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Annual Compliance Report
Docket No. 09-AFC-6C

Blythe Solar Power Project Eastern Riverside County, California Reporting Year 2023 Biological Resources

FEBRUARY 2024

Prepared for:

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1 Introduction

1.1 Project Overview

Blythe Solar Energy Center, LLC completed construction of Units 1–4 of the Blythe Solar Power Project (BSPP or Project), a 485-megawatt photovoltaic solar power generation facility on over 2,000 acres of Bureau of Land Management (BLM)-administered land in unincorporated Riverside County, California. BLM and the California Energy Commission (CEC) initially approved the Project as a 1,000-megawatt solar thermal energy generating facility before it was modified to a solar photovoltaic facility. The completed BSPP solar photovoltaic facility was built within the planned footprint of the approved thermal energy facility. Construction of Blythe Units 1–4 included the solar arrays, support facilities, and shared linear facilities (shared with the neighboring McCoy Solar Energy Project). BSPP Units 1 and 2 began operation on October 29, 2016, and BSPP Units 3 and 4 began operation in January 2021.

1.2 Annual Reporting Requirements

The CEC Presiding Members' Proposed Decision for the modified Project, which contained revised findings and the Conditions of Certification (COC), was approved on January 15, 2014. Certain COCs require annual reporting and/or development of a mitigation plan, which may also contain operations reporting requirements.

The BLM, as the federal agency responsible for management of public lands on which the Project is sited, approved the modified BSPP in a Record of Decision (ROD) for the Project on August 1, 2014, and authorized the construction of the Project in a Right-of-Way (ROW) Grant (serialized as CACA-048811) on August 12, 2014. Appendix 5, Adopted Biological Resource Mitigation Measures, of the BLM ROD, contains all ROW grant holder-proposed Design Features and Mitigation Measures for the Project specific to biological resources. Design Features in the ROD incorporate CEC COCs, some of which require annual reporting.

The annual operations COC and ROD reporting requirements as they relate to biological resources are addressed in this Biological Resources Annual Compliance Report (ACR) for Reporting Year 2023.

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2 Biological Resources Conditions of Certification

Compliance with the CEC COCs and the BLM's ROD specific to biological resources is categorized by COC title. Each of the COCs related to biological resources described below is presented for one or both of the following reasons: (1) the COC reporting requirement is specifically required to be addressed in the annual compliance report; and/or (2) the COC is related to mitigation that was implemented during this reporting period.

2.1 BIO-2 and BIO-4: Designated Biologist and Biological Monitor Duties

During Project operation, the Designated Biologist (DB) is required to submit record summaries in the ACR unless his or her duties cease, as approved by the Compliance Project Manager (CPM). The DB was on-call during this reporting period although no biological monitoring activities were required for operations. The DB served as the lead biological contact for the Project owner and the agencies. See the following sections for resource-specific compliance activities.

2.2 BIO-6, BIO-19, CUL-15, PAL-4: Worker Environmental Awareness Program

Personnel are required to undergo Worker Environmental Awareness Program (WEAP) training prior to work at the BSPP. This is to ensure all Project personnel are made aware of the environmental, natural, and cultural resources that exist or may exist at the BSPP; requirements for implementing work practices designed to protect those resources; and penalties associated with violating those requirements. All personnel receiving WEAP training are required to sign in at the beginning of training and receive hardhat stickers to verify that they have received training prior to work on the BSPP. WEAP attendees are also required to provide weed wash certificates for personal vehicles and are provided with a sticker to place on their vehicle as a reminder to look under the vehicle before moving. Training rosters are maintained at the Project environmental office and will be kept on file for 6 months following termination of the individual's employment.

2.3 BIO-8: Impact Avoidance and Minimization Measures

The ACR must include the DB's report of compliance with avoidance and minimization measures implemented during operation and maintenance, including a summary of revegetation activities for the year, a discussion of whether revegetation performance standards for the year were met, and recommendations for revegetation remedial action if warranted. The following section provides a summary of how minimization measures were implemented at the BSPP for biological resources during this reporting period.

Avoid Use of Toxic Substances: Toxic soil binders were not used on the Project site. An approved palliative was applied to the main road as needed for soil stabilization in order to reduce potential for fugitive dust.

Minimize Lighting Impacts: Facility lighting is being maintained to prevent impacts to wildlife habitat.

Avoid Vehicle Impacts to Desert Tortoise: Signage has been placed along the ROW to notify motorists of the speed limit restrictions.

Minimize Ponding Water: Panel washing application rates are limited to minimize ponding of water.

Dispose of Road-Killed Animals: Trained on-site personnel and/or operations staff perform regular inspections of the solar arrays, and wildlife mortalities and injuries are addressed in accordance with the Raven Management and Control Plan.

Minimize Spills of Hazardous Materials: Spill kits are being maintained to clean up any spills that might result during operation activities.

Worker Guidelines: The required WEAP training for all operations personnel and subcontractors includes information about worker guidelines and potential penalties associated with not adhering to these guidelines.

