



Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, AZ 85005-6457

DOCKET 02-AFC-1
DATE APR 15 2005
REC'D MAY 10 2005

APR 15 2005

Mr. William Pfanner
Siting Project Manager
California Energy Commission
1516 Ninth Street
MS-16
Sacramento, CA 95814-5512

SUBJECT: Blythe Energy Project Phase II (BEP II) Consultation with the U.S. Fish and Wildlife Service and Concurrence with Determination of "May Affect, but Not Likely to Adversely Affect" the Desert Tortoise.

Dear Mr. Pfanner:

The Western Area Power Administration (Western) is the lead Federal agency for the Blythe Energy Project Phase II (BEP II). The purpose of BEP II is to provide additional electricity for the California energy market. BEP II is currently under review by the California Energy Commission and Western. Blythe Energy Power Plant Project (BEP I) and BEP II share a common border and the property for both was considered in the Biological Assessment prepared for BEP I. Western has reviewed the Biological Opinion issued by the U.S. Fish and Wildlife Service on January 21, 2001 for BEP I including its amendments, and has prepared a Biological Assessment for BEP II. Western has made a determination that 1.) BEP II "may affect but, is not likely to adversely affect" the desert tortoise and 2.) BEP II would not affect any other listed species or designated Critical Habitat. Western requested the BEP I Biological Opinion be amended to include the BEP II project and this amendment was issued January 20, 2005 (enclosure). Thus, BEP II will observe all applicable Terms and Conditions and conservation measures specified in the BEP I Biological Opinion, including amendments, as well as those included in the Biological Assessment prepared for BEP II that led to Western's determination of "may affect but, not likely to adversely affect" the desert tortoise.

If you have any questions or concerns, please contact Ms. Alison Jarrett at (602) 605-2434 or Mr. John Bridges at (720) 962-7255.

Sincerely,

John R. Holt
Environmental Manager

Enclosure

cc:

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
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Carlsbad, California 92009

In Reply Refer To: FWS-ERIV-3008.4

JAN 20 2005

Mr. John Holt
Environmental Manager
Department of Energy
Western Area Power Administration
P.O. Box 281213
Lakewood, Colorado 80228-8213

Subject: Informal Endangered Species Consultation for the Proposed Blythe Energy Project-Phase II, Riverside County, California

Dear Mr. Holt:

We are responding to your July 3, 2002, letter requesting our concurrence pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act) that the construction and operation of the proposed Blythe Energy Project-Phase II (BEP II), near the City of Blythe in Riverside County, may affect, but is not likely to adversely affect the federally listed as threatened desert tortoise (*Gopherus agassizii*; hereinafter desert tortoise). Based on our review of project related documents, a site visit, and Western Area Power Administration's implementation of the conservation measures outlined below, the U.S. Fish and Wildlife Service concurs with your assessment that the project may affect, but is not likely to adversely affect the desert tortoise. Additionally, we concur with your determination that the proposed project will not affect the boneytail chub (*Gila elegans*), razorback sucker (*Xyrauchen texanus*), bald eagle (*Haliaeetus leucocephalus*), brown pelican (*Pelecanus occidentalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), flat-tailed horned lizard (*Phrynosoma mcallii*), and mountain plover (*Charadrius montanus*), the latter two species since withdrawn as species proposed for listing under the Act.

The proposed project would entail construction of the BEP II power island, an evaporation pond, and a water treatment facility on 66 acres located approximately five miles west of the city of Blythe. Western Area Power Administration originally consulted with the Service on the Blythe Energy Project (BEP I) and was issued a Biological Opinion on January 31, 2001 (FWS-ERIV-1166.2). This opinion was amended on August 1, 2001, to include an additional 10-acre lay down area, and later amended again to include an additional 66-acre parcel on July 19, 2002. The proposed BEP II project would be located on the 66-acre amendment area. According to the Biological Assessment for the Blythe Energy Project II, dated July 3, 2002, all habitat impacts associated with BEP II would be confined to this 66-acre footprint.

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BEP II is a nominally rated 520 Megawatts (MW) combined cycle power plant that essentially duplicates BEP I, and consists of two Siemens Westinghouse V84.3a 170 MW combustion turbine generators, one 180 MW steam turbine generator, and supporting equipment. BEP II requires no additional off-site linear facilities and would interconnect on-site with existing BEP I approved high voltage and natural gas transmission lines. BEP II would be electrically interconnected to the Western Buck Boulevard Substation, located at the northeastern corner of the BEP site. This interconnection would include additional breaker positions within the Buck Boulevard Substation. Natural gas would be supplied to the BEP II plant by the El Paso natural gas pipeline interconnection constructed as part of BEP I.

