



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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August 23, 2011

In Reply Refer to:

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CACA-048811

(CA660)

DELIVERED IN PERSON

NOTICE/ORDER

Alice L. Harron : CACA-048811
Palo Verde Solar I :
1111 Broadway, 5th floor :
Oakland, CA 94607 :

Immediate Temporary Suspension of Activities Issued

On November 4, 2010, the Bureau of Land Management (BLM) issued a right-of-way (ROW) grant to Palo Verde Solar I, LLC, to construct, operate, maintain, and decommission a 1,000 MW nominal solar thermal power project and its ancillary facilities. The project consists of four adjacent, and independent power block units of 250 MW nominal capacity each, with onsite facilities including an administration building, parking area, maintenance building, switchyard, bioremediation areas, wastewater treatment facilities, access and maintenance roads (either dirt, gravel or paved), perimeter fencing, central gas pipeline, a distribution line, above and below-ground fiber optic lines, and water wells; offsite facilities including an access road to the site, a distribution line, gas pipeline, above and below-ground fiber optic lines, and a new double-circuit 230 kV generation-tie line, all of which aggregating approximately 7,025 acres, more or less (the "Blythe Solar Project").

On November 4, 2010 the BLM authorized Palo Verde Solar I, LLC, as identified in the Final Plan of Development, to begin construction on a section of Black Rock Road, the new turn-off for the plant access road, a temporary 12.47 kV power line, water well, Phase 1a non-linear facilities, shared facilities area, and a portion of Solar Unit 1.

Under the terms and conditions of the ROW Grant, the ROW instrument is issued subject to the holder's compliance with all applicable laws and regulations and, in particular, with the regulations contained in Title 43 CFR Part 2800 (CACA-48811, sec.5a). Under 43 CFR 2807.20(a), you must seek to amend your grant when there is a proposed substantial deviation in location or use. Also under the regulations, at 43 CFR 2807.16(a), and according to the ROW Grant, failure to comply with the terms, conditions, or stipulations of the ROW instrument shall be grounds for immediate temporary suspension of construction activities (CACA 48811, sec.5a). According to the ROW Grant, the approved Final Plan of Development (POD) is incorporated into and made a part of the ROW Grant (CACA 48811, sec.5b).

On August 18, 2011, Palo Verde Solar I, LLC, through Solar Trust of America, announced their intent to change the solar technology from concentrated solar power (CSP) to photovoltaic (PV). The BLM's ROW approval process, analysis of the selected project alternative and the Final Plan of Development incorporated into the ROW grant all assumed construction of CSP generating facility. The proposed change in technology would constitute a substantial deviation in the anticipated use of the ROW grant, and therefore would be a violation of the terms and conditions of the ROW Grant (CACA 48811, sec 5a).

As result, the BLM orders the immediate temporary suspension of all surface disturbing construction activities related to the Blythe Solar Project pursuant to 43 CFR 2807.16. However, all biological monitoring/surveys shall still occur as previously scheduled. The project area must be secured against all hazardous conditions caused by construction activities to both wildlife and members of the public.

To avoid this suspension, the ROW Grant holder should file an amended SF299 form to request the change in the project accordingly. Once such request is processed in accordance with all applicable laws and regulations, BLM may lift this suspension Notice/Order if it is appropriate at that time.

All observations and handling resulting from such biological monitoring, shall be recorded and reported monthly consistent with the requirements of the Plan of Development for the Blythe Solar Project. "All observations will be reported to the AB who will record the following information for the monthly compliance report: (1) species name; (2) location (global positioning system coordinates, narrative and maps) and dates of observations; (3) general condition and health, including injuries and state of healing; (4) diagnostic markings, including identification numbers or markers; and (5) locations moved from and to. All Service (2008) Guidelines for monitoring and reporting will be followed.

Pursuant to 43 CFR 2807.16(d), this Notice/Order shall remain in effect until permission to resume activities is issued by the BLM. The holder of this grant must make a written request to BLM for permission to resume activities at any time after receipt of this Notice/Order. Per 43 CFR 2807.16(c), such request must give the relevant support facts and state the reasons why you believe the BLM should lift the Notice/Order. The BLM may grant or deny, pursuant to 43 CFR 2807.16(c). If BLM denies such request the holder of this grant may appeal such decision in accordance with 43 CFR 2801.10.

If you have any question, you may contact Allison Shaffer, Realty Specialist, at 760-833-7104.

Sincerely,


for John R. Kalish
Field Manager

cc: Teri Raml, District Manager, California Desert District
Greg Miller, Renewable Energy Coordination Office Program Manager