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| Docket Number: | 09-AFC-06C |
| Project Title: | Blythe Solar Power Project - Compliance |
| TN #: | 233119 |
| Document Title: | Order Approving Petition for a Jointly Initiated Amendment to Remove Condition of Certification TRANS-8 |
| Description: | N/A |
| Filer: | Cody Goldthrite |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
| Submission Date: | 5/26/2020 12:00:43 PM |
| Docketed Date: | 5/26/2020 |

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***AMENDED BLYTHE SOLAR
ENERGY PROJECT***

Docket No. 09-AFC-06C

**ORDER APPROVING PETITION FOR A
JOINTLY INITIATED AMENDMENT TO
REMOVE CONDITION OF
CERTIFICATION
TRANS-8**

I. INTRODUCTION

On April 10, 2020, NextEra Blythe Solar Energy Center, LLC (project owner), filed a petition for a jointly initiated amendment (TN# 232709) to the January 2014 California Energy Commission (CEC) Decision for the Blythe Solar Power Project Amendment (TN# 201580). The Amended Blythe Solar Energy Project (BSPP) is a 485-megawatt (MW) solar photovoltaic (PV) facility located at 4000 Dracker Drive, in Blythe, Riverside County. The Amended BSPP Units 1 and 2 were completed and began commercial operation in 2016. Units 3 and 4 are currently under construction.

CEC Staff (Staff) and the project owner propose removal of Condition of Certification TRANS-8 in the Commission Decision because compliance with the condition is legally impossible. In the petition, the project owner contends that TRANS-8, the application of the requirement for an avigation easement, was applied erroneously, since the United States Bureau of Land Management (BLM), the owner of the property, is legally preempted from executing an avigation easement on public lands. Staff has reviewed the April 10, 2020 petition and all other relevant information.

Staff concludes that the petition complies with Title 20, California Code of Regulations, section 1769.1(a), and agrees with the project owner that removal of TRANS-8 would not conflict with the Findings and Conclusions from the 2014 Commission Decision on the Amended BSPP, as it appears that the 2010 Final Commission Decision included TRANS-8 in error. Staff also concludes that the removal of the condition will not have a significant impact on environmental quality and public health and safety; and the project will remain in compliance with all applicable laws, ordinances, regulations, and standards (LORS).

II. FINDINGS

Based on the entire record, including Staff's analysis, the Energy Commission finds that:

- a. The removal of the Condition of Certification TRANS-8 would not have a significant impact on the environment;
- b. The project will remain in compliance with all applicable laws, ordinances, regulations, and standards; and
- c. The removal of the condition is justified as it would be legally impossible for the project owner to comply with it.

III. CONCLUSION AND ORDER

The Energy Commission hereby approves the Petition for a Jointly Initiated Amendment, and orders that Condition of Certification TRANS-8 be deleted from the Commission's Decision in this matter.

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 CEC held on May 13, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite

Secretariat