and NextEra Blythe Solar with appropriate direction.
- The CRM shall report the discovery of all newly identified archaeological resources to the Lead Monitor and Project Archaeologist, who will notify the BLM and CEC immediately of the discovery. The basic constituents and approximate site boundary of all newly discovered archaeological sites will be recorded by the CRM while the geotechnical testing team or fence installation team are mobilizing to relocate. Isolates will be point-provenienced with a sub-meter GPS unit and briefly described.
- Following recordation, any newly identified sites will be fenced or flagged in a Temporary Exclusion Zone (TEZ) with a buffer to be determined by the CRM, Project Archaeologist and BLM/CEC Archaeologists. TEZs will be avoided until the Cultural Resources Monitoring and Mitigation Plan and Plan for Archaeological Monitoring, Post-Review Discovery, and Unanticipated Effects are approved by the CEC and BLM, respectively, and treatment will follow the protocols presented in those plans.
- All work associated with the project will be monitored by archaeologists working under a current BLM Statewide Cultural Use Permit and Palm Springs South Coast Field Office Fieldwork Authorization, if a Fieldwork Authorization is required.

- All work associated with the project will be monitored by CRMs approved by the CEC per CUL-3 of the Conditions of Certification.
- Results of the monitoring would be presented in a letter report with accompanying maps.

6.2.4 Paleontological Resources Commitments

The following best management practices will be implemented to avoid and minimize the potential for impacts to paleontological resources associated with LNTP activities:

- Because the BSPP site and associated linear facility ROWs were surveyed in 2009, no additional preconstruction survey of the Project area is necessary. If any subsurface bones or other potential fossils are observed by non-paleontological personnel during LNTP pre-construction activities, the crew will be instructed to stop work and notify the Environmental Compliance Manager (ECM) and PRM immediately.
- Full-time construction monitoring will take place during all ground-disturbing activities within previously undisturbed areas considered to have a high paleontological sensitivity, and part-time monitoring will take place at all locations considered to have a low paleontological sensitivity. The frequency of part-time monitoring will be determined by the PRS and will be adjusted as needed throughout the duration of the Project in concurrence with the ECM.
- The PRMs will follow earth-moving equipment (graders, track hoes, ditchers, etc.), and examine excavated sediments and excavation sidewalls for evidence of significant fossil resources.
- If fossils are found by a PRM, the PRM, in consultation with the PRS, will then evaluate their significance (determine whether the remains are identifiable or otherwise scientifically important).

6.2.5 UXO Commitments

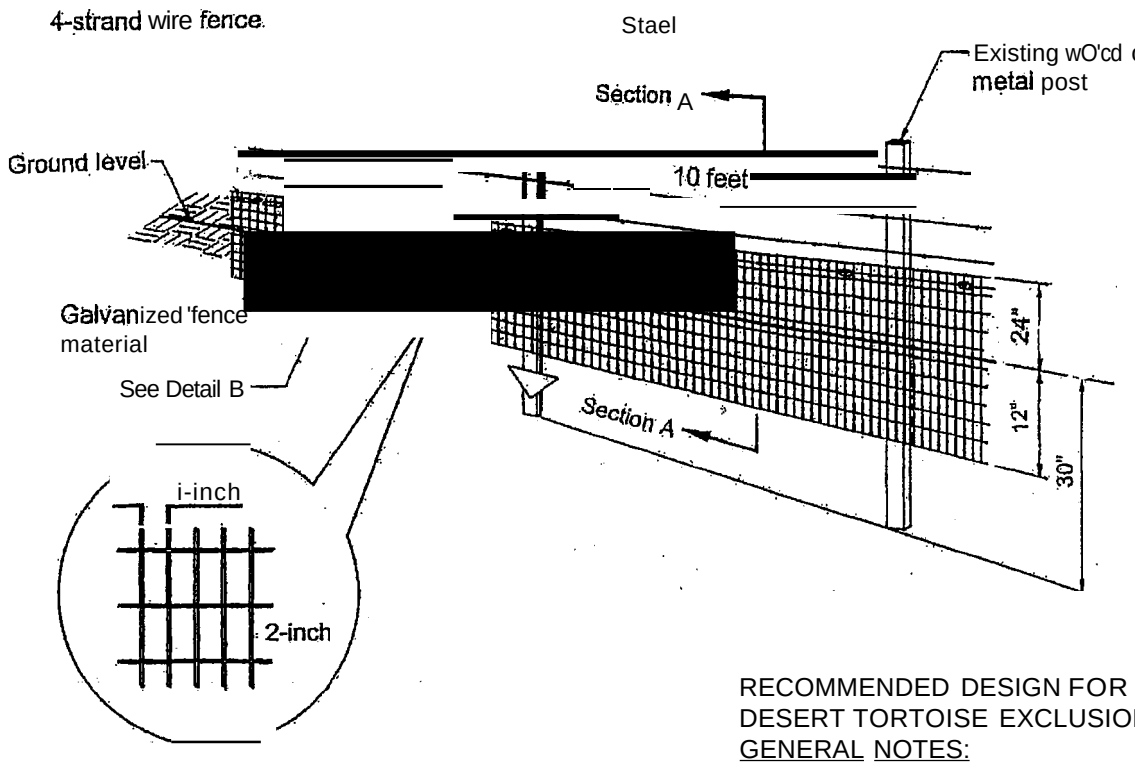
Unexploded ordinance (UXO) identification, training, and reporting, per COC WASTE-1, will be conducted in accordance with the approved UXO/Munitions and Explosives of Concern (MEC) Plan for the Blythe Solar Power Project (AECOM 2010). The MEC/UXO Contractor will provide Military Munitions Response Program (MMRP) services in accordance with the approach described in that approved plan. The level of effort employed will also reflect areas previously cleared for construction during prior site construction activities.

