

DOCKETED

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Description:	COM-7 Compliance Submittal - Rice Solar Energy Project Monthly Compliance Report #5 for the Period January 1-31, 2014
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GRENIER & ASSOCIATES, INC.

ENVIRONMENTAL PLANNING • LICENSING & PERMITTING • REGULATORY COMPLIANCE

February 13, 2014

Compliance Log #2014-002

Mr. Bruce Boyer
Compliance Project Manager
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Subject: Rice Solar Energy Project (09-AFC-10C)
Condition of Certification COM-7
Monthly Compliance Report #5

Dear Mr. Boyer:

In compliance with Condition of Certification COM-7 as set forth in the California Energy Commission's Final Decision for the Rice Solar Energy Project, enclosed is the project's Monthly Compliance Report #5 for the period January 1-31, 2014.

If you have any questions regarding this submittal, please contact me at (916) 780-1171.

Sincerely,



Andrea Grenier
Compliance Consultant
for the Rice Solar Energy Project

cc: Jeff Benoit, SolarReserve
Vaughan Johnson, SolarReserve
CEC E-File System (09-AFC-10C)



Rice Solar Energy Project

Docket 09-AFC-10C



January 1-31, 2014

Monthly Compliance Report #5

This document has been prepared by Grenier & Associates, Inc. on behalf of Rice Solar Energy LLC and represents the fifth monthly compliance report for the Rice Solar Energy Project. The information contained in this report covers the period January 1-31, 2014.

RICESOLAR

Rice Solar Energy Project

Docket 09-AFC-10C

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MONTHLY COMPLIANCE REPORT #5

ONE | INTRODUCTION

Background

On December 15, 2010, the California Energy Commission (CEC) issued a license to Rice Solar Energy LLC for the construction and operation of the Rice Solar Energy Project (RSEP or Project). During 2011 and 2012, the RSEP permitting and compliance team worked diligently to prepare and submit approximately 200 pre-construction compliance documents and mitigation plans to the CEC Compliance Project Manager (CPM) for review and approval as required by the Conditions of Certification set forth in the RSEP license.

On August 16, 2013, the CPM issued a Limited Notice to Proceed (LNTP) to Rice Solar Energy LLC. This letter provided authorization for the Project Owner to begin specific on-site activities related to desert tortoise fencing installation and clearance surveys as well as cultural resource surveys and feature recordation activities. Only work activities on the private property portion of the site were authorized by the CEC's LNTP. In addition, the Project Owner planned to carry out additional site assessment activities as a follow-on to geotechnical and well testing work previously performed in 2010/2011.

Overview of Monthly Compliance Report

This fifth Monthly Compliance Report (MCR #4) has been prepared in compliance with Condition of Certification COM-7 as set forth in the CEC Final Decision for the Project. The report documents pre-construction activities conducted at the RSEP site during the period January 1-31, 2014. This MCR is limited in its reporting scope--the Project Owner has not yet developed an overall project construction, commissioning, and operations schedule and therefore, a Project Summary Schedule and Key Events List typically included in an MCR are omitted from this report. This information will be included in future MCRs as it becomes available.

TWO | SITE ASSESSMENT & PRE-CONSTRUCTION ACTIVITIES

During the reporting period, onsite activities were limited to monthly inspection of the desert tortoise fencing and inspection of the erosion control best management practices. These activities are described below.

Desert Tortoise Fencing Inspection

A monthly inspection of the installed desert tortoise fence was conducted by the Designated Biologist on January 22, 2014 to ensure that the integrity of the fence remained intact and that no animals were either pacing or trapped by the erected fence. Rabbit and rodent tracks were found all along the perimeter fence. No animals were found caught in the fence. No tortoises were observed nor were

tortoise tracks found indicating tortoises trapped within the fence. Additionally, no breaks in the fence were found.

Erosion Control Measures Monitoring

Erosion control measures best management practices (BMPs) were previously installed across the eastern wash which intersects the perimeter fence line on the northeastern side of the site. During the monthly inspection of the desert tortoise fence conducted on January 22, 2014, the BMPS were inspected and found to be intact.

THREE | COMPLIANCE ACTIVITIES

This section of the monthly compliance report provides input on Rice Solar Energy's activities related to ensuring compliance with all the applicable Conditions of Certification is met. These Conditions were set forth in the CEC's Final Decision for the Rice Solar Energy Project, and must be achieved in a timely and satisfactory manner. The following information is provided per the requirements set forth in Condition of Certification COM-7.

Compliance Matrix

COM-4 requires preparation of a compliance matrix addressing only those conditions that must be fulfilled before the start of construction that must be submitted as part of the MCR. No changes to the compliance matrix were made during the reporting period; therefore, as instructed by the CEC Compliance Project Manager, the matrix is not provided in this MCR. If changes are made to the matrix during future reporting periods, the matrix will be included in those MCRs.

Completed Compliance Activities

The Final Decision sets forth specific conditions, many of which include reporting requirements that must be addressed in this MCR. The following paragraphs describe the compliance activities that were completed during the reporting period:

BIO-1: Several Designated Biologists have been approved for the Rice Solar Energy Project. During the reporting period, DB Stephen Boland traveled to the site to conduct the necessary biological monitoring and inspection activities associated with the desert tortoise fencing.

BIO-2, -3, -4 and -5: These conditions relate to qualifications, duties and compliance reporting requirements for the Designated Biologists and Biological Monitors. Information in this report regarding biological monitoring activities has been provided by Mr. Boland.

BIO-6: No new personnel received the Worker Environmental Awareness Program training during the reporting period. The total trained to date is 125.

BIO-7: This condition requires that implementation of BRMIMP measures be reported in the Monthly Compliance Reports by the Designated Biologists. Information in this report regarding biological monitoring and inspection activities has been provided by Mr. Boland.

BIO-8: This condition requires the Project Owner to implement impact avoidance and minimization measures during construction site and related activities. No on-site construction work activities were conducted during the reporting period.

BIO-9: The on-site desert tortoise clearance surveys were completed in October as reported in MCR #2. Ongoing monthly fence inspections were conducted during the reporting period as required by BIO-14.

BIO-14: As described above in Section Two, the Designated Biologist conducted a monthly fence inspection on January 22, 2014 to ensure that the integrity of the desert tortoise proof fence remained intact.

BIO-18: A conference call was led by the U.S. Fish and Wildlife Service on January 29, 2014 with the CEC and representatives of the REAT and the Project Owner to discