

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



August 25, 2010

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Desert Tortoise Preserve Committee, Inc.
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DOCKET
99-AFC-8C

DATE AUG 25 2010

RECD. AUG 25 2010

**SUBJECT: BLYTHE ENERGY PROJECT TRANSMISSION LINE MODIFICATIONS
(99-AFC-8C) - RELEASE OF FUNDS FROM ESCROW ACCOUNT**

To Whom It May Concern:

The California Energy Commission staff has determined that the terms of Conditions of Certification **BIO-16** and **BIO-17** in the Blythe Energy Project Transmission Line Modifications Final Decision (Decision), issued by the California Energy Commission in October 2006, have been met, and funds deposited into an escrow account for the purposes of compliance with these conditions may be released to Blythe Energy, LLC. The estimate of net disturbance due to the Blythe Energy Project Transmission Line Modifications is summarized in **Table 1**, below:

Table 1: Compensatory Mitigation Cost Summary

Item	Blythe Energy Estimate	Energy Commission Estimate	Measured
Non-Tortoise habitat	\$0	\$0	\$0
Category I habitat	\$717,100	\$998,400	\$685,200
Category III habitat	\$42,140	\$127,680	\$98,280
Total DT Habitat Disturbance	\$759,240	\$1,126,080	\$783,480

The Decision states: "If the proposed Buck to Julian Hinds transmission line requires fewer than 938.4 compensation-acres, Blythe Energy will receive a refund (\$1,200 per compensation-acre plus interest accrued thereon) from the escrow account. If more

than 938.4 compensation-acres are required, Blythe Energy will be required to pay \$1,200 per compensation-acre for additional disturbance (Conditions of Certification BIO-16 (BEPTL Habitat Compensation) and BIO-17 (Disturbance Calculation Protocol)) (page 4.2-28)". **Table 2** below summarizes the estimated and measured acres.


Table 2: Estimated and Measured Compensatory Summary (Acres)

Item	Blythe Energy Estimate	Energy Commission Estimate	Measured
Non-Tortoise habitat	No Estimate	No estimate	No comp.
Category I habitat	597.5	832.0	571.0
Category III habitat	35.2	106.4	81.9
Total DT Habitat Disturbance	632.7	938.4	652.9

The difference between the Energy Commission's estimate and the actual measured acreage is 285.5 acres. Using the \$1,200 per compensation-acres noted in the Decision, Energy Commission staff has calculated that that Blythe Energy, LLC shall receive a refund from escrow in the amount of \$342,600 in principal plus the accrued interest thereon.

Please accept this letter as needed evidence that the above-mentioned escrow principal plus the accrued interest thereon may be released to Blythe Energy, LLC, and the remaining principal, that is, \$24,240, plus the accrued interest thereon, is to be released to the Desert Tortoise Preserve Committee, Inc. as set forth in the escrow agreement, for the purchase and maintenance of an additional 20.2 acres of desert tortoise habitat, and the escrow account closed.

If you have questions, please contact me at (916) 651-8891 or by email at: mdyas@energy.state.ca.us.



MARY DYAS
Compliance Project Manager
Siting Transmission and Environmental Protection
Division

cc: Dockets Unit, California Energy Commission
Penny Eckert, Tetra Tech EC, Environmental Manager