6.3 Environmental Reporting

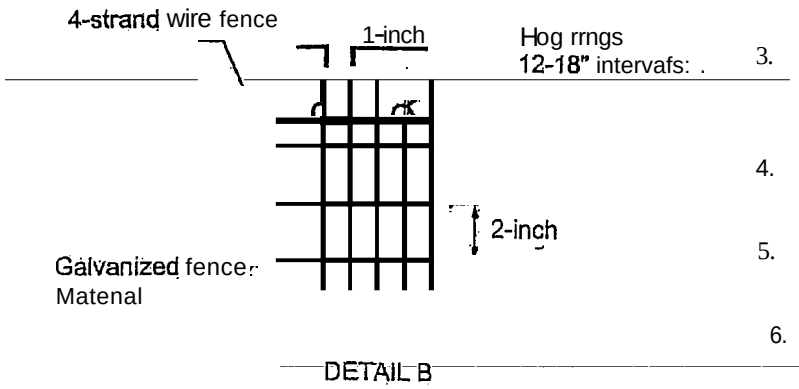
At the completion of proposed LNTP activities, a letter report will be prepared that includes a summary of the activities conducted and compliance with the environmental commitments. The summary will include quantitative and qualitative descriptions of impacts associated with LNTP activities as well as any findings associated with compliance monitoring. Maps will be included in the summary report.

Appendix A – Desert Tortoise Fencing Specifications

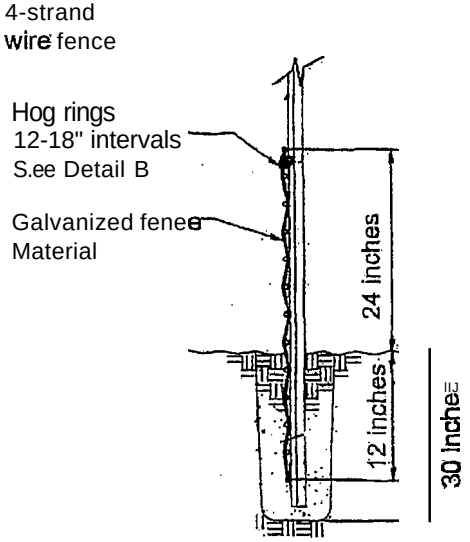
DESERT TORTOISE EXCLUSION FENCE (2005)



DETAIL A



DETAIL B



SECTION A

RECOMMENDED DESIGN FOR DESERT TORTOISE EXCLUSION FENCE

GENERAL NOTES:

1. Ensure that fence posts and materials conform to the standards approved by the U.S. Fish and Wildlife Service.
2. Ensure that the height above ground level is no less than 18 inches and no higher than 24 inches.
3. Ensure that the depth of fence material below ground level is about 12 inches but no less than 6 inches. (See SECTION A above)
4. Install additional steel posts when between existing fence posts exceed 10 feet.
5. Attach fence material to existing fence or wire using hog rings at 12-inch intervals.
6. Fasten fence material to posts with 3 tie wires with a wire near the top, bottom, and center of the fence material.
7. Backfill trenches with excavated material and compact the material.
8. Attach fence material to all gates. Ensure that clearance at base of gate achieves zero ground clearance.
9. Substitute smooth wire for barbed wire if additional support wires are necessary.
10. The number placement of support wires may be modified to allow sheep and deer to pass safely.
11. Erosion at the edge of the fence' material where the fence crosses washes may occur and requires appropriate and timely monitoring and repair.
12. Tie the fence into existing culverts and cattleguards when determined necessary to allow desert tortoise passage underneath roadways.

FOR BEDROCK OR CALICHE SUBSTRATE

1. Use this fence design (see below) only for that portion of the fence where fence material cannot be placed 6 inches below existing ground level due to presence of bedrock, large rocks or caliche substrate.

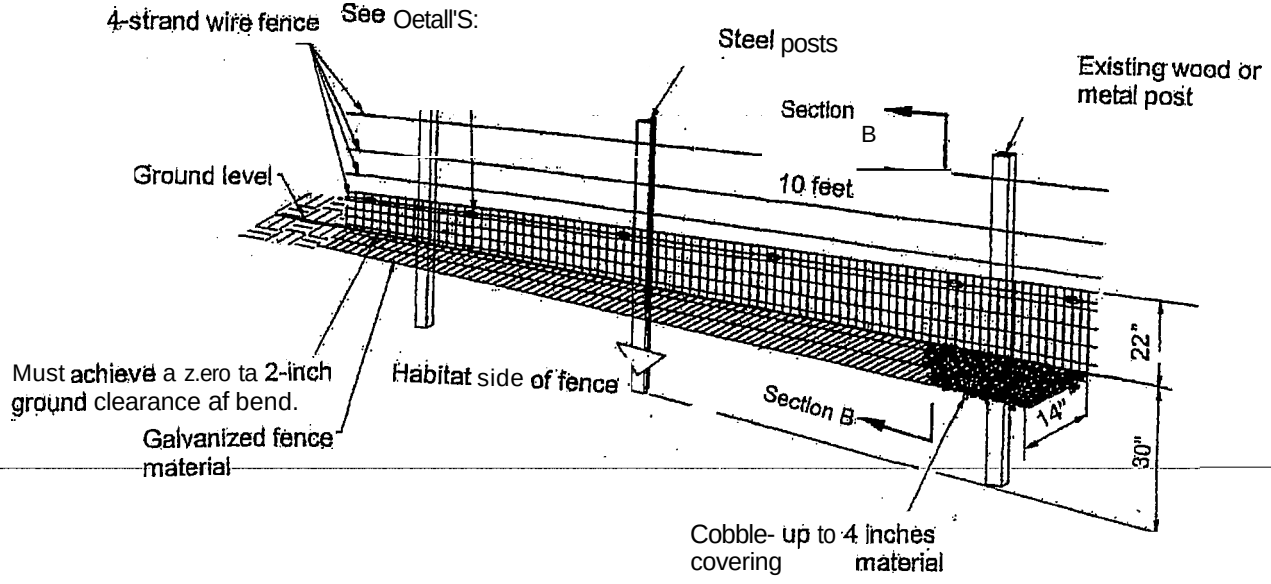
2. Ensure that the fence height above ground level is no less than 22 inches.

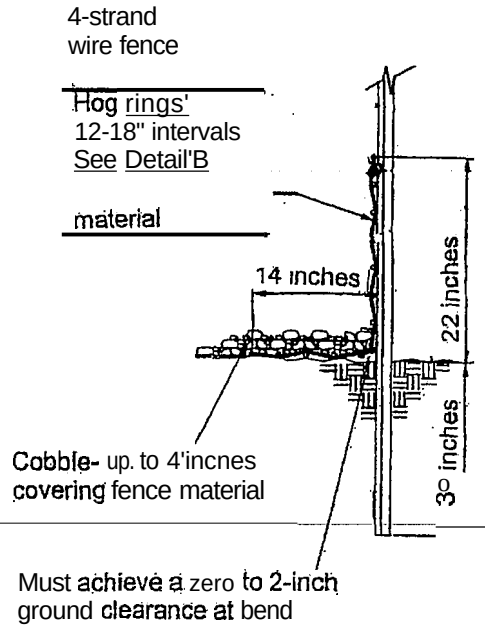
3. Ensure that there is a zero to 2-inch ground clearance at the bend.