Erosion Control: The operations Designated Inspector is completing post-storm site inspections to identify any potential erosion control issues during operations.

Revegetation of Temporarily Disturbed Areas: The approved Revegetation Plan was implemented to restore all areas subject to temporary disturbance. The results of the implementation of this plan were detailed in the McCoy Solar Energy Project and Blythe Solar Power Project Habitat Restoration Installation Completion Report submitted under a separate cover on November 22, 2016. The third year of revegetation monitoring as described in the Habitat Restoration Plan occurred in 2019.

During each quarterly evaluation period, the revegetation areas met expectations for habitat development for the current stage of the program. The Final Revegetation Report was submitted in June 2019.

2.4 BIO-9: Desert Tortoise Surveys and Fencing

The operations Designated Inspector conducted inspections of desert tortoise fence integrity throughout the reporting period as required by COC BIO-9 and the approved Storm Water Damage Monitoring Response Plan. Some areas of the fence were identified as needing maintenance. Operations worked with the DB and the agencies to rectify the inadequacies, so they met the guidelines. There was no living, injured, or deceased desert tortoises observed during this reporting period.

2.5 BIO-13: Raven Management and Control Plan

As part of the ACR, the DB is required to provide a report that includes a summary of the results of raven management and control activities for the year, a discussion of whether raven control and management goals for the year were met, and recommendations for raven management activities for the upcoming year. The following provides a summary of the results of raven management and control activities for the third year of operation in 2023 for Units 3 and 4.

In accordance with Section 5.1.1 of the Raven Management and Control Plan, monthly point count surveys of the Project Disturbance Area shall be conducted during the first 3 years of Project operations during spring (March–

May) and fall (September–November). Point counts consisted of 10 minutes of observing and listening for ravens at each survey location. Survey start/stop time and weather (including temperature, average wind speed, and percent cloud cover) were collected. Point counts were not conducted during weather conditions that may have affected raven behavior, specifically when wind or rain could interfere with audible or visual detection or when the temperature was above 95 °F. Table 1 provides a summary of raven point count surveys conducted during the reporting period (March–May 2023 and September–November 2023). Raven point count survey forms are included in this report as Appendix A.

In addition to point count surveys, the DB, Biological Monitor, or designated on-site personnel is required to conduct biweekly surveys to identify raven nests and evidence of desert tortoise predation at raven nests. Biweekly surveys are to be conducted during the typical raven breeding season (mid-February to the end of June) for the first 3 years of Project operations. Table 2 provides a summary of raven breeding season nest surveys conducted during the reporting period. Raven nesting season survey forms are included in this report as Appendix B.

Table 1. Raven Point Count Observation Summary

Date	Location	Number of Ravens Observed	Description of Observations
February 2023			
02-21-2023	NW corner of Blythe 1	1	One raven observed perched atop a power line pole, but no signs of nesting or actual nests observed.
March 2023			
There were no ravens observed for the month of March 2023 during point count surveys.			
April 2023			
There were no ravens observed for the month of April 2023 during point count surveys.			
May 2023			
There were no ravens observed for the month of May 2023 during point count surveys.			
September 2023			
There were no ravens observed for the month of September 2023 during point count surveys			
October 2023			
There were no ravens observed for the month of October 2023 during point count surveys			
November 2023			
There were no ravens observed for the month of November 2023 during point count surveys			

Table 2. Breeding Season Nest Survey Summary

Date	Location	Number of Ravens Observed	Description of Observation
February 2023			
There were no ravens or nests observed for the month of February during breeding season nest surveys.			
March 2023			
There were no ravens or nests observed for the month of March during breeding season nest surveys.			
April 2023			
There were no ravens or nests observed for the month of April during breeding season nest surveys.			
May 2023			
There were no ravens or nests observed for the month of May during breeding season nest surveys.			
June 2023			
There were no ravens or nests observed for the month of June during breeding season nest surveys.			

Avian and Wildlife Carcass Removal

Trained on-site personnel and/or operations staff perform weekly inspections of the solar arrays, and wildlife mortalities and injuries are addressed in accordance with the Raven Management and Control Plan. In accordance with the Biological Opinion and the Special Purpose Utility Permit, wildlife mortalities are reported on a monthly basis. All avian mortalities are collected, bagged, labeled, and kept in a designated on-site freezer. In certain occurrences of observed avian listed species mortalities, disposition requires further direction from the relevant agency. In these cases, the carcass is covered under a protective cover, such as a weighted bucket, until instruction is received.

Summary

Impact avoidance measures are being implemented in accordance with the Raven Management and Control Plan. These include minimizing the ponding of water during operation activities such as washing panels, ensuring operations employees and visiting workers all receive WEAP training, and removing wildlife carcasses to reduce the site’s attractiveness to ravens. As indicated by the limited raven use of the Project site during point count surveys, no additional measures are recommended during the 2024 operations year. The 2023 reporting period marks the third and final year of raven management and control monitoring; no further monitoring will be conducted.

