

ABENGOA MOJAVE SOLAR PROJECT (09-AFC-5C)

BIOLOGICAL RESOURCE EVALUATION OF REQUEST FOR PETITION FOR MODIFICATION OF CONDITION OF CERTIFICATION BIO-7, TRAFFIC IMPACTS ON HARPER LAKE ROAD

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Introduction

The Petition to Amend the Commission's Decision for the Abengoa Mojave Solar Power Project requests modification of condition of certification **BIO-7** (Impact Avoidance and Minimization Measures) line item #3 to delete the words "Harper Lake Road". The purpose of this change is to reduce the public safety hazard caused by requiring project-related vehicles to drive at 25 MPH, which is substantially less than the posted 55 MPH speed limit on Harper Lake Road that the general public travels. In addition, the California Energy Commission does not have the authority to reduce the speed limit on a city or county road. This analysis addresses the proposed change which would allow project-related traffic to drive at the posted speed limit of 55 MPH on Harper Lake Road and potential impacts to the state and federally protected desert tortoise and other biological resources.

Analysis

Staff has reviewed the Abengoa Mojave Solar Project Commission Decision (CEC 2010a), the Abengoa Mojave Solar Staff Assessment (CEC 2010b) and the Abengoa Mojave Solar Supplemental Staff Assessment - Part B (CEC 2010c) to determine if the petition request would have any further impacts to desert tortoise along Harper Lake Road if project-related traffic is allowed to drive at the posted speed limit. The analyses discuss the potential impacts to desert tortoise along Harper Lake Road during construction and operations. The analyses take into account that the majority of Harper Lake Road already has desert tortoise exclusion fencing which significantly reduces the potential of desert tortoise being found and hit by a vehicle on Harper Lake Road. In addition, the Abengoa Mojave Solar Project Commission Decision includes the requirement for environmental awareness training for workers, following posted speed limits along Harper Lake Road, and Designated Biologists or Biological Monitors to monitor for desert tortoise along Harper Lake Road during construction and moving desert tortoise out of the right of way to help reduce the potential for collisions and mortality. Conditions of certification **BIO-5** (Worker Environmental Awareness Program) and **BIO-7** (Impact Avoidance and Minimization Measures) were developed and are currently being implemented as impact avoidance and minimization measures to reduce impacts to desert tortoise and other wildlife from construction traffic to less than significant levels.

Conclusion

According to staff's analysis, worker environmental awareness training, adherence to posted speed limits, and desert tortoise monitoring along Harper Lake Road during construction will reduce impacts to less than significant levels and are included in conditions of certification **BIO-5** and **BIO-7**. The increase in speed from 25 MPH to the posted speed limit of 55 MPH on Harper Lake Road was evaluated in staff's analysis, but the condition of certification **BIO-7** line item #3 did not reflect the posted speed limit. Therefore the change to allow project-related vehicles to drive the posted speed limit on Harper Lake Road will not cause any additional impacts to desert tortoise.

Amended Condition of Certification

The following Biological Resources condition of certification must be modified to reflect staff's analysis. Project-related traffic on Harper Lake Road should be allowed to drive at the posted speed limit. The required condition of certification changes is shown in ~~strikethrough~~ and **bold**.

IMPACT AVOIDANCE AND MINIMIZATION MEASURES

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.

References

CEC 2010a. California Energy Commission. Commission Decision for Abengoa Mojave Solar Project (09-AFC-5). September 2010.

CEC 2010b. Staff Assessment for Abengoa Mojave Solar Project. March 2010.

CEC 2010c. Supplemental Staff Assessment - Part B for Abengoa Mojave Solar Project. May 2010.