

DOCKET

09-AFC-6

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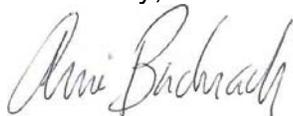
June 14, 2010

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **APPLICANT RESPONSES TO SELECT CURE DATA REQUESTS SET ONE
DOCKET NO. (09-AFC-6)**

Enclosed for filing with the California Energy Commission are the Applicant's responses to select CURE Data Requests Set One for the Blythe Solar Power Project (09-AFC-6).

Sincerely,



Arrie Bachrach

BLYTHE SOLAR POWER PROJECT (09-AFC-6)
CURE DATA REQUESTS, SET ONE (Nos.1 – 157) (SELECTED RESPONSES)

Response Date: June 14, 2010

Introduction

The following are responses to select CURE Data Requests (DRs) from their Set One (Nos. 1-157) submittal dated May 14, 2010. Solar Millennium is responding in good faith to 38 of the 157 DRs as previously stated in the Palo Verde Solar I, LLC's Objections And Notice of Inability To Respond to CURE's DATA REQUESTS, dated May 25, 2010. Responses will be provided to the following requests:

6, 9, 10, 11, 12, 13, 65, 66, 68, 69, 70, 71, 85, 91, 105, 107, 108, 109, 111, 119, 120, 122, 123, 124, 126, 127, 128, 129, 130, 131, 136, 137, 138, 147, 148, 155, 156, and 157.

CURE DR- 6

Information Required:

Please provide the criteria used to define potential habitat for the MFTL.

Response:

MFTLs require fine, Aeolian sand. MFTLs can be found in both large and small dunes, margins of dry lakebeds and washes, and isolated dune pockets against hillsides (Stebbins 1944, 1985; Smith 1946; Norris 1958), generally within creosote scrub desert habitat (Norris 1958; Stebbins 1985). Shade from plants may be necessary for thermoregulatory burrowing (Muth 1991). MFTLs are therefore dependent on loose, windblown sand habitat. Disruption of the dune ecosystem, including source sand, wind transport, or sand transport corridors, poses a threat to the habitat needed for MFTL. Preservation of sand dune ecosystems, including their source sand and sand corridors, is necessary for the long-term survivorship of Aeolian sand specialists such as fringe-toed lizards (Barrows 1996).

CURE DR- 9

Information Required:

Please describe all systematic survey methods that were used to detect MFTL in the Project action area.

Response:

Protocol surveys for MFTL were not required. MFTL are conspicuous and were detected incidentally during DT habitat assessment and focused surveys. All detections were recorded using a GPS. Survey methods were described in the 2009 BRTR. Preliminary results were submitted on May 14, 2010. Additional information is provided in the Supplemental Biological Data Package (June 14, 2010).

CURE DR- 10

Information Required:

Please describe whether the habitat suitability mapping conducted for the southern portion of the action area will be conducted for the northern portion of the action area.

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Response:

Suitability mapping was conducted for the entire Project disturbance area. No MFTL habitat was identified other than in the southern area around the proposed Southern California Edison (SCE) Colorado River Substation surveyed in 2009. Suitable habitat was shown in the 2009 BRTR and is updated, as necessary, in the 2010 BRTR and summarized in Table 13 and Figure 20 of the Supplemental Biological Data Package (June 14, 2010).

CURE DR- 11

Information Required:

Please indicate how many acres of suitable MFTL habitat are present in the northern portion of the action area and provide the criteria that were used to define suitable habitat.

Response:

Suitability mapping was conducted for the project disturbance area. No MFTL habitat was identified other than the southern area around the proposed substation surveyed in 2009. See response to CURE DR-6 and CURE DR-10.

CURE DR- 12

Information Required:

The exact locations of certain MFTL detections were to be provided via a shape file database, however this information has not been served. Please provide the time, date and location of each MFTL detection during the Applicant's spring 2009 surveys of the northern portion of the action area.

Response:

There is no requirement to provide a shape file. The data was presented (locations) in the BRTR for 2009 surveys and in the HMP for Blythe (January 2010). The data was also made available to the CEC as shape files. Date/time of detections within those 2010 surveys is beyond standard practice and excessive. Preliminary data was also docketed with the CEC on May 14, 2010. This included shape files and data tables in excel format of all MFTL observations made during spring 2010 surveys. Also see response to CURE-DR-10.

CURE DR- 13

Information Required:

Please provide a description of suitable MFTL habitat and proposed mitigation measures for impacts to MFTL in the northern portion of the action area.

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Response:

As discussed above, MFTL habitat was not found in 2009 in the northern portion of the Project disturbance area. A description of suitable MFTL habitat and proposed mitigation, when relevant, was already provided in the 2009 BRTR, January 2010 HMP, in CURE-DR-6 and CURE-DR-10 above, and in more detail on impacts and mitigation below.

Mojave Fringe-toed Lizard Direct Impacts

Direct Impacts

Proposed Project

Direct impacts would occur to approximately 65 acres of sand dune habitat occupied by the MFTL in the transmission corridor (Figure 20). There were eight incidental MFTL observations recorded in this area of the Project Disturbance Area. Temporary direct impacts to MFTL would result from an increase in vehicle traffic while the Project is under construction and, consequently, an increase in vehicular strikes of species.

Reconfigured Alternative

The Reconfigured Alternative is not a complete engineering design and thus potential MFTL impacts cannot be fully assessed. It is likely that development of a transmission corridor would be similar to the Proposed Project and it would be expected that the same SCE substation site would be the interconnection point for either the Proposed Project or the Reconfigured Alternative; thus similar direct impacts would be expected as a result of transmission line development in both instances.

The loss of occupied MFTL breeding and foraging habitat is considered to be a significant impact if left unmitigated since this habitat is declining in availability in the region.

Indirect Impacts

Indirect impacts of Project construction on MFTL are discussed above (see discussion under Other Special Status Wildlife Species). All MFTL habitat is located in the transmission corridor and this area would require installation of minimal or no wind fencing or substantive ground level structural barriers, so there would be little to no disruption of source sand, wind transport, or sand transport corridors that are important to MFTL habitat in the dune ecosystem. These indirect impacts would potentially impact offsite MFTL breeding habitat and adjacent foraging habitat. These indirect impacts would be considered significant if left unmitigated.

Significance after Mitigation

Potential construction-related direct and indirect impacts to MFTL would be reduced to less than significant through implementation of the avoidance, minimization, and mitigation measures as noted in Chapter 5 (i.e., implementation of measures from the 2009 BRTR, as well as eventual CEC Conditions of Certification and requirements specified in the Biological Opinion and by BLM).

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CURE DR- 65

Information Required:

Please provide observation data of ponding potential after a rainfall event, including amount of rain and how long after the rainfall the site was visited.

Response:

The RSA states: "2010 survey results which indicate multiple potential breeding pond sites." This statement is misleading. Spring surveys conducted in 2010 included assessments of potential ponding areas in context of the Couch's spadefoot potential. The 2010 survey results indicated that there were multiple potential ponding areas that may pond long enough to support breeding habitat for the Couch's spadefoot toad; however, there is no quantitative confirmation on the ponding potential and there is no evidence that toads are present in the area. Therefore, it is merely speculation that they are potential breeding ponds.

CURE DR- 66

Information Required:

Please state whether caliche burrows will pond water.

Response:

Caliche burrows present on site are associated on the vertical sides of washes where water during storm events has eroded the caliche (calcium carbonate) and soil into caves. Given the location of these burrows on the sides of the washes water likely does not pool within these burrows and instead runs down the slope into the wash. If pooling did occur it would be minimal as the burrows are not large enough to support water that could pool for 9 days. Pools could only fill a small amount before the water would just overflow down into the wash.

CURE DR- 68

Information Required:

Please describe home range of Couch's Spadefoot toad and its migration potential.

Response:

The closest known location (2004) is 5 miles east of the site (ARSSC 2010) There are two documented occurrences (2004 and 2007) near McIntyre Park, 15 miles southeast of the site (HerpNet 2010) Additionally, two documented occurrences include two from Imperial County (1989 and 2002) that are between 12 and 17 miles south of the Combined Survey Area (CDFG 2010). The Combined Survey Area is within the range of this species. During spring 2010 surveys, Project biologists noted several areas where there was the potential for sustained (at least 9 days) ponding that could provide habitat for this species.

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Adults make seasonal movements to and from breeding pools, home range size is unknown (AmphibiaWeb 2010). These movements are nocturnal, but little is known about the distance between breeding pools and the winter burrow or about what proportion of the adult population moves to and from the breeding site each year (AmphibiaWeb 2010).

[AmphibiaWeb](http://amphibiaweb.org/): Information on amphibian biology and conservation. [web application]. 2010. Berkeley, California: AmphibiaWeb. Available: <http://amphibiaweb.org/>. (Accessed: Jun 14, 2010).

CURE DR- 69

Information Required:

Please provide the methods that were used to identify any artificial or temporary water catchments that could serve as breeding pools for Couch's Spadefoot toad, including the criteria that were used to identify potential breeding pools.

Response:

As requested by the CEC, project biologists mapped potential areas that may pond following rainstorms in order to assess the potential of Couch's spadefoot (*Scaphiopus couchii*) to occur within the Combined Survey Area. This mapping only occurred within areas surveyed during spring 2010 and preliminary data were presented to the CEC. Ponding was identified by visual evidence of standing water in a contained surface feature/impoundment (i.e., ponded water or cracking soils).

CURE DR- 70

Information Required:

Please provide a map identifying the specific locations that were visually inspected for Couch's Spadefoot breeding pools.

Response:

A map was provided in Figure 4 of the preliminary results submitted on May 14, 2010.

CURE DR- 71

Information Required:

Please provide justification that no habitat is present on the transmission and substation site despite similar habitat and soil type.

Response:

The substation and transmission line south of I-10 are composed of stabilized and partially stabilized sand dune. The sandy dune habitat would not support sustained (9 days) ponding of water which is required for the breeding of Couch's spadefoot.

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CURE DR- 85

Information Required:

Please clarify whether Spring and Fall 2010 botanical surveys will be/are being conducted for the entire Project action area (including the northern portion of the action area).

Response:

After submittal of the AFC documents to the CEC in 2009, an alternative site configuration was proposed for the BSPP. Additionally, various design refinements were made related to potential transmission line routes and the SCE substation area. As a result of design changes and development of an alternative, additional biological resource technical surveys were necessary in 2010 to fill in the survey design refinements and alternative in support of the BSPP licensing process.

The following biological resource surveys were conducted at the Proposed Project and Reconfigured Alternative Biological Resources study Areas (BRSA) during the 2010 survey season: desert tortoise (*Gopherus agassizii*; DT) survey, Western burrowing owl (*Athene cunicularia hypugaea*; WBO) survey, golden eagle (*Aquila chrysaetos* [GOEA]) nest surveys, botanical survey (vegetation community mapping and rare plant surveys), and jurisdictional waters delineation. Spring 2010 botanical surveys at the BSPP occurred within areas that were not previously surveyed in 2009 associated with the Project Disturbance Area and the Reconfigured Alternative Disturbance Area and associated 1-mile buffers. Methodology for the spring 2010 surveys matched the 2009 methodology described in the August 2009 BRTR (Appendix F to the AFC) with the exception of the 2010 Protocol clarification docketed on April 22, 2010. Preliminary results of the 2010 surveys were docketed on May 14, 2010.

CURE DR- 91

Information Required:

Please explain how driving and walking in a meandering fashion constitute systematic field techniques.

Response:

Methodology for botanical surveys was provided in the 2009 BRTR and was confirmed in the Protocol information docketed on April 22, 2010. In the PVSII response to a CEC December 2009 Data Request (DR-BIO-BIO-81), PVSII proposed that biologists would walk 10- to 20-meter parallel transects within all habitats of the disturbance areas, regardless of habitat suitability. After further consideration of the terrain within the survey area, this approach was revised; habitat complexity dictated how far each botanist was able to see and therefore dictated the necessary spacing. Project botanists have consulted with regional experts including Andrew Sanders and David Silverman to conclude that intuitive controlled surveys per Whiteaker et al. (1998) are sufficient for documenting a complete floral inventory on site (including the target special status plant species). The Whiteaker (1998) method is the BLM-approved method for conducting botanical surveys.

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CURE DR- 105

Information Required:

Please describe the process in which old owl sign was removed or moved in evaluating whether a burrow was in use by a burrowing owl.

Response:

Material was not moved or removed. Evaluations were conducted by visual observation.

CURE DR- 107

Information Required:

Please provide justification for the Applicant's reliance on one survey year to estimate burrowing owl abundance.

Response:

One survey year is in compliance with CDFG/CBOC guidelines. Nevertheless, PVSJ conducted burrowing owl surveys both in 2009 and 2010. Results of the spring 2010 surveys was provided to the CEC on May 14, 2010 for the BSPP Study Area and on Monday, June 14, 2010 for the CRSS Study Area. Note also, that the purpose of WBO surveys is not to determine WBO abundance, but to determine presence/absence and number of individuals and/or pairs present, if applicable.

WBO surveys focused on suitable habitat in the Proposed Project Disturbance Area, the Reconfigured Alternative Disturbance Area, and associated buffers¹ (Figures 6 and 7). Surveys followed the *Burrowing Owl Survey Protocol and Mitigation Guidelines* prepared by The California Burrowing Owl Consortium (CBOC) (1993). In accordance with the protocol, a habitat assessment (Phase I survey) for WBO was conducted in previously unsurveyed portions of the Proposed Project and Reconfigured Alternative Disturbance Areas and in the surrounding 150-meter (approximately 492-foot) buffer zone. Following the Phase I survey, a focused burrow survey (Phase II survey) and WBO survey (Phase III survey) were conducted in suitable habitat within proposed Disturbance Areas and the surrounding 492-foot buffer zone. Also, a more general survey of habitat suitability and occurrence of WBO, other special-status species, and sign was conducted by the DT crew within a one-mile CEC buffer surrounding Disturbance Areas (according to *Draft Recommended Biological Resources Field Survey Guidelines for Large Solar Projects* [CEC 2007]).

The following describes, in more detail, the WBO survey approach and methodology followed in 2010, and is consistent with surveys conducted in 2009.

Phase I Survey: Habitat Assessment

On February 17, 2010, Project biologists Shelly Dayman, Art Davenport, Brooks Hart, and Gregg Lukasek assessed the 2010 Survey Area for WBO habitat (Phase I of the CBOC protocol). The unsurveyed portions of the Combined Survey Area and the surrounding approximately 492-foot buffer zone were evaluated for suitability for WBO, as well as unsurveyed areas within a 1-mile buffer of proposed Disturbance Areas. Suitable habitat for WBO includes open habitat with available burrowing opportunities,

¹ The spring 2010 surveys focused on areas within buffers that were not surveyed in 2009.

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including agricultural fields (active and fallow), Mojave creosote scrub, desert saltbush, ephemeral washes, and ruderal areas. Suitable habitat was mapped in the field using high-resolution field maps. Any WBOs or their sign (e.g., whitewash, pellets, feathers) observed during the Phase I survey were recorded and mapped.

Phase II Survey: Burrow Mapping

The Phase II burrow survey was initiated in early spring and was mostly conducted concurrently with focused presence-or-absence DT surveys between March 15 and May 14, 2010. The Phase II burrow survey was conducted in suitable WBO habitat within previously unsurveyed portions of the Combined Survey Area, as well as within the 492-foot buffer zone, as required by the CBOC protocol. Where the Phase II burrow survey was conducted concurrently with DT presence-or-absence surveys, it was conducted along pedestrian transects spaced at a maximum of 10 meters (approximately 30 feet) apart; otherwise, spacing between transects may have extended up to 30 meters (approximately 100 feet), in accordance with the CBOC protocol. Biologists conducting the Phase II survey recorded and mapped potentially suitable burrows (based on burrow dimensions and characteristics); they also recorded and mapped WBO observations, presence and types of WBO sign (e.g., whitewash, pellets, feathers) observed, and active or potentially active WBO burrows (based on the presence and quality of sign at suitable burrows). These features were recorded electronically using GPS units and on data forms; WBO observations and potentially active burrows were also mapped on field maps. Phase II burrow data also included the type of burrow, if known (e.g., desert kit fox; DT), and a GPS identity code.

Phase III Survey: Burrowing Owl Surveys, Census, and Mapping

Project biologists Dana Terry, Jason Phillips, Rob Conohan, Elizabeth Gruenstein, and Veronica Wunderlich conducted Phase III surveys (WBO presence/absence surveys, census, and mapping) during the peak breeding season (April 15–July 15, as defined in the CBOC protocol). Phase III surveys were initiated on May 2, 2010, and completed on May 21, 2010. During the first survey visit of Phase III, previously mapped (during Phase II) suitable burrows were surveyed by biologists carefully approaching on foot to determine the presence of WBOs and/or WBO sign, in order to assess potential burrow status. Subsequent survey visits (i.e., visits two to four) focused on burrows with WBO sign. Based on 2009 survey results, the Proposed Project site is known to include several burrows with WBO sign that is old and degraded, sparse, and absent of any indication of current or recent use. All burrows with confirmed WBO sign (including those with old, degraded, or sparse sign) were surveyed four times. For any active or potentially active WBO burrows (i.e., burrows with sign of current or recent occupancy by WBO) identified during visit one, the burrow areas were observed during subsequent visits (i.e., visits two to four) using binoculars or a spotting scope, using the vehicle as a blind (if possible); all other burrows with sign were approached on foot. It is important to minimize disturbance near active/occupied burrows; if WBOs were detected in association with a burrow, attempts were made to determine the burrow status without approaching the burrow too closely on foot.

Phase III surveys were conducted between 1 hour before and 2 hours after sunrise, and between 2 hours before and 1 hour after sunset. Phase III surveys were not conducted during inclement weather (e.g., wind speeds > 20 miles per hour, heavy rain or fog, etc.). Field data recorded during each survey visit included date; survey number; weather conditions (temperature, wind, precipitation, cloud cover); surveyor name; start and stop times for each survey visit; location of burrows surveyed during each visit; the suitability of each burrow, based on burrow dimensions and characteristics (collected during first visit to the burrow); presence, absence, and type of WBO sign (if present) at each burrow; occupancy status (active, potentially active (WBO not confirmed, but condition of sign present indicates possible use in current year), inactive with sign (based on presence of old or degraded sign), inactive (burrow of suitable size, but no evidence of use by WBO), documentation of any WBO detections, including abundance, age, sex, and behavior; and other wildlife species observed. Photographs were taken of any potentially active burrow locations. In addition, photographs of individual WBOs and active burrows were taken, if possible without

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disturbing owls. Any special status species or their sign observed during these surveys was recorded electronically using GPS and on data forms.

CURE DR- 108

Information Required:

Please provide a scientific evaluation of how a lack of winter surveys and early spring surveys could impact the abundance estimates of Western burrowing owl in the Project action area.

Response:

Pursuant to CDFG/CBOG guidelines, winter surveys are only required if Western burrowing owls are not detected during spring surveys. PVSJ conducted spring surveys in 2009 and 2010, during which Western burrowing owls were observed. Therefore, winter surveys are not required.

CURE DR- 109

Information Required:

Please identify the experts that have been or will be contacted for input about Nelson's bighorn sheep movement patterns, areas of seasonal use, known water holes, dispersal corridors, and how these may be affected and impacted by the Project.

Response:

Project biologists consulted Magdalena Rodriguez with CDFG and Larry LePre and Mark Massar with BLM for input regarding Nelson's bighorn sheep.

CURE DR- 111

Information Required:

Please state whether the Applicant believes that the Project will impede wildlife movement.

Response:

This analysis has been presented in several sources, including the 2009 BRTR, Applicant responses to CEC Data Requests submitted January 6, 2010, and the Applicant responses to the SA dated April 19, 2010.

CURE DR- 119

Information Required:

Please provide justification for the Applicant's proposal to employ a 1:1 acquisition ratio to mitigate impacts to the WBO.

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Response:

The ratio was proposed based on habitat to be acquired. Only one pair of WBO has been observed within the Project disturbance area. The second owl referenced was observed in a buffer and would not be directly impacted. No additional WBO were observed during 2010 surveys in the Project disturbance area. In addition, PVSJ has agreed to mitigate as proposed in the Staff Assessment at 19.5 acres per pair or individual impacted.

CURE DR- 120

Information Required:

Please provide a protocol for proposed mitigation surveys for MFTL. Please include date and time of recommended surveys and how many surveys will be conducted.

Response:

See CURE-DR-9.

CURE DR- 122

Information Required:

Please indicate whether the Applicant submitted a revised SAA application to the California Department of Fish and Game that post-dates the November 25, 2009 submittal.

Response:

A revised SAA application has not been submitted to CDFG and such a revised SAA application is not necessary. The intent of the governor's executive order was to make the State permitting process more efficient and the permitting authority rests with the CEC. A draft SAA application was prepared to facilitate exchange of the required information. All relevant and necessary information has been provided in subsequent submittals to the CEC and agencies to support a final decision regarding State waters. Updated acreages, including impact acreages, are included in the Supplemental Biological Data Package (June 14, 2010) as Tables 4, 5, 6, 7, and 18.

CURE DR- 123

Information Required:

Please define the term "Project Study Area" as used in the figure titled Preliminary Results State Waters Spring 2010 Surveys, provided by the Applicant on May 10, 2010.

Response:

The Proposed Project Study Area includes the current Project Disturbance Area plus additional areas surveyed during 2009 and 2010 for contingency in the engineering design that ultimately will not be disturbed by the Project. The BSPP Project Disturbance Area includes the entire Proposed Project footprint (area within solar plant site fence line including solar fields, power block, transmission facilities,

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office and maintenance buildings, laydown area, bioremediation area, and leach fields as described in further detail below). It does not include the Colorado River Substation (CRSS), which will be permitted, constructed and operated by Southern California Edison (SCE).

CURE DR- 124

Information Required:

Please state whether the term "Project Study Area" encompasses a different area than the area defined by the term "Project Disturbance Area" as used in the Jurisdictional Delineation Report included with the November 2009 SAA application, and identify the distinctions between those terms.

Response:

The Proposed Project Study Area is larger than the Project Disturbance Area because it includes additional area surveyed for contingency purposes in the engineering design but that ultimately will not be disturbed by the Project.

CURE DR- 126

Information Required:

Please provide a revised discussion of impacts to State waters, including acreages of anticipated impact to downstream and upstream State waters, based on the preliminary survey results provided by the Applicant on May 10, 2010.

Response:

All desert dry wash woodland and unvegetated ephemeral desert dry washes, occurring within the DARSA were delineated as waters of the State (Figure 9). In addition, vegetated swales supporting the creosote bush – big galleta grass association were identified and mapped. These vegetated swales consist of a special community type and are considered to have functions and values relevant to the State waters; however, they do not meet the definition of State waters as defined by CFGC.

There are multiple ephemeral washes occurring within the DARSA. These ephemeral washes are primarily located within the western, central, and southern portions of the disturbance areas. Virtually all the ephemeral washes occurring within the DARSA exhibit a northwest-to-southeast flow orientation, with the largest ephemeral wash extending up to approximately 15,000 feet. All desert aquatic features occurring within the DARSA eventually abate (terminate) into the desert landscape within the desert prior to hydrologically connecting to the McCoy Wash. The more developed ephemeral washes support extensive and developed desert dry wash woodland within the western, central, and southern portions of the DARSA. Unvegetated ephemeral desert dry wash, which is primarily devoid of wash-dependent plant species due to less availability of surface and subsurface hydrology, primarily occurs within the east and southeast portions of the disturbance area. Vegetated swales are the most extensive aquatic feature with the DARSA.

The Proposed Project would result in permanent direct impacts (inside the Project Disturbance Area) resulting from construction activities (including grading, staging, and where all Proposed Project components would be built and placed) to approximately 205.60 acres of waters of the State and 365.59

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acres of vegetated swales – big galleta grass association. The proposed project would also result in permanent indirect impacts (outside or downstream of the Project Disturbance Area) to approximately 137.83 acres of waters of the State and 44.60 acres of vegetated swales – big galleta grass association. Project-specific potential impacts (both permanent direct and permanent indirect) toward each type of potential jurisdictional waters as a result of the Proposed Project are approximately 343.42 acres of state waters and 410.19 acres of vegetated swales.

Updated acreages, including impact acreages, are included in the Supplemental Biological Data Package (June 14, 2010) as Tables 4, 5, 6, 7, and 18.

CURE DR- 127**Information Required:**

Please state whether the Applicant intends to submit a revised SAA application package that includes discussion of impacts to waters of the State as a result of the Applicant's proposed transmission line.

Response:

Please see response CURE-DR-122. Total impact acres are also summarized above CURE-DR-126.

CURE DR- 128**Information Required:**

Please provide the Applicant's revised plan for mitigating, avoiding and reducing impacts to waters of the State in light of the new impact acreages provided by the Applicant on May 10, 2010.

Response:

The acreages provided by the Applicant on May 10, 2010 did not provide impact totals. The preliminary results provided to the CEC on May 10, 2010 presented results of spring 2010 surveys only. Impact acreages are included in the Applicant's Initial Testimony and above.

CURE DR- 129**Information Required:**

Please state whether the Applicant proposes mitigation for Project impacts to unvegetated ephemeral dry wash and swales within the Project action area.

Response:

A summary of impacts and mitigation was included in Data Responses and in Applicant's Initial Testimony. Updated acreages, including impact acreages, are included in the Supplemental Biological Data Package (June 14, 2010) as Tables 4, 5, 6, 7, and 18.

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CURE DR- 130

Information Required:

Please state whether the Applicant would accept a condition of certification that would require the Applicant to manage artificial and natural channels within the Project action area, pursuant to the terms of the CEC license, for the life of the Project and through decommissioning.

Response:

Management of rerouted drainages is part of the Project engineering design and is expected to be stipulated in the COCs through the Channel Maintenance Plan. Engineered channels will be managed per that plan. The full disturbance area will have been mitigated by the Conditions of Certification and therefore the only requirement for such a plan is BLM administering regulations. The ultimate decision of what land use to which the site should be reclaimed lies with BLM. PVSJ requests the details of the plan be administered by BLM and has modified the Condition accordingly.

CURE DR- 131

Information Required:

Please state whether the Applicant considered planting native emergent vegetation in locations where diffusers are proposed.

Response:

No planting is proposed for rerouted channels. These channels are not being designed for onsite mitigation. Mitigation for permanent impacts associated with State waters will occur offsite. Any revegetation in the channels will be a result of natural recruitment.

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CURE DR-154**Information Required:**

Please provide a map showing the Applicant's most current drainage design, including location of swales, peripheral ditches, berms and conveyance channels, and include the grading details for such features.

Response:

See attached drainage design drawings (included at the end of this section) which provide design details of the Blythe drainage channels. They include BSPP Drawing numbers 2008-045-CG-002, -005 through -010, -012 through -013, -015 through -019, and -021 through -024.

CURE DR-155**Information Required:**

Please identify the material(s) that will be used to construct the proposed swales.

Response:

The swales will be constructed of native material on the sides and on the bottom. In locations where scour may occur, such as at angle points within the channel or at drop structures, the sides and bottom will be protected with soil cement.

CURE DR-156**Information Required:**

Please state whether the Applicant proposes to use native vegetation, compost or riprap to fill the proposed swales.

Response:

The swales will not be filled with anything. The swales will be left to re-vegetate themselves naturally. There will be no compost or riprap placed in the swales.

CURE DR-157**Information Required:**

Please explain how the Applicant's proposed design for the swales would provide beneficial usage for wildlife species.

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Response Date: June 14, 2010

Response:

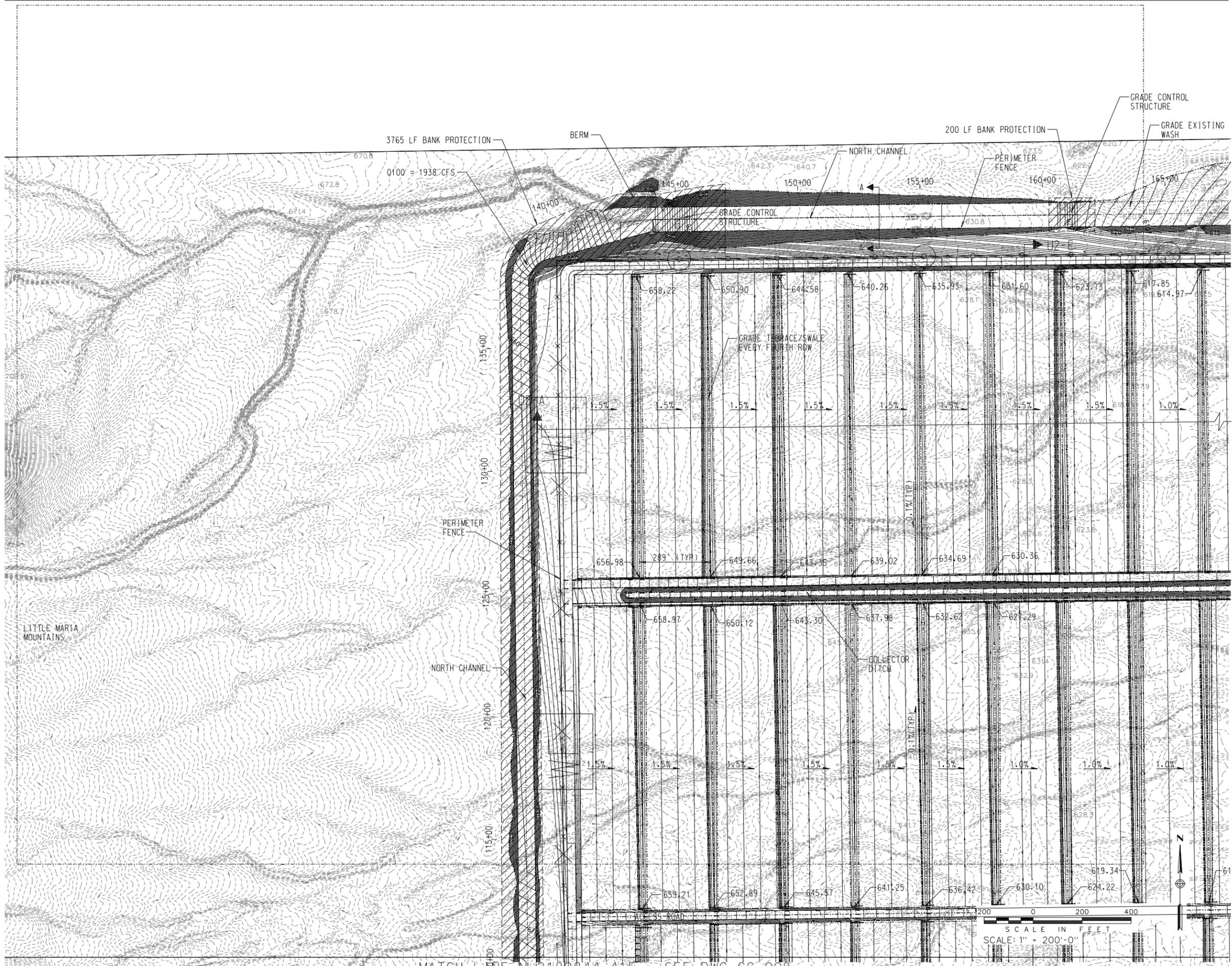
The peripheral channels on the outside of the project fence are designed primarily for drainage purposes. Because the drainage channel designs do not include or provide onsite mitigation, they are not designed to facilitate wildlife movement or usage. However, they are designed to minimize impacts to wildlife. The side slopes will be set at 3:1 so that animals, including desert tortoises, can move in and out of the channels with relative ease. In addition, although no direct revegetation will occur and occasional maintenance activities are anticipated subsequent to storm events, vegetation in the channels will not be allowed to grow more than 8" to 10" in height according to the Channel Maintenance Program.