2.6 BIO-14: Weed Management Plan

The DB is required to provide a report in the ACR that includes a summary of the results of noxious weeds surveys and management activities for the year, a discussion of whether weed management goals for the year were met, and recommendations for weed management activities for the upcoming year.

General site monitoring of the operating facility was conducted by designated on-site personnel on an ongoing basis. The monitoring program included the following components:

- Weed identification training was provided.

- Vehicle and equipment use was limited during operation and maintenance. Workers parked at designated paved areas. Equipment needed for repair or maintenance was cleaned off site prior to entering the facility.
- Inspections of bare ground or regularly disturbed areas that interface with natural habitats (e.g., access road and perimeter fence) were conducted least once during the summer/fall and winter/spring growing seasons.
- Weed control was conducted as needed by Project personnel or a trained and certified professional whenever notified by the Biological Monitor or Environmental Compliance Manager of the presence of weeds but was not conducted more often than every other week during the growing season (March through August) and once a month otherwise.

2.7 BIO-17: American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures

During this reporting period, no kit fox dens were observed onsite. In accordance with the Desert Kit Fox and American Badger Mitigation Monitoring Plan, passive relocation will not occur during operation and maintenance unless (1) injuries or fatalities occur as a result of the Project; (2) there is the possibility of injuries or fatalities; or (3) the fox is problematic for Project operation. No mortalities and no concerns about kit fox safety or operations activities were reported.

2.8 BIO-18: Burrowing Owl Impact Avoidance, Minimization, and Compensation Measures

COC BIO-18 requires that the DB provide a report in the ACR for the first 5 years following the start of operations that describes the results of monitoring and management of the burrowing owl burrow creation or enhancement areas identified prior to excluding burrowing owls from active burrows. No burrowing owls were relocated or excluded from burrows, and no artificial burrows were constructed during Project construction. As a result, no post-relocation monitoring is required. In addition, no observations of burrowing owls were made within the Project site during this reporting period.

2.9 BIO-19: Special-Status Plant Impact Avoidance, Minimization, and Compensation

COC BIO-19 requires the completion of an annual report to monitor effectiveness of protection measures for all avoided special-status plants, including the implementation of required enhancement/restoration activities. The CPM determined that COC BIO-19 does not require any action during operations for the BSPP.

2.10 BIO-22: Change of Conditions Notification

In order to minimize and mitigate impacts to jurisdictional waters, the Project owner is required to “notify the CPM and CDFW [California Department of Fish and Wildlife] of any change of conditions to the project, impacts to state waters, or the mitigation efforts. The notifying report shall be provided to the CPM and CDFW no later than seven days after the change of conditions is identified. A copy of the notifying change of conditions report shall be included

in the annual reports or until it is deemed unnecessary by the CPM and CDFW.” There have been no changes to the conditions or impacts to jurisdictional waters by the Project during this reporting period, and no change of conditions notification reports to include in this ACR.

2.11 BIO-24: Golden Eagle Annual Inventory

The Golden Eagle Annual Inventory is required for the first 2 years after commercial operation begins. The purpose of the inventory is to determine golden eagle territory occurrences within 1 mile of the Project area. The second and final of two golden eagle annual inventories during the operations phase of the Project was completed in January and April of 2022. No further surveys were required in 2023.

2.12 BIO-25 and BIO-26: Evaporation Pond Monitoring and Couch’s Spadefoot Toad Protection and Mitigation Plan Implementation

The DB is required to conduct site visits to the evaporation ponds during each year they are in operation. No Couch’s spadefoot toads were identified on site during Project construction. No compensatory mitigation is required, and no evaporation ponds were built during construction of Units 1–4. The CPM determined that COCs BIO-25 and BIO-26 do not require any action during operations for the BSPP.

3 Project Incidents and Corrective Actions

No noncompliance incidents or corrective actions were issued or identified during this reporting period.

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4 Post-Certification Changes

A list of CPM-approved Post-Certification Changes to the operations of the BSPP is included here:

- The CPM determined that COCs BIO-19, BIO-25, and BIO-26 do not require any action during operations until further construction or evaporation ponds are built.
- The CPM confirmed on August 7, 2017, that a Spill Protection Control and Countermeasure (SPCC) Plan is not required at BSPP and that the Oil Spill Plan submitted by BSPP is equivalent to the SPCC Plan and acceptable for the purpose of meeting HAZ-2 SPCC requirements.
- The CPM confirmed on January 3, 2017, that the Provisional Closure Plan required by COC COM-15 can be submitted 1 year after the start of commercial operation and that the 60-day reference in the COC verification should be disregarded. This plan will be prepared and submitted within 1 year after the final constructed unit (anticipated to be Blythe IV) begins commercial operation (commercial operation occurred November 2020) and will incorporate all four units of BSPP.
- The CPM confirmed in a letter received on April 21, 2020, that the Avigation Easement required by COC TRANS-8 was no longer required.

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Appendix A

Raven Point Count Survey Forms

Appendix B

Raven Nesting Season Survey Forms