4. Ensure that the bent portion of the fence is lying on the ground and pointed in the direction of desert tortoise habitat.

5. Cover the portion of the fence that is flush with the ground with cobble (rocks placed on top of the fence material to a vertical thickness up to 4 inches).

6. When substrate no longer is composed of bedrock or caliche, install fence using design shown above.

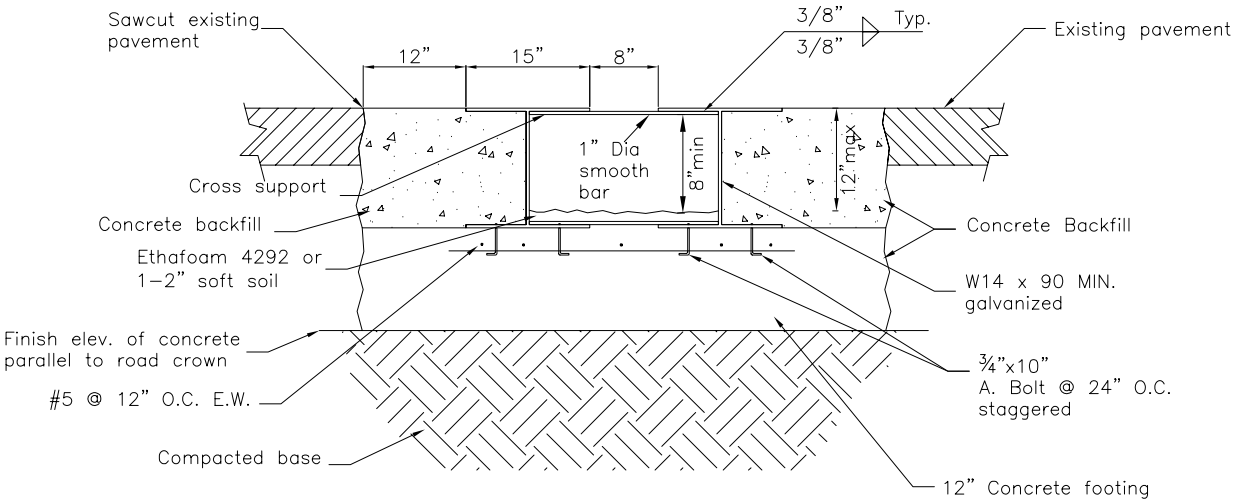




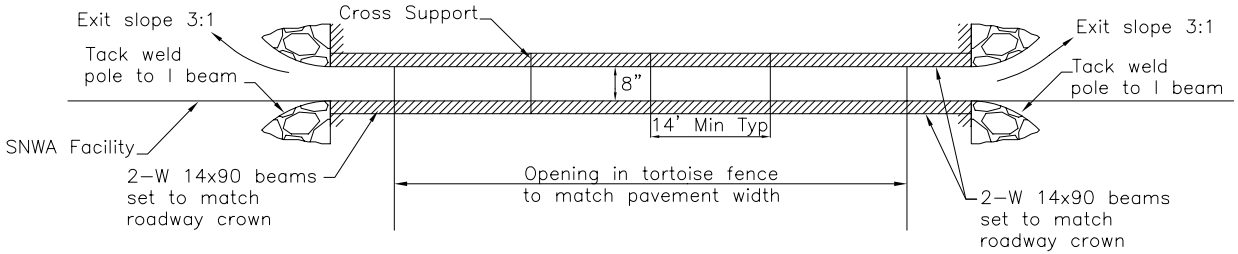
SECTIoN B

PERMANENT TORTOISE GUARD

CROSS SECTION



TOP VIEW



NOTE:
All metal should be galvanized per spec 05500, paragraph 3.3

Appendix B – Desert Tortoise Clearance Procedures

The following measures were taken directly from the Draft Desert Tortoise Translocation Plan submitted to the CEC and BLM on June 26, 2014.