Project Description

Attachment CURE-DR-154

Grading Plan Drawings

2008-45-CG-002
2008-45-CG-005
2008-45-CG-006
2008-45-CG-007
2008-45-CG-008
2008-45-CG-009
2008-45-CG-010
2008-45-CG-012
2008-45-CG-013
2008-45-CG-015
2008-45-CG-016
2008-45-CG-017
2008-45-CG-018
2008-45-CG-019
2008-45-CG-021
2008-45-CG-022
2008-45-CG-023
2008-45-CG-024



MATCH LINE E 7005225.268 - SEE DWG CG-003

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-002
ENG MGR			
PROJ MGR			

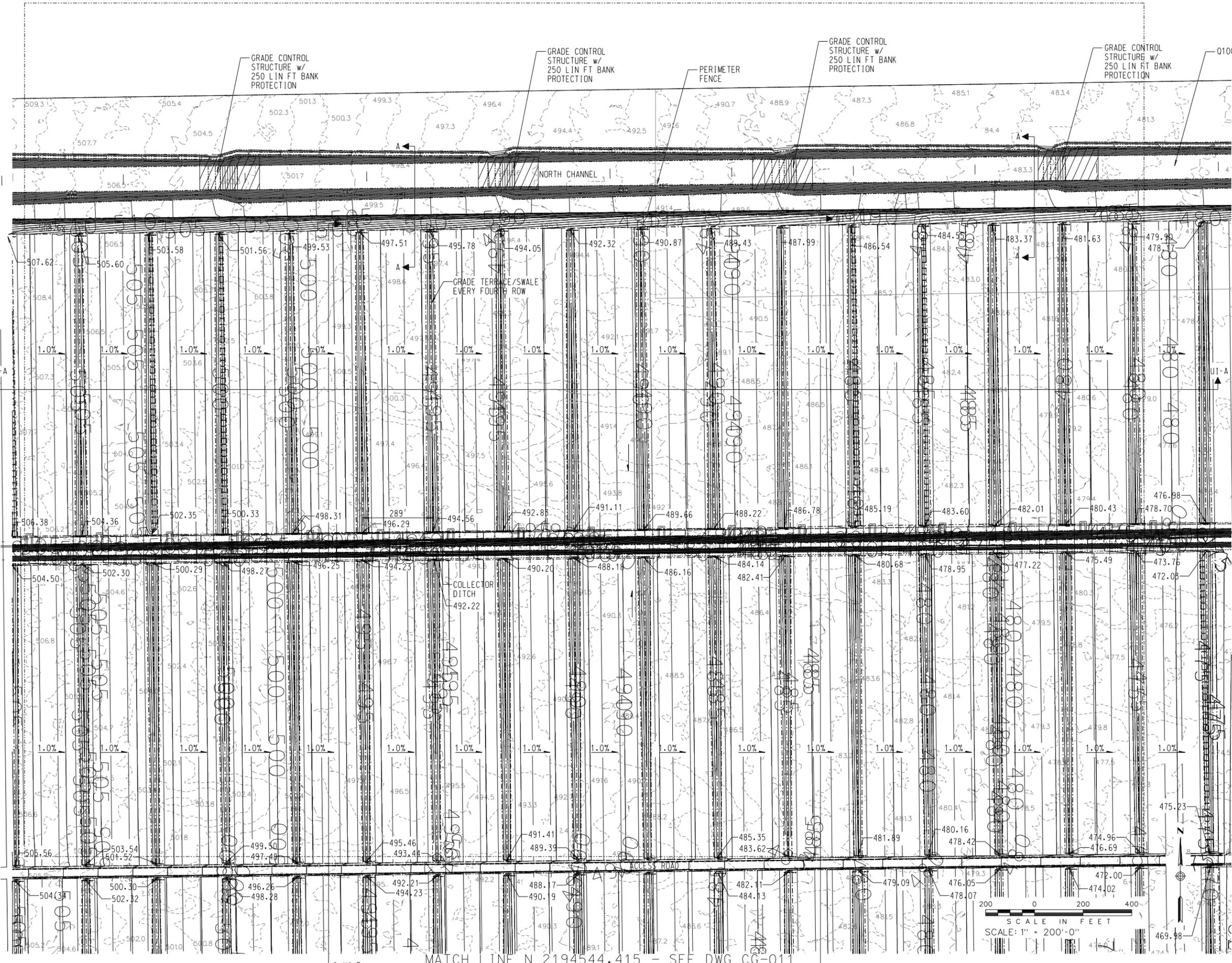
MATCH LINE N 2182844.415 - SEE DWG CG-008

U2-E

U2-A

MATCH LINE E 7015425.268 - SEE DWG CG-004

MATCH LINE E 7020525.268 - SEE DWG CG-006



MATCH LINE N 2194544.415 - SEE DWG CG-011

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

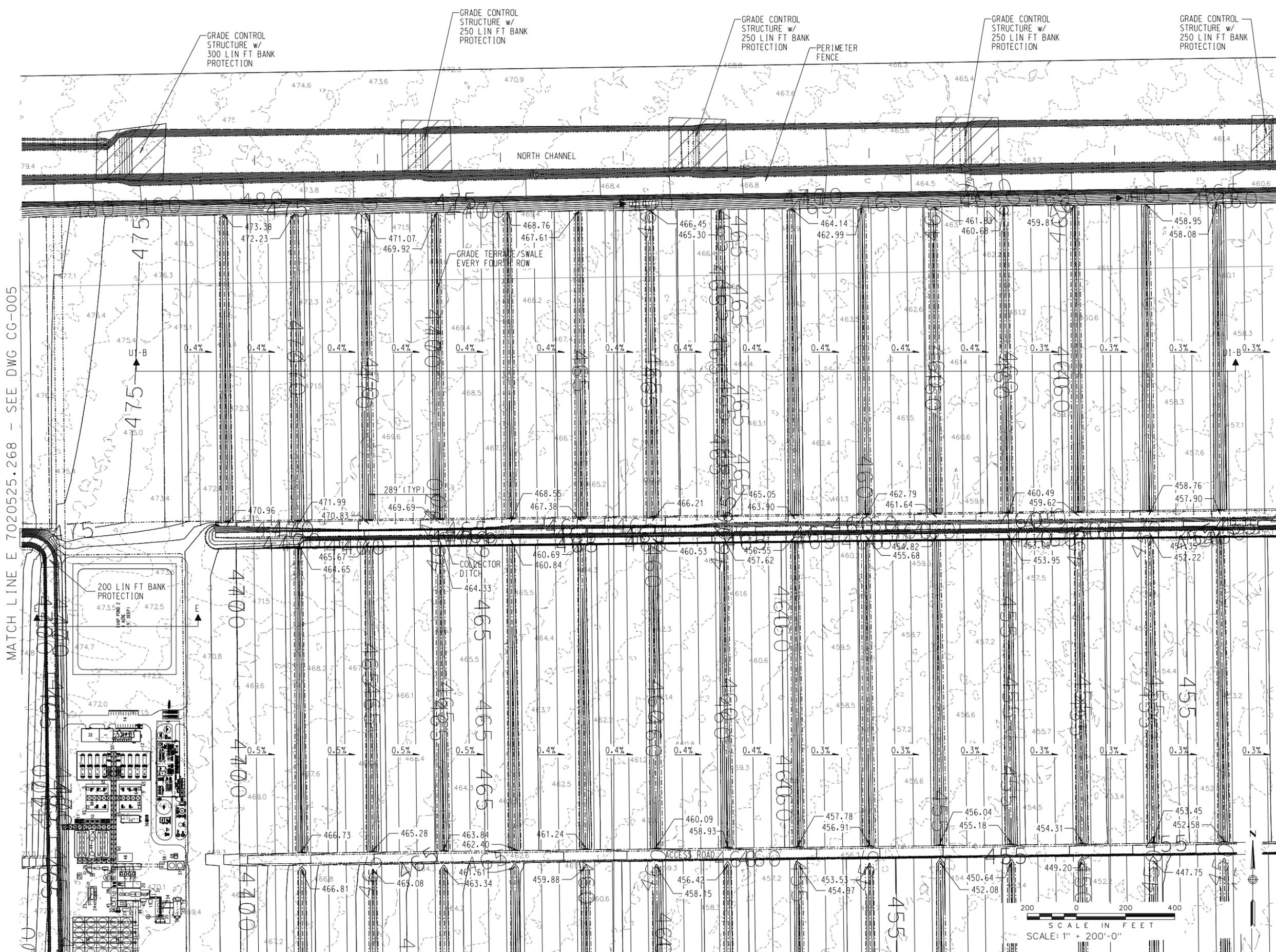
BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-005
ENG MGR			
PROJ MGR			



