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July 16, 2010

**DOCKET**  
**09-AFC-6**

DATE JUL 16 2010

RECD. JUL 16 2010

California Energy Commission  
Attn: Docket No. 09AFC6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Re: 09-AFC-6 Blythe Solar Power Plant Project

Dear Docket Clerk:

Enclosed are an original and one copy of **CURE's cover letter to Alan Solomon with Joint Statement of Palo Verde Solar 1, LLC and California Unions for Reliable Energy** attached. Please process the document and provide us with a conformed copy in the envelope provided.

Thank you.

Sincerely,  
/s/

Elizabeth Klebaner

EK:bh  
Enclosures

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July 16, 2010

**Email and U.S. Mail**

Alan Solomon  
Siting Project Manager  
California Energy Commission  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Re: In the Matter of the Application for Certification for the Blythe Solar Power Plant Project (California Energy Commission, Docket 09-AFC-6)

Dear Mr. Solomon:

As I said at the July 15 hearing, we are happy to announce that California Unions for Reliable Energy (CURE) and Palo Verde Solar I, LLC have reached an agreement regarding all of the issues raised by CURE in this proceeding. The Blythe Solar Power Plant Project will benefit the State of California, and represents a significant gain for the State's burgeoning renewable energy sector. Staff's dedication to the timely progression of this proceeding has been nothing short of impressive. We are pleased that all parties have been able to resolve many of the difficult issues in advance of evidentiary hearings, and look forward to working with you in future proceedings.

The Joint Statement of CURE and the Applicant, which summarizes the terms of the agreement and which was distributed at the evidentiary hearing on July 15 is being docketed today. Please post the Joint Statement on the Commission's web page for the Blythe Solar Power Plant Project.

Sincerely,

/s/

Elizabeth Klebaner

EK:bh

Encl.

2398-096a

**JOINT STATEMENT OF  
PALO VERDE SOLAR 1, LLC**

**AND**

**CALIFORNIA UNIONS FOR RELIABLE ENERGY**

July, 2010

Palo Verde Solar I, LLC, which is developing the Blythe Solar Power Project, and California Unions for Reliable Energy (CURE) are pleased to announce that they have reached an agreement to resolve the outstanding issues raised by CURE before the California Energy Commission (CEC) concerning the Blythe Solar Power Project (Project). Under this agreement, Palo Verde Solar I, LLC (PVSI) will implement additional measures to avoid and minimize potentially significant impacts to desert washes, special status plants and wildlife during Project construction and operation, mitigate for potentially significant impacts to seasonal foraging and dispersal habitat of the Nelson's bighorn sheep, and implement a response plan for removing unexploded ordnance and munitions and explosives of concern from the Project site where required prior to Project construction. In consideration of these additional measures as well as those to be imposed by the CEC, CURE believes that the construction and operation of the Project will benefit the State of California.

Under the agreement, PVSI agrees to take the following measures:

- A. Low Impact Development: PVSI will avoid and minimize impacts on biological resources, state jurisdictional waters, and groundwater during construction and operation of the Project.
  - i. A designated biologist will be present during the initial site preparation and construction of the rerouted washes to ensure that significant impacts to biological resources are mitigated.
  - ii. A designated biologist will supervise the installation of material within the drainage channels to limit the use of concrete and cement to only those areas required by the conditions of certification of its CEC license.
  - iii. Areas of temporary disturbance will be revegetated with native, locally occurring vegetation. Revegetation will occur in the late fall to capitalize on any winter rains and will be conducted using hand removal methods to minimize impacts to wildlife where feasible. The Project area will be monitored at the end of two years to ensure specific

success criteria are met in the revegetation areas. The success criteria will be maintained for the life of the Project.

- iv. The artificial drainage system on the Project site will be designed to manage the quality and quantity of the run-off from the Project site and to simulate the pre-existing condition for groundwater infiltration and flooding, at velocities that will be non-erosive. Areas downstream of the diffusers disturbed during construction will be revegetated with native, locally occurring vegetation.
- v. The artificial drainage system on the Project site will be monitored regularly and after storm events to ensure that it is working properly and performing to its design objectives.
- vi. The site preparation techniques for the artificial drainage channels, channel design, and channel maintenance procedures will be set forth in a revised Drainage Plan.
- vii. All employees will be provided with information regarding all protected natural features and the artificial drainage system, explaining the area's biogeochemical, water quality, and flood conveyance functions and values, and outlining activities that are prohibited to adequately protect the channelized drainage features.

