

CALIFORNIA ENERGY COMMISSION

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California Energy Commission DOCKETED 09-AFC-5C
TN # 66827 AUG. 17 2012

**STATE OF CALIFORNIA
 ENERGY RESOURCES CONSERVATION
 AND DEVELOPMENT COMMISSION**

In the Matter of:)	
ABENGOA MOJAVE SOLAR)	Docket No. 09-AFC-5C
)	Order No. 12-0809-3
MOJAVE SOLAR LLC)	ORDER APPROVING a Petition to Modify
)	Condition of Certification BIO-7 to
)	Remove 25 mph Restriction on Harper
)	Lake Road

On March 30, 2012, Mojave Solar LLC, the owner of the Abengoa Mojave Solar Power Project, submitted a petition to the California Energy Commission (Energy Commission) requesting to modify Condition of Certification BIO-7 to remove the 25 mph restriction on Harper Lake Road. The modification will allow the project-related drivers using Harper Lake Road to drive at the legal posted speed limit. The modification will reduce the danger to personnel who are associated with Abengoa Mojave Solar Power Project and are required to drive 25 mph while others (not connected to the project) drive the posted speed limit.

STAFF RECOMMENDATION

Energy Commission staff reviewed the petition and finds that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of Mojave Solar LLC’s petition to modify the Abengoa Mojave Solar Power Project and amend related Condition of Certification BIO-7, Section 3 Minimize Traffic Impacts.

ENERGY COMMISSION FINDINGS

Based on staff’s analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;
- The modification will not change the findings in the Energy Commission’s Final Decision pursuant to Title 20, section 1755;

- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525; and
- The change will be beneficial to the public in that the posted speed limit will be reinstated so that project-related drivers using Harper Lake Road will be less likely of being in an accident involving others driving at the posted speed limit.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Commission Decision for the Abengoa Mojave Solar Power Project. New language is shown as **bold and underlined**, and deleted language is shown in ~~strikeout~~.

CONDITION OF CERTIFICATION

BIO-7 The project owner shall implement the following measures during construction and operation to manage their project site and related facilities in a manner to avoid or minimize impacts to the local biological resources:

3. Minimize Traffic Impacts. Vehicular traffic during project construction and operation shall be confined to existing routes of travel to and from the project site, and cross country vehicle and equipment use outside designated work areas shall be prohibited. The speed limit shall not exceed 25 miles per hour ~~on Harper Lake Road~~ and within fenced areas that have been cleared of tortoises and other wildlife. The speed limit shall not exceed 15 miles per hour within unfenced areas and secondary unpaved access roads **except public roads** associated with the project site.

Verification: All mitigation measures and their implementation methods shall be included in the BRMIMP. Implementation of the measures will be reported in the Monthly Compliance Reports by the Designated Biologist. Within 30 days after completion of project construction, the project owner shall provide to the CPM, for review and approval, a written construction termination report identifying how measures have been completed. Additional copies shall be provided to CDFG and USFWS.

IT IS SO ORDERED.

CERTIFICATION

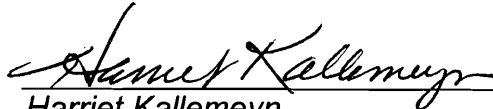
The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on August 9, 2012.

AYE: Weisenmiller, Peterman, McAllister

NAY: None

ABSENT: Douglas

ABSTAIN: None



Harriet Kallemeyn,
Secretariat