Surveys and Tortoise Monitoring During and After Fence Construction

Within 72 to 96[5] hours prior to fence installation, biologists will survey the staked fenceline for all burrows that could be used by tortoises. Surveys will provide 100% cover for all areas to be disturbed by fencing and a swath of at least 100 ft centered on the fenceline, using 15-ft (5-m)-wide transects for the disturbance area and 33-ft (10-m)-wide transects for the remainder of the survey swath. Tortoise burrows will be mapped using Global Positioning System (GPS), and the burrow size and occupancy recorded; if not occupied, indications of how recently the burrow was used will be recorded. Occupancy will be determined by a combined use of reflective mirrors, probing, tapping the entrance, listening, and/or scoping with a fiber optics scope. In all cases, occupancy will be verified only if all interior edges of the burrow can be felt, such that a "hidden" chamber at the end is not missed. Any tools used inside a burrow that could be used by a tortoise will be disinfected before use in another burrow, via the most recent disease prevention techniques (e.g., FWS 2013a). Burrows may be flagged, if flagging will not attract poaching. (Flagging also may attract predators, but can be placed at a standardized distance and direction from burrows.)

Tortoise burrows will be avoided if at all possible, and always for temporary fencing. If a burrow must be destroyed for fencing to occur, then it will be visually and tactilely examined for occupancy by tortoises and other wildlife. If occupancy is negative or cannot be established, the burrow will be carefully excavated with hand tools, using standardized techniques approved by FWS (2009) and disinfection for all tools. No burrows that can be avoided will be collapsed during perimeter fence construction.

All fence construction will be monitored by approved biologists to ensure that no desert tortoises are harmed. The level of monitoring will depend on the specific fencing activity, but at least one BM will accompany each separate construction team, such that no driving, trenching, fence pulling, or any surface disturbing activities will occur without the immediate presence of a BM. Maps of burrows from the pre-construction survey will be provided to all BMs to assist in protecting tortoises. Such maps will also be potentially useful for moving tortoises out of harm's way and ultimate translocation from the Solar Plant Site.

Tortoises often walk fences that are new in their environment, sometimes to the point of exhaustion. If exclusion fencing (including temporary fencing) is installed when tortoises are known to be active, either from spring through fall or in winter during unusually warm weather, then all installed exclusion fence (partial or complete) will be checked two to three times daily for two weeks to ensure that no tortoise is fence-walking to the point of exhaustion or overexposure. If midday temperatures are above thresholds at which tortoises must go underground to escape heat (approximately 109ºF [43ºC] ground temperature),

[5] This timing allows potentially active and active kit fox dens that cannot be avoided by fence construction to be monitored for three nights prior to fence construction.

then one of the fence checks will occur one hour prior to this threshold being reached. This same process will occur for the first two to three weeks of the activity season if the fence is installed in winter, when tortoises are underground. Shade shelters may be added if tortoises are found pacing near the fence line. Agencies will be contacted to discuss type of shade shelter, if necessary.

Tortoise Translocation and Determination of Residency Status During Solar Plant Site Fence Construction

During perimeter fencing, tortoises encountered may be residents of the Solar Plant Site and, possibly, ultimately require translocation. The FWS *Guidance* provides direction for determining the residency status of a tortoise found in the fencing survey area, and thereby whether it would need to be translocated. If, through telemetry monitoring, a tortoise appears to be a resident of the area outside the Project Area, then it will not be considered a translocatee. While handling such a tortoise would be considered an incidental take under the BO (FWS 2013b) and 2081 (CDFW 2014), the tortoise would not be included in the tally for translocatees, and therefore would not affect the critical threshold of five translocated tortoises.

