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CEC Staff Responses To Caithness Blythe II Visual Comments To The FSA and FSA Errata

CEC staff has prepared the following clarifications and responses (below) to applicant comments on the FSA, and during the project's prehearing conference and public workshop conducted on July 29, 2005.

Condition of Certification VIS-1

The applicant's supposition is that because there were no visual related complaints received during project construction activities for the BEP, it can be presumed that there will be no complaints on the proposed BEP II. Therefore VIS-1 is not necessary.

The applicant states they intend "to present the testimony of a City of Blythe representative that there was not a single complaint reported by anyone during the construction of BEP." The applicant's use of the BEP complaint count to estimate the number of complaints for the proposed project may by itself not provide an adequate assessment.

A reason why no complaints were received on the BEP may be due to the BEP's set-back distance from U.S. Interstate 10 and Hobsonway. The BEP structures start at approximately 3,000 feet away from I-10. The proposed BEP II structures will be approximately 1,900 feet from the highway. The BEP II will be closer to I-10 and closer to public view.

The peak month average daily traffic (ADT) for the month of heaviest traffic flow at the intersection Junction Route 78 south/Neighbors Boulevard on I-10 is approximately 26,000 vehicles according to Caltrans information.¹

The landscaping installed along Hobsonway by the BEP appears that it will provide a reduction in the visibility of the proposed construction site to motorist driving east to west on I-10 or Hobsonway. The reduction in visibility of the construction site and laydown area to those traveling from west to east on I-10 (Los Angeles to Blythe) is in question.

The applicant needs to discuss other construction projects that have taken-place along I-10 within the eastern Riverside County geographical area that could be used to support their complaint projection for the BEP II. In addition to contacting the City of Blythe, the applicant should contact the Caltrans District 8 office, and

¹ Caltrans, 2003 Traffic and Vehicle Data Systems Unit website: <http://traffic-counts.dot.ca.gov/>

the California Highway Patrol Blythe office regarding complaints from motorists on the BEP and other construction projects along I-10.

The applicant needs to explain how the applicant's laydown area, and construction site without the temporary screening will be consistent with the City's adopted aesthetic and scenic resource policies found under the "COMPLIANCE WITH LAWS, ORDINANCES, REGULATIONS, AND STANDARDS" heading (see pages 4.12-26 through 4.12-28 in the Final Staff Assessment).

Condition of Certification VIS-5

The applicant states "we intend to present expert testimony that the project does not result in a significant visual impact and any mitigation that may be prudent is accomplished through Proposed Conditions of Certification VIS-4 and VIS-6."

The painting of BEP II structures in a color that blends with the visual setting will not, of itself, mitigate for the visual impact on motorists on Hobsonway and I-10, or fulfill the visual LORS of the City of Blythe.

The BEP was required to install landscaping on their project site as a condition of their license (see VIS-4 Commission Decision Blythe Energy Project, March 2001). BEP and BEP II landscaping, at maturity, helps decrease the cumulative visual impact of both projects.

The applicant states "If landscaping is required it should only be at the discretion of the City of Blythe in order to comply with its overall master plans for Hobsonway." The proposed condition VIS-5 (below) allows the City of Blythe to review and comment on the BEP II's landscape plan that is submitted to the Energy Commission.

The applicant's request to allow the City to have the final approval authority cannot be supported by staff because it would preempt the Energy Commission of its exclusive authority under the Warren-Alquist Act.

It is noted by staff that the biological opinion prepared by the U.S. Fish and Wildlife Service for the BEP II restricts all plantings on the north and west sides on the project site to native plants including palms, except for the California Palm. VIS-5 does not require the planting of a specific plant.

Staff has revised the wording for the proposed VIS-5 using strikeout, and **double underline** to identify inserted text.

VIS-5 The project owner shall provide landscaping that reduces the visibility of the power plant structures and complies with local policies and ordinances. Trees and other vegetation consisting of informal groupings of fast-growing native species shall be strategically placed and of sufficient

density and height to effectively screen to visually soften the industrial characteristic of the power plant structures within the shortest feasible time.

The project owner shall submit to the CPM for review and approval and simultaneously to City of Blythe for review and comment a landscaping plan whose proper implementation will satisfy these requirements. The plan shall include:

- a) A detailed landscape, grading, and irrigation plan, at a reasonable scale. The plan shall demonstrate how the requirements stated above shall be met. The plan shall provide a detailed installation schedule demonstrating installation of as much of the landscaping as early in the construction process as is feasible in coordination with project construction;
- b) A list (prepared by a qualified professional ~~arborist~~ landscape architect familiar with local growing conditions) of proposed species, specifying installation sizes, growth rates, expected time to maturity, expected size at five years and at maturity, spacing, number, availability, and a discussion of the suitability of the plants for the site conditions and mitigation objectives, with the objective of providing the widest possible range of species from which to choose;
- c) Maintenance procedures, including any needed irrigation and a plan for routine annual or semi-annual debris removal for the life of the project;
- d) A procedure for monitoring for and replacement of unsuccessful plantings for the life of the project; and
- e) One set of 11"x17" color photo-simulations of the proposed landscaping at five years ~~and twenty years~~ after planting, as viewed from Key Observation Point(s) 2 and 6 (locations shown on Figures ~~6B~~ 3B and ~~10B~~ 7B of the Final Staff Assessment).

The plan shall not be implemented until the project owner receives final approval from the CPM.

Verification: The landscaping plan shall be submitted to the CPM for review and approval and simultaneously to the City of Blythe for review and comment at least 90 days prior to installation.

If the CPM determines that the plan requires revision, the project owner shall provide to the CPM and simultaneously to the City of Blythe a revised plan for review and approval by the CPM.

The planting must occur during the first optimal planting season following site mobilization. The project owner shall simultaneously notify the CPM and the City of Blythe within seven days after completing installation of the landscaping, that the landscaping is ready for inspection.

The project owner shall report landscape maintenance activities, including replacement of dead or dying vegetation, for the previous year of operation in each Annual Compliance Report.

Condition of Certification VIS-7

As previously noted, the applicant's request to allow the City to have the final approval authority cannot be supported by staff because it would preempt the Energy Commission of its exclusive authority under the Warren-Alquist Act.

Staff has revised the applicant's suggested wording [*shown in italics*] for the proposed VIS-7 using strikeout, and **bold double underline** to identify inserted text.

VIS-7 The project owner shall install minimal signage visible to the public, which shall a) have unobtrusive colors and finishes that prevent excessive glare; and b) be consistent with the policies and ordinances of the City of Blythe. The design of any signs required by safety regulations shall conform to the criteria established by those regulations.

Verification: *Prior to installation of the sign, the project owner shall provide a copy of the plans for the sign to the ~~CPM~~ **City of Blythe for review and comment** and ~~to the City of Blythe~~ **CPM** for review and approval.*