BEP II would be located entirely within the expansion site addressed in the second amendment to our biological opinion on the BEP I project. The BEP II power island would be located approximately 600 feet south and 800 feet west of the BEP I power island. BEP I facilities may be expanded to serve BEP II including the ground water supply, fire protection facilities, and site access roads. BEP II would construct and operate one additional groundwater pumping well for its water supply and would construct one additional evaporation pond, south of the proposed BEP II power island to accommodate the project wastewater discharge. The maximum rate of groundwater use for BEP II would be 3000 gallons per minute. The average rate of groundwater use is about 2300 gallons per minute. The annual consumption rate would be approximately 3300 acre-feet. This would be in addition to the 3300 acre-feet used by BEP I. Site drainage would be provided by the existing BEP I drainage facilities.

BEP II would be constructed in response to new regional transmission projects that are being considered for the area, including Southern California Edison's Palo-Verde to Devers II and Imperial Irrigation District's Desert Southwest Transmission line projects. The power generated from BEP II will be transmitted into the existing 161/230 kV transmission system via a new 500-161x230 transformer and the Buck Blvd. switchyard 161/230 kV equipment, and to the 500 kV transmission system via a new regional transmission line. To ensure that BEP II is independent of the proposed regional transmission line projects, the California Energy Commission is limiting BEP II's power delivery to less than full capacity until a regional transmission project is separately permitted and constructed. The regional transmission line projects could be considered inter-related actions to the proposed project in that they would carry power from BEP II, however, each of the proposed regional transmission projects is being permitted separately and the Service anticipates that they will be addressed separately under section 7 of the Act. Therefore, the Service will not address the regional transmission line projects in our consultation for the proposed BEP II project.

BEP II would incorporate all the conservation measures specified for the BEP I project, all the terms and conditions of the Biological Opinion for Blythe Energy Project (FWS-ERIV-1166.2), and conditions of the CEC license for BEP I. Additionally, the applicant has already compensated for the acreage of habitat disturbance anticipated to result from activities associated with BEP II at the same level as the BEP I project--\$1200 per acre. This compensation package will be used to purchase additional desert tortoise habitat and provide for an endowment to manage that habitat.

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desert tortoise include:

1. The project site will be fenced with tortoise-proof fencing. This fencing is three feet tall, half-inch to one-inch mesh hardware cloth attached to the sites chain link fence and buried to a depth of two feet. Alternatively, the lower 1.5 feet may be bent at a right angle from the outside of the chain link fence just below the ground surface.
2. Any equipment storage areas or staging areas outside the fenced areas will be temporarily fenced to exclude tortoises.
3. Following fencing, a trained tortoise biologist will search the interior of the fenced area for tortoises. Tortoises found on the construction site will be removed. Tortoises will be relocated a short distance away (i.e., in their home range) and monitored during construction to ensure their safety. Alternatively, tortoises may be temporarily removed to a climate-controlled area until construction is completed.
4. Collection, holding, and translocation of tortoises will comply with the following protocol:
 - Tortoises will be translocated to a shaded burrow immediately following their capture if the daily surface temperature maxima remains below 109° F (43° C).
 - If temperatures are warmer than 109° F, then tortoises should be held in the shade, at air temperatures between 77° and 86° F. In the late afternoon, on the day of capture, after ground temperature have dropped below 108° F the tortoises will be released to a shaded burrow within 1,640 feet (500 meters) of the point of capture.
 - If a tortoise is still in a burrow (e.g., found in winter), the tortoise will be removed by carefully excavating the burrow from the mouth to the tortoise and then removing the tortoise.
 - Juvenile tortoises will not be released at dusk, but will be held and released at dawn.
 - If no adequate translocation site is found, an artificial burrow may be dug, but only after all other options are exhausted.
 - Tortoises will be handled smoothly, quickly, and with clean techniques. Clean techniques will include the use of disposable surgical gloves and all instrumentation coming into contact with tortoises will be disinfected with either bleach or alcohol.
 - If held, the tortoises will be put in a sterilized tub. Tubs will be padded and vehicle speed minimized on dirt roads if tortoises need to be transported by vehicle.

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The entire BEP I and BEP II project site was fenced prior to construction of BEP I, and desert tortoise clearance surveys were conducted. No desert tortoises were observed during the construction phase, or subsequently, within the project site.

Based on the low likelihood for desert tortoise to occur within the proposed project site and measures that have been incorporated to reduce the potential for impacts to the desert tortoise, we concur that the proposed project may affect, but is not likely to adversely affect the desert tortoise. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

Should you have any questions regarding this letter or your responsibilities under the Act, please call Sandra Marquez of my staff at (760) 431-9440.

Sincerely,



for Therese O'Rourke
Assistant Field Supervisor

cc: Natasha Nelson, California Energy Commission
Arturo Delgado, California Department of Fish and Game