Any tortoise found inside the Solar Plant Site or along the fence line during fencing or during fence monitoring would receive a visual health assessment in accordance with USFWS protocols, and be numbered and measured. It would be transmittered, and monitored daily until it can be determined whether it lives primarily outside the Solar Plant Site or is currently a resident of the Solar Plant Site, based on burrow use and movements. An exception to this will be for a tortoise that is known to have a burrow outside the fence line (i.e., found in a burrow or having been observed in a burrow); such a tortoise will not be handled unless it is necessary to protect it from harm. If the latter occurs, then the tortoise will not be transmittered, but will be measured, described, numbered and receive a visual health assessment. The *Guidance* also recommends putting a tortoise outside the fence, but if a tortoise did not live there and were simply transiting through the area, moving it outside may be the wrong direction. Instead, if no burrow is known for that tortoise, the tortoise will be placed on the side of the fence where it was found or on the side where it was pointed (if very near the fence.) Because the fence could cause an impediment to natural movements, determining residency for any transmittered tortoise would necessitate leaving openings in the fence at the point where the tortoise was found, to ensure that the tortoise could move unimpeded, thereby resulting in a more complete data set of burrows and use areas for determining residency status[6]. The gaps would be closed (a) if the tortoise was found to live primarily outside the Solar Plant Site and (b) prior to Solar Plant Site clearance.

[6] Opening the fence may be an imperfect solution. It presents a difficulty for the fence contractors and the tortoise may not easily find the gap. An alternative solution will be to increase the fence monitoring in the vicinity of the tortoise and lift the tortoise to the other side of the fence if it is observed fence walking. This would only occur for a couple of days, at which time a gap would be opened in the fence to allow unimpeded movement.

If the tortoise is a resident of the area outside the Solar Plant Site, the transmitter will be removed and the tortoise released. If it is determined that a tortoise is a Project Area tortoise, it will remain transmittered and be monitored onsite until translocation can occur. A summary of the monitoring data and the suggested disposition for the tortoise (i.e., Project tortoise or resident outside) will be sent to the resource agencies (BLM, FWS, and CDFW), as appropriate, for discussion with the BSPP lead biologist before the transmitter is removed; this discussion will occur and a decision made within two weeks of the agencies receiving the summary.

Continued onsite monitoring for a tortoise determined to be a resident of the Project Area, until it can be translocated, will be daily for at least the first two weeks, weekly during high-activity months (March through May or September through November 15), every other week during summer (June through August), and monthly through winter until it exits brumation. Increased monitoring will be implemented when fences are new in the tortoise's area. If, during the extended monitoring, the tortoise persists in fence-walking, suggesting that it lives outside the Project Area, then it will be placed outside, and followed via telemetry to determine if it is actually a resident outside the Project Area and the initial determination was incorrect. Data will be discussed with FWS and CDFW as outlined above, to finalize the disposition of the tortoise.

FWS (2009) handling guidelines for temperatures state that tortoises can only be handled when air temperatures, measured at 2 in (5 cm) above the ground are not expected to exceed 95°F (35°C) during the handling session. However, fence construction is permitted by FWS for any time of the year, so air and ground temperatures will often exceed these temperatures and also often exceed lethal levels. Contingencies must be in place in the event that a tortoise is found during the fencing or fence monitoring during periods of high temperatures. The following options to protect tortoises address potential contingencies during high temperatures, and also during winter, respectively. No tortoise would be moved when air temperatures exceed 95°F, except in an emergency.

During High Temperatures:

- *If a tortoise is walking in the open*, it will be permitted to continue, unimpeded, to a refugium. Methods will proceed as for a tortoise under a shrub or in a burrow, below.
- *If a tortoise is found under a shrub*, the tortoise will be continuously monitored by a BM or temporary tortoise exclusion fencing erected along the construction zone to keep the tortoise from entering the construction area. (This would be a linear section of fence separating the tortoise from the construction, not a pen around the tortoise.) The fence will be flagged to ensure avoidance. If ambient air temperatures fall below 95°F on the day of initial observation, then the tortoise will be processed, transmittered and monitored as described above. The exclusion fence will be removed as soon as practical.
- If the AB determines that leaving the tortoise under a shrub would potentially result in overexposure to high temperatures and no burrow is known for that tortoise, construction in that area will halt and all personnel will depart. Construction can be resumed later in the day when air temperature has dropped below 95°F, at which time the tortoise would be transmittered, processed, and monitored as described above. Less preferably, the tortoise can be collected in a sterile, covered tub, held in a climate-controlled location (e.g., Project office), transmittered, and released in early evening, when air temperature has dropped below 95°F or the following morning. All boxed tortoises would be checked several times until release, to ensure their safety.

At the AB's discretion, if this tortoise's burrow is known, the tortoise can be placed at that burrow and watched until it enters the burrow.