- PRELIMINARY -
NOT FOR CONSTRUCTION

A				
revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

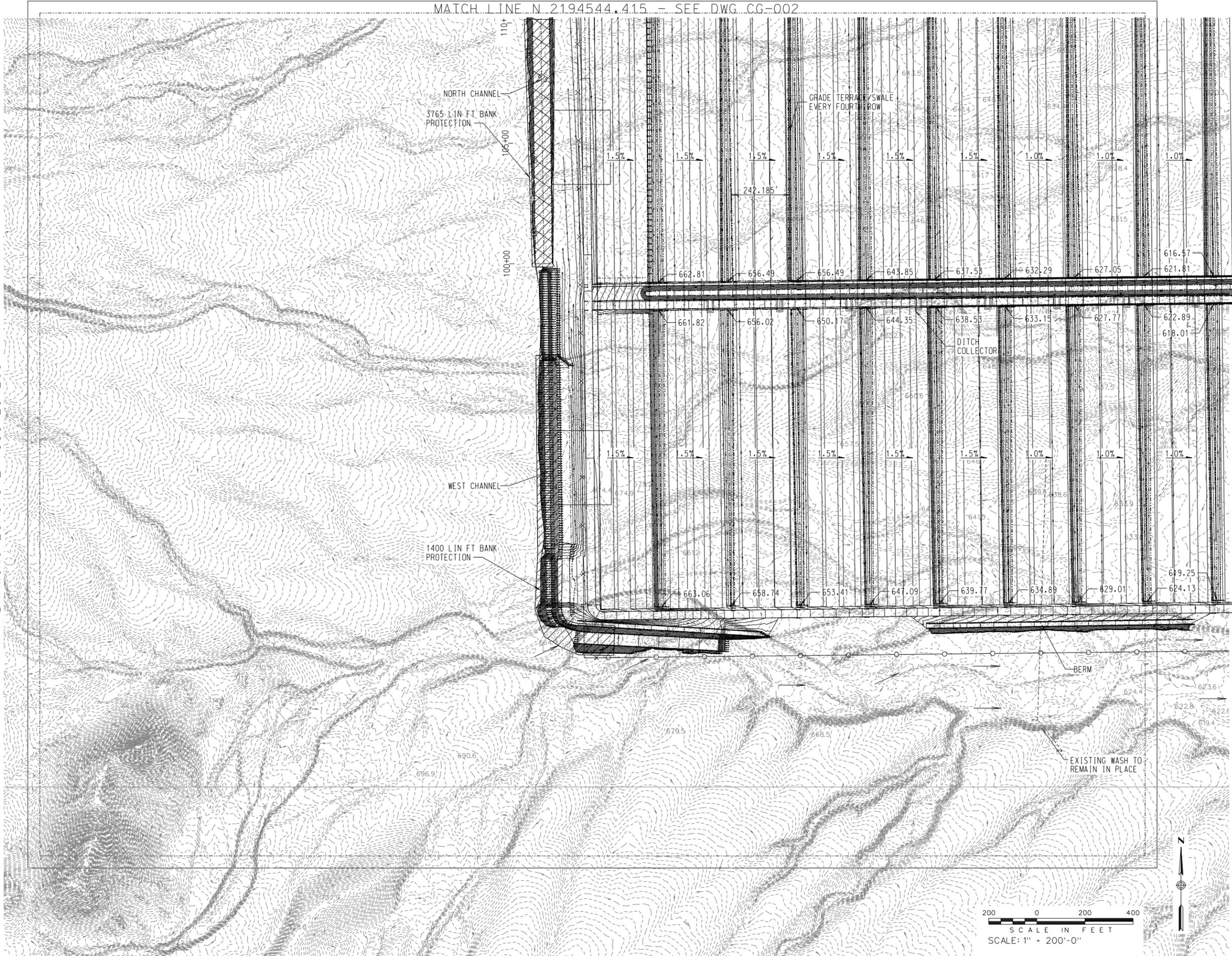
GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09
LEAD ENG	FJS	11-06-09
ENG MGR		
PROJ MGR		

DRAWING NUMBER	2008-045-CG-006
----------------	-----------------

MATCH LINE N. 2194544.415 - SEE DWG. CG-002

DRAWING LIMITS E 7000125.268



MATCH LINE E 7005225.268 - SEE DWG CG-009

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

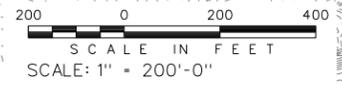
KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



GRADING PLAN



DRAWING LIMITS E 2190644.415

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-008
ENG MGR			
PROJ MGR			

MATCH LINE E 7005225.268 - SEE DWG CG-008

MATCH LINE E 7010325.268 - SEE DWG CG-010



- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESCRIPTION	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-009
ENG MGR			
PROJ MGR			

MATCH LINE N 2194544.415 - SEE DWG CG-004

MATCH LINE E 7010325.268 - SEE DWG CG-009

MATCH LINE E 7015425.268 - SEE DWG CG-011



- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

KIEWIT-MSM JOINT VENTURE

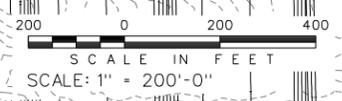
SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN



MATCH LINE N 2190644.415 - SEE DWG CG-016

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-010
ENG MGR			
PROJ MGR			

MATCH LINE E 7020525.268 - SEE DWG CG-011

MATCH LINE E 7025625.268 - SEE DWG CG-013



- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT

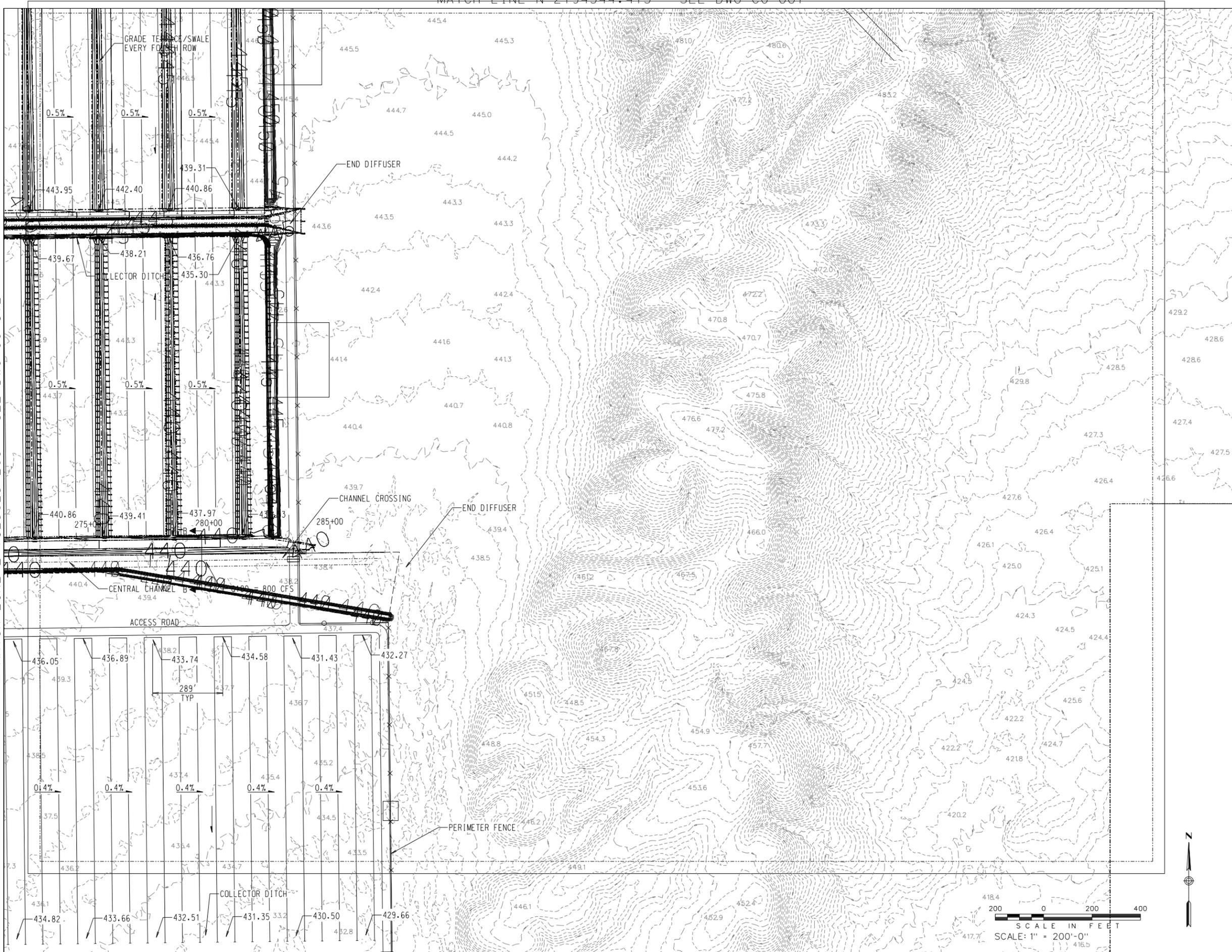


GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENGR	FJS	11-06-09	2008-045-CG-012
ENG MGR			
PROJ MGR			

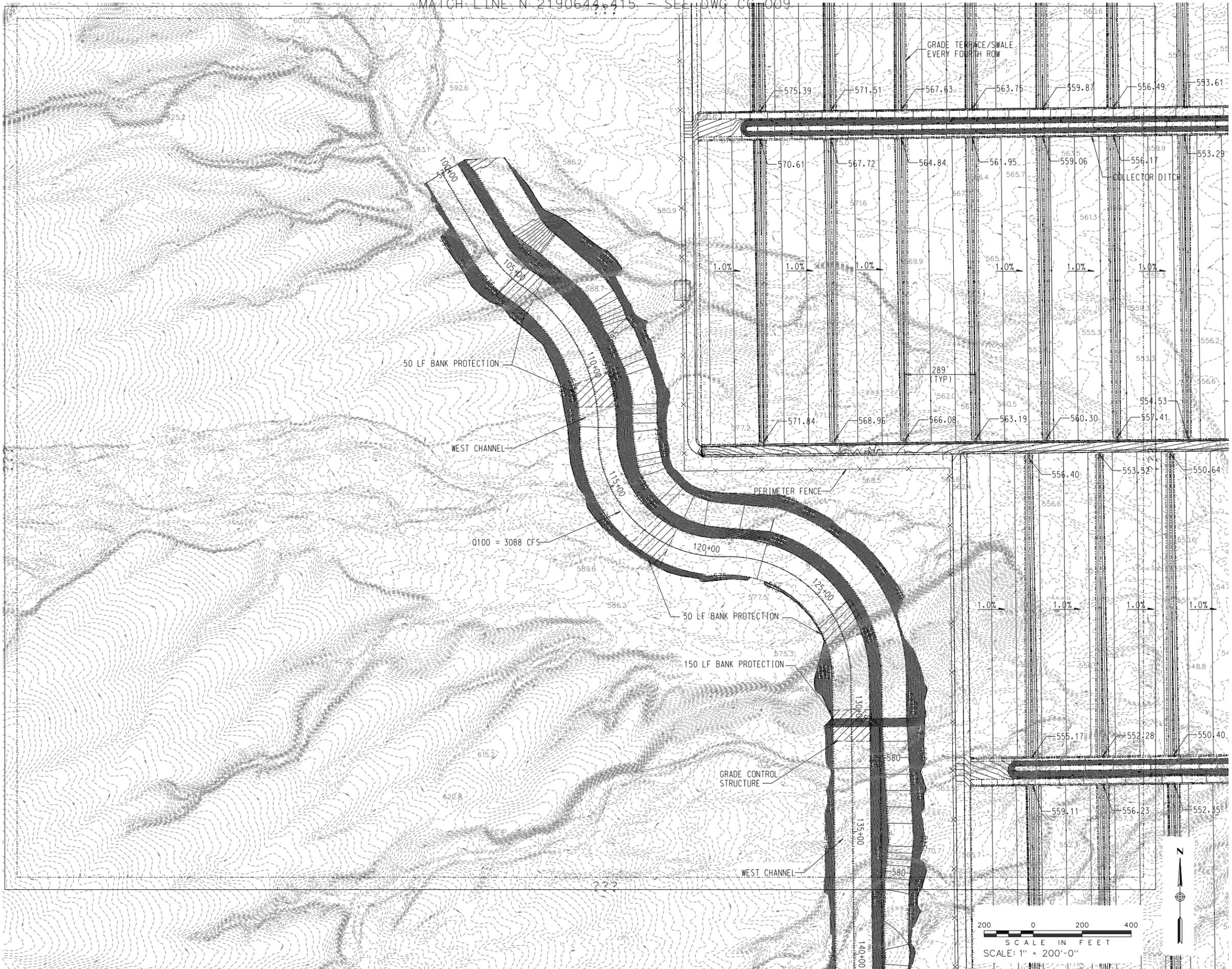
MATCH LINE N 2194544.415 - SEE DWG CG-007

MATCH LINE E 7025625.268 - SEE DWG CG-012



MATCH LINE N 2190644.415 - SEE DWG CG-009

DRAWING LIMITS 7005225.268



MATCH LINE E 7010325.268 - SEE DWG CG-016

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESCRIPTION	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-015
ENG MGR			
PROJ MGR			

MATCH LINE N 2186744.415 - SEE DWG CG-021

MATCH LINE N 2190644.415 - SEE DWG CG-010

U3-G

U3-F

MATCH LINE E 7010325.268 - SEE DWG CG-015

MATCH LINE E 7015425.268 - SEE DWG CG-017



- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN



MATCH LINE N 2186744.415 - SEE DWG CG-022

U3-G

U3-F

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-016
ENG MGR			
PROJ MGR			

MATCH LINE N 2190644.415 - SEE DWG CG-011



MATCH LINE E 7015425.268 - SEE DWG CG-016

MATCH LINE E 7020525.268 - SEE DWG CG-018

MATCH LINE N 2186744.415 - SEE DWG CG-023

- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

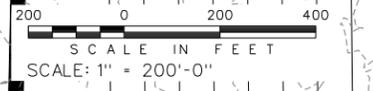
SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN



ENGINEER/DESIGN	DRAWING NUMBER	
ORIGINATOR	BAS	11-06-09
LEAD ENG	FJS	11-06-09
ENG MGR		
PROJ MGR		

2008-045-CG-017

MATCH LINE N 2190644.415 - SEE DWG CG-012



MATCH LINE E 7020525.268 - SEE DWG CG-017

MATCH LINE E 70225625.268 - SEE DWG CG-019

MATCH LINE N 2186744.415 - SEE DWG CG-024

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN



ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-018
ENG MGR			
PROJ MGR			



MATCH LINE E 7025625.268 - SEE DWG CG-018

DRAWING LIMITS N 7030725.268

- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

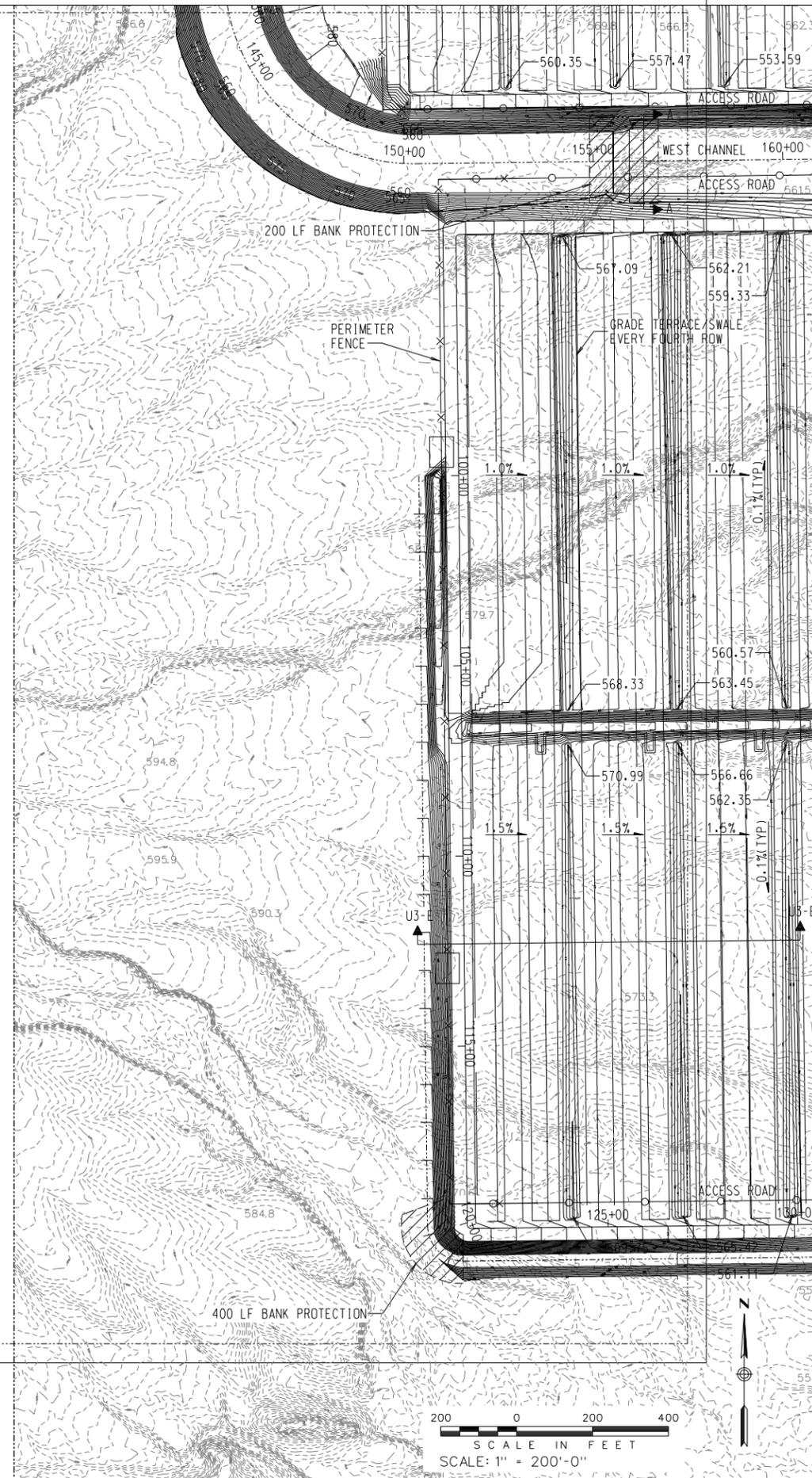
BSPB - BLYTHE SOLAR POWER PLANT



GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-019
ENG MGR			
PROJ MGR			





MATCH LINE E 7010325.268 - SEE DWG CG-022

- PRELIMINARY -
NOT FOR CONSTRUCTION

REV	DESIGN BY	DRAWN BY	CHECKED BY	DATE
A				

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT



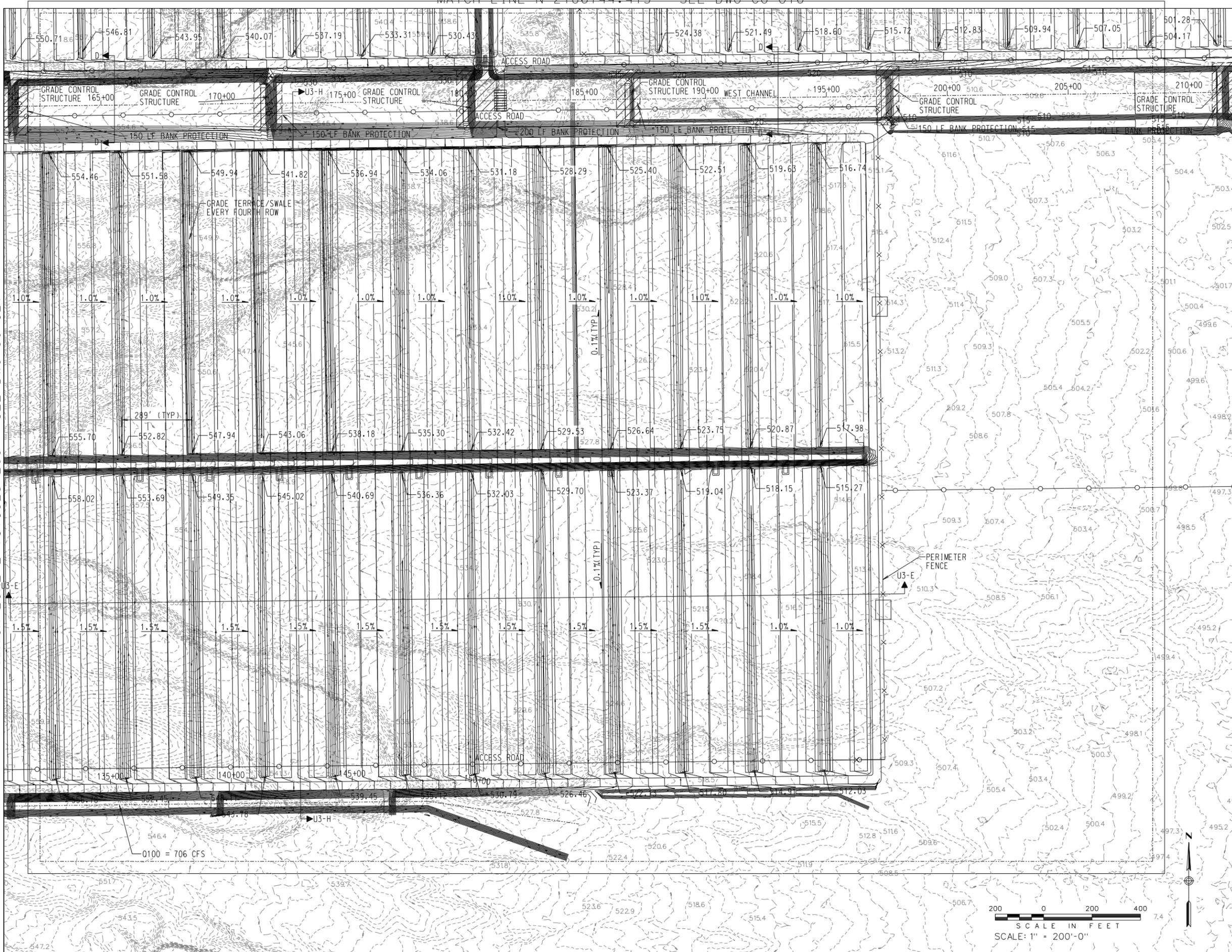
Kiewit
Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-021
ENG MGR			
PROJ MGR			

MATCH LINE E 7010325.268 - SEE DWG CG-021

MATCH LINE E 7015425.268 - SEE DWG CG-023



- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

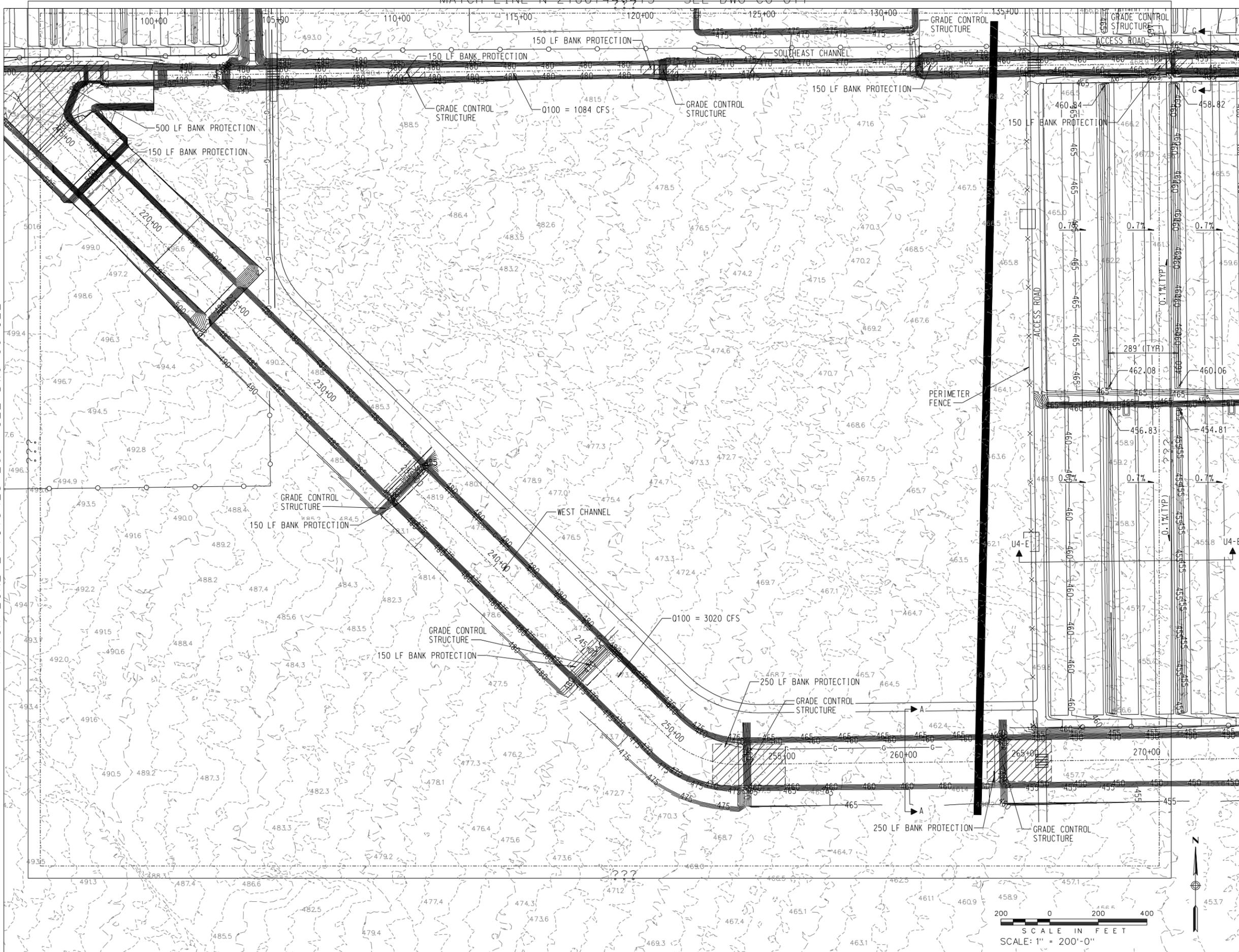


ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-022
ENG MGR			
PROJ MGR			

MATCH LINE N 2186744.415 - SEE DWG CG-017

MATCH LINE E 7015425.268 - SEE DWG CG-022

MATCH LINE E 7020525.268 - SEE DWG CG-024



- PRELIMINARY -
NOT FOR CONSTRUCTION

A	revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
REV	DESIGN BY	DRAWN BY	CHECKED BY		DATE

KIEWIT-MSM JOINT VENTURE

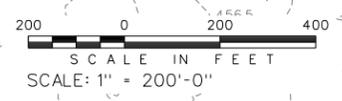
SOLAR MILLENNIUM LLC

BSPB - BLYTHE SOLAR POWER PLANT



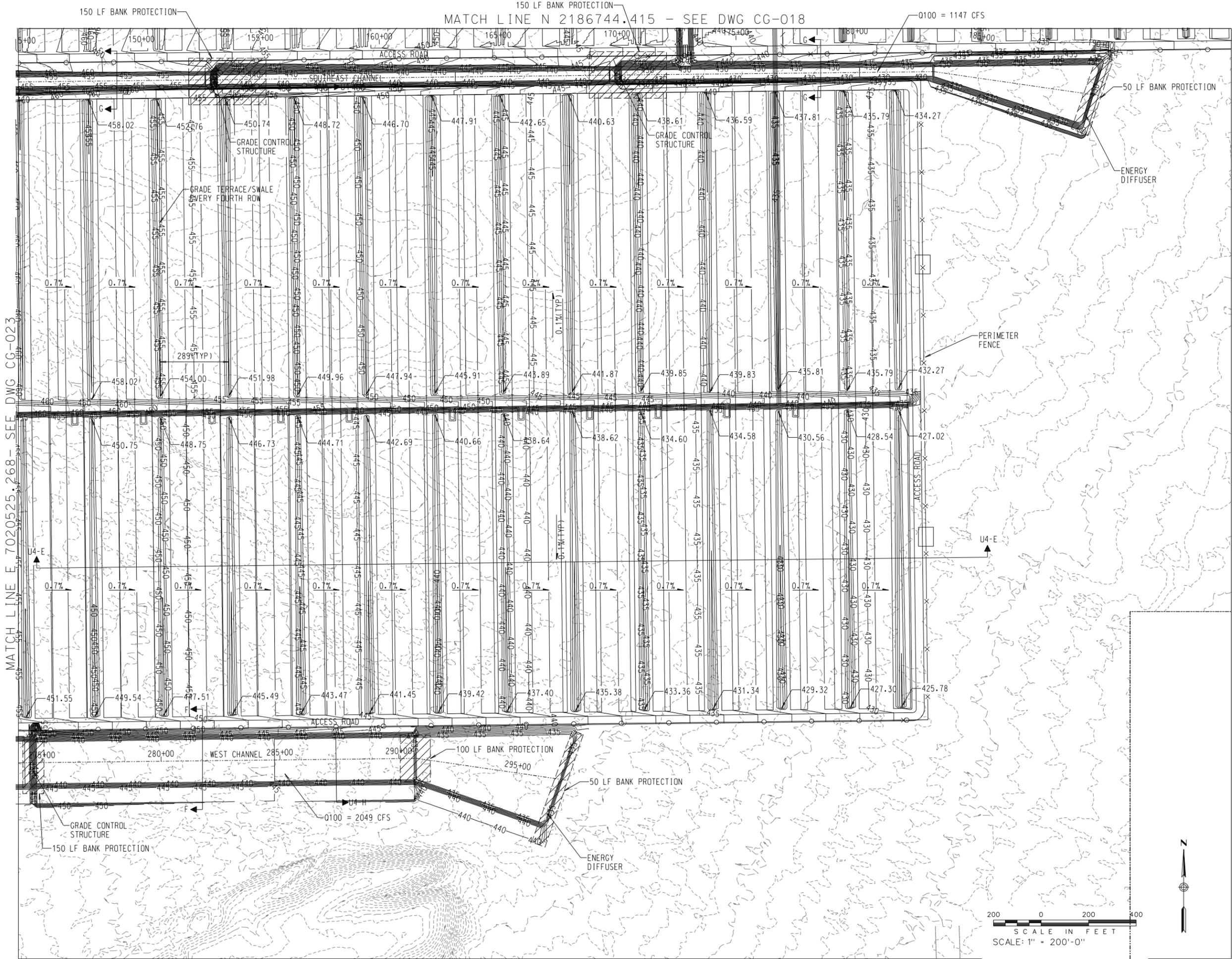
Kiewit Power
9401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN



DRAWING LIMITS N 2182844.415

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09	DRAWING NUMBER
LEAD ENG	FJS	11-06-09	2008-045-CG-023
ENG MGR			
PROJ MGR			



MATCH LINE E 7020525.268 - SEE DWG CG-023

MATCH LINE N 2186744.415 - SEE DWG CG-018

DRAWING LIMITS N 7025625.268

DRAWING LIMITS N 2182844.415

- PRELIMINARY -
NOT FOR CONSTRUCTION

revision description	1st Int.Last Name	1st Int.Last Name	1st Int.Last Name	date
A	DESIGN BY	DRAWN BY	CHECKED BY	DATE

KIEWIT-MSM JOINT VENTURE

SOLAR MILLENNIUM LLC

BSPP - BLYTHE SOLAR POWER PLANT

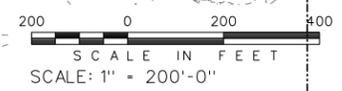


Kiewit Power
3401 Renner Boulevard
Lenexa, Kansas 66219

GRADING PLAN

ENGINEER/DESIGN ORIGINATOR	BAS	11-06-09
LEAD ENG	FJS	11-06-09
ENG MGR		
PROJ MGR		

DRAWING NUMBER	2008-045-CG-024
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**BLYTHE SOLAR POWER PROJECT (09-AFC-6)
CURE DATA REQUESTS, SET ONE (Nos.1 – 157) (SELECTED RESPONSES)**

Response Date: June14, 2010

CURE DR-136

Information Required:

Please explain whether the Applicant has obtained the results of any investigations conducted by the Corps, or its consultants, which identify the nature of MC and MEC associated with the Blythe Army Airfield FUDS.