B. Avoiding and Minimizing Noise Impacts on Birds. PVSII will avoid and minimize impacts on nesting birds during construction by avoiding certain construction activities, such as pile driving, blasting, and rock crushing, occurring within 500 feet of the construction boundary between January 15 and August 5.

C. Monitoring Evaporation Ponds. PVSII will monitor the eight Project evaporation ponds on a monthly basis for bird or wildlife deaths or entanglements. Monitoring can be reduced to quarterly events only if there are no bird or wildlife deaths or entanglements after 12 consecutive visits.

D. Avoiding Potential Impacts to Couch's Spadefoot Toad and Replacing Potential Habitat. PVSII will avoid and minimize impacts to the Couch's spadefoot toad and its breeding habitat during construction and operation.

- i. PVSII will prepare a Couch's Spadefoot Toad Protection and Mitigation Plan to avoid, minimize or mitigate impacts to potential Couch's spadefoot toad breeding habitat during construction and operation.
- ii. If complete avoidance is not practical, potential breeding ponds for the Couch's spadefoot toad will be purchased or created at a one to one ratio, or at a mitigation ratio approved by the Commission.

- iii. PVSI will mitigate for the number of potential ponds identified in the Project Spring 2010 survey results, or the number of potential ponds found to be impacted by the CEC, whichever is greater.
  - iv. Any breeding ponds purchased or created for the Couch's spadefoot toad will be purchased or constructed within the known range of the Couch's spadefoot toad as defined by the Northern and Eastern Colorado Desert Coordinated Management Plan and will meet specific criteria for their potential to sustain Couch's spadefoot toad.
- E. Avoiding Impacts to Potential Gila Woodpecker Cavities. PVSI will avoid and minimize impacts to woodpecker nesting cavities within the Project buffer area.
- F. Avoiding Impacts to Coachella Valley Milkvetch. PVSI will avoid impacts to the Coachella Valley milkvetch along the Project linear features.
- i. If any Coachella Valley milkvetch individuals are identified within the linear features by Designated Botanist, the individual plants will be protected from impact by fencing or staking.
- G. Nelson's Bighorn Sheep Mitigation. PVSI will provide funding for Nelson bighorn sheep recovery efforts selected at the discretion of CURE or its expert.
- H. Compensation Land. PVSI has provided the location, characteristics and acreage of compensation lands to CURE pursuant to a non-disclosure agreement.
- I. Protecting Workers from Unexploded Ordnance (UXO). PVSI will prepare a UXO Response Plan implementing site screen procedures in accordance with U.S. Army Corps of Engineers and U.S. Department of Defense Guidelines to ensure that all areas of construction are subjected to an assessment for munitions and explosives of concern (MEC) and UXO and screened as appropriate prior to the start of any construction activities in any area of construction.

**DECLARATION OF SERVICE**  
**Blythe Solar Power Plant Project**

**Docket No. 09-AFC-6**

I, Bonnie Heeley, declare that on July 16, 2010, I served and filed copies of the attached **CURE's cover letter to Alan Solomon with Joint Statement of Palo Verde Solar 1, LLC and California Unions for Reliable Energy** attached. The original document, filed with the Docket Office, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/solar\\_millennium\\_blythe/index.html](http://www.energy.ca.gov/sitingcases/solar_millennium_blythe/index.html).

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Office via email and via U.S. Mail.:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 09-AFC-6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct.  
Executed at South San Francisco, California on July 16, 2010.

/s/

\_\_\_\_\_  
Bonnie Heeley

CALIFORNIA ENERGY COMMISSION Attn: Docket No. 09AFC6 1516 Ninth Street, MS4 Sacramento, CA 95814-5512 <a href="mailto:docket@energy.state.ca.us">docket@energy.state.ca.us</a>	Alice Harron Senior Director-Project Dvlpmnt 1625 Shattuck Ave., #270 Berkeley, CA 94709-1161 <a href="mailto:harron@solarmillennium.com">harron@solarmillennium.com</a>	Elizabeth Ingram, Associate Dvlpr Solar Millennium, LLC 1625 Shattuck Avenue Berkeley, CA 94709 <a href="mailto:ingram@solarmillennium.com">ingram@solarmillennium.com</a>
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