- *If a tortoise is in a burrow that can be avoided,* a temporary fence will be erected to keep the tortoise from entering the construction zone, in the same manner as described above for a tortoise under a shrub. The exception is that a fence can be erected around the burrow, if it would be removed the same day. The fence will be flagged to ensure avoidance. When ambient air temperatures fall below 95°F on the day of initial observation, then the tortoise will be processed, transmittered and monitored as described above. The exclusion fence will be removed as soon as practical.
- *If a tortoise is in a burrow* that *cannot be avoided by construction activities*, then a gap will be temporarily left in that section of the fence. The tortoise will be processed and transmittered when air temperature has dropped below 95°F and monitored via telemetry until its residency status can be verified (see above). Processing a tortoise and transmittering it near its burrow often prompts a tortoise to temporarily leave that burrow, and because tortoises use many burrows, it is anticipated that the tortoise would locate another suitable burrow quickly. But, if the tortoise keeps returning to the fence line burrow over a long period, it may be monitored via telemetry until a safe time to translocate it, at which time the fence can be completed. Alternatively, and less preferably, plans for a quarantine pen may be submitted to FWS for approval. Once approved, the tortoise could be housed in the pen until translocation.
- *Any tortoise that is found fence-walking when temperatures are potentially hazardous*, and for which no burrow is known for that tortoise into which it can be blocked, will be collected and held in a climate-controlled location. It will be released in early evening, when air temperature has dropped below 95°F or the following morning.

During Winter. If fencing occurs during winter when tortoises are inactive (approximately 15 November to 10 March), a burrow housing a tortoise will be fenced with high visibility fencing (if this would not attract poaching) and mapped on construction drawings; a BM will continually monitor the burrow and fence while construction is proceeding in the immediate area of the burrow, to ensure tortoise safety. The tortoise also may be blocked into its burrow to keep it inactive. The high visibility fencing and block would be removed once all danger of construction is past. Depending on the location of the burrow and depth of tortoise in the burrow, one of the following procedures would be followed:

- *Any tortoise occupying a winter burrow outside of the fence* will not be considered a resident of the Project Area. No further monitoring would be conducted, except post-brumation fence monitoring (see above).
- *A brumating tortoise inside the Project Area* will be removed from its burrow and transmittered only if it can be extracted without harming the burrow. If it can be removed, it will be transmittered, processed, and put back into its burrow. If the tortoise is too deep, then the burrow will be blocked until temperatures warm in March (or earlier), at which time the block will be removed and the tortoise transmittered. In both cases, the burrow will be monitored per the schedule in the *Guidance* (FWS 2011b:13).
- *If a tortoise is in a burrow that cannot be avoided* and tortoises are still in brumation, then an artificial burrow that replicates the capture burrow (i.e., location relative to a shrub, direction, length) will be constructed as nearby as possible outside the Project fence where construction has finished (so that the tortoise will not be disturbed). All burrows that cannot be avoided will be completely excavated using standardized techniques approved by FWS (2009). The tortoise will be captured at night (preferably), affixed with a transmitter and placed in the artificial burrow along with soil and scat from the capture burrow. The tortoise will be blocked into the burrow for

two weeks (unless the weather warms, in which case the barriers will be removed), at which time the blocks will be removed and the tortoise continually monitored to ensure that it either remains in the burrow or finds another suitable burrow..

- *Any tortoise found aboveground during winter* is highly likely to be near its burrow, except during extended periods of warm weather. If the burrow cannot be determined, a transmitter will be affixed to the tortoise and the tortoise will be tracked as described above for fence line tortoises until it is established that the tortoise is sequestered in a suitable burrow inside or outside the Project Area.

Fence Monitoring

All permanent exclusion fencing will be inspected monthly and during/immediately after all rainfall events where soil and water flow through washes or overland and could damage the fence or erode the soil underneath. Temporary fencing will be inspected daily if activities are occurring in the vicinity that could damage the fence. Any damage to any fencing, either permanent or temporary, will be repaired immediately. If it cannot be repaired immediately, any gaps that are open to tortoise habitat will be continuously monitored during the day until the gap can be repaired, or a temporary barrier installed, to ensure that a tortoise has not entered the site through the gap. For permanent fencing, gaps will be repaired within two days, or as soon as is feasible.