Response:

Palo Verde Solar I received three final FUDS Site Inspection (SI) reports from the Corps for two other sites located within the CAMA in the general area of the Blythe Army Airfield FUDS. The first site, Camp Essex, is located approximately 85 miles north of the BSPP site. The second site, Iron Mountain, is located approximately 35 miles north of the Project site.

Camp Essex contains two areas, the cantonment area (analogous to the Blythe Army Air Field area) and the Ward-Valley area (similar to the (BSPP site).

The Iron Mountain site was originally developed in the spring of 1942 as one of ten major camps forming the Desert Training Center or CAMA. Unlike the BSPP, the Iron Mountain site contains several ground target and range areas.

At this time, PVSI is not aware of any Corps FUDS investigations similar to the SIs performed at the three site mentioned above for the Blythe Army Air Field. If an investigation is planned or pending, PVSI recommends contacting BLM, the property owner, or the Corps directly for this information.

CURE DR-137

Information Required:

If the Applicant has obtained results from investigations conducted by the Corps, as identified in Data Request #1, please provide the results of any such investigations.

Response:

The three FUDS Site Inspection (SI) reports identified in the response to Data Request #1 are publically available through the Federal government. These SI reports were prepared for the U.S. Army Corps of Engineers, Los Angeles District and the South Pacific Division Range Support Center.

**BLYTHE SOLAR POWER PROJECT (09-AFC-6)
CURE DATA REQUESTS, SET ONE (Nos.1 – 157) (SELECTED RESPONSES)**

Response Date: June14, 2010

CURE DR-138

Information Required:

Please state whether the Applicant has consulted with the Corps regarding the Corps' review of the Blythe Army Airfield FUDS.

Response:

PVSI requested information from the Corps regarding available data on the CAMA and the Blythe Army Air Field site. PVSI received the three final FUDS SI reports referenced in response to Data Request #136.

CURE DR-147

Information Required:

Please provide a map indicating where unexploded ordnance was detected on the Project site.

Response:

To date, BSPP activities have discovered no unexploded ordnance within the boundaries of the BSPP site. On three separate occasions during the approximately 17-month period of onsite assessment surveys and field activities, pieces of incomplete test practice landmines were discovered, documented, and reported to the Riverside County Sheriff's Department. A site map locating the three discoveries is provided at the end of this section. PVSI is not aware of any formal documentation confirming the historic discovery of unexploded ordnance within the boundary of the BSPP.

CURE DR-148

Information Required:

Please identify the person(s) at the Riverside County Sherriff's Department who detonated unexploded ordnance located in the Project area.

Response:

On May 18th, 2009, the first discovery of a potentially explosive munitions item on the Blythe Solar Power Project (BSPP) site was reported to the Riverside County Sheriff. Two partial pieces of what appeared to be test/practice landmines were identified by an onsite field assessment team. The first test/practice landmine encountered was confirmed by a Riverside County Bomb Squad technician (member of the County's Hazardous Device Team) to be an empty shell of a test/practice landmine base or body. This item contained no explosive properties. The second munitions item, also believed to be a landmine, was found partially buried and upside down.

BLYTHE SOLAR POWER PROJECT (09-AFC-6) CURE DATA REQUESTS, SET ONE (Nos.1 – 157) (SELECTED RESPONSES)

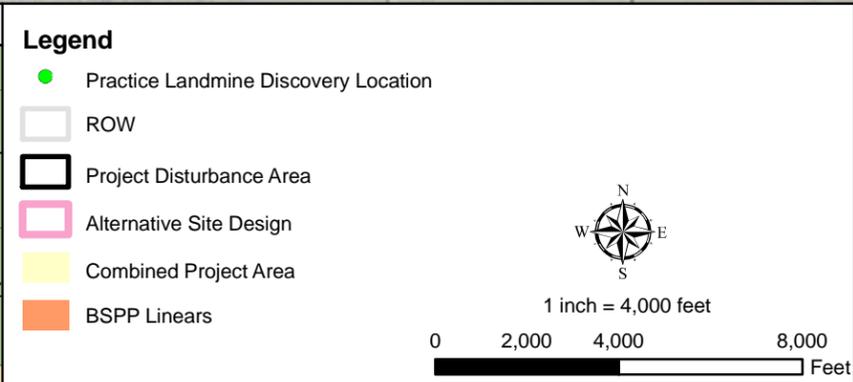
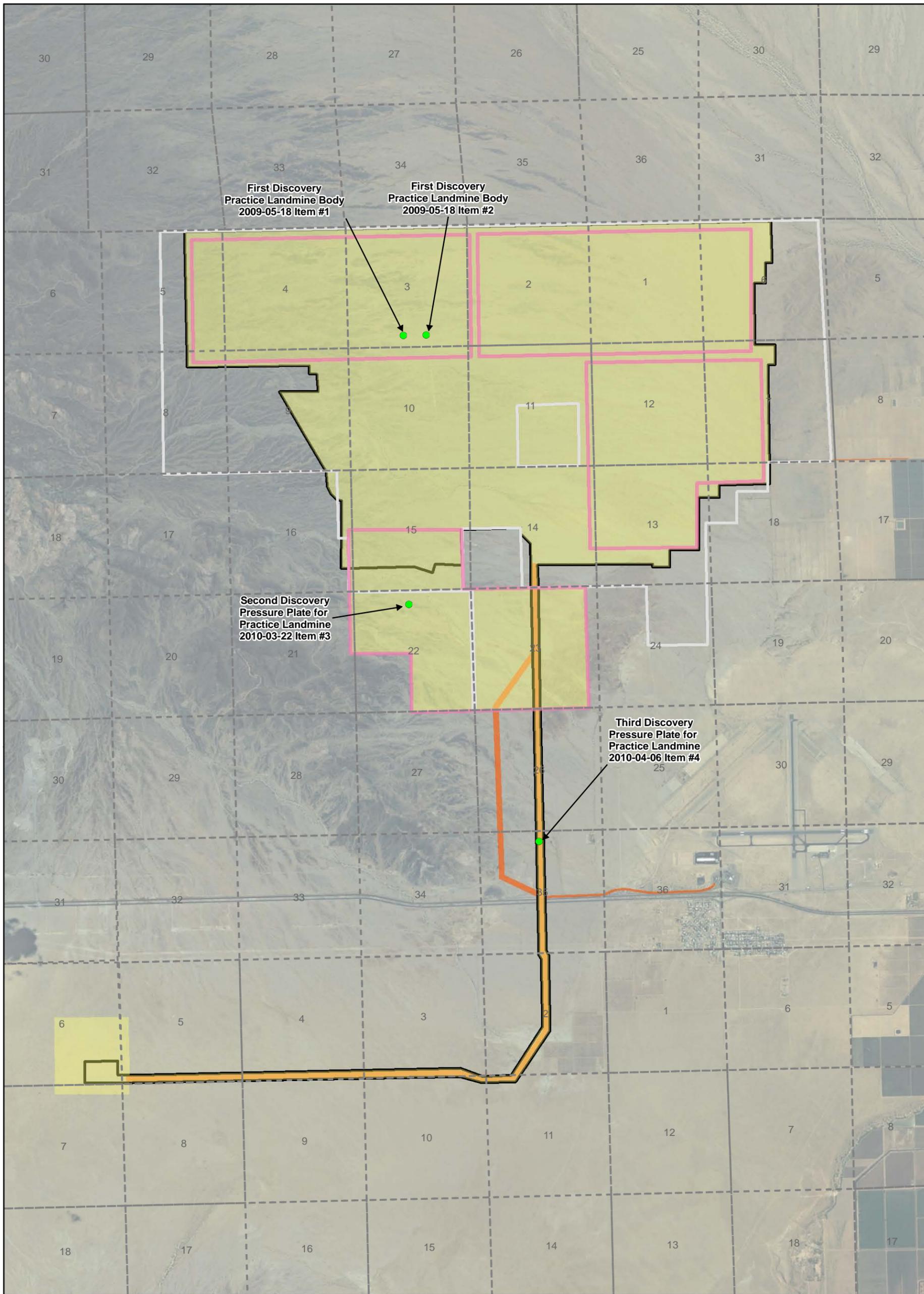
Response Date: June14, 2010

Because of the munition item's orientation and because it was partially buried, the Riverside County Bomb Squad technician took the precaution to detonate the partially buried item in-place to safely inert the item for safe inspection. After the item was blown-in-place, it was also determined to be an incomplete or partial piece of a test/practice landmine. The specific records detailing the Riverside County Hazardous Device Team's response actions at the BSPP on May 18th 2009, including the names of the responding personnel, should be available by contacting the Riverside County Sheriff Department.

Worker Safety

Attachment DR-WS-147

Location of Possible Munitions Items



**Blythe Solar
Power Project**

**Location of Possible
Munitions Items**

Figure 1

AECOM

Date: May 2010

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:
APPLICATION FOR CERTIFICATION
for the *BLYTHE SOLAR POWER PROJECT*

Docket No. 09-AFC-6
PROOF OF SERVICE
(Revised 1/26/2010)

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Staff Counsel
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Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Carl Lindner, declare that on, June 14, 2010, I served and filed copies of the attached Blythe Solar Power Project Materials:

Responses to the CURE Data Requests, Set 1.

The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/solar_millennium_blythe\]](http://www.energy.ca.gov/sitingcases/solar_millennium_blythe).

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by overnight delivery service or depositing in the United States mail at Camarillo, California with postage or fees thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, along with 13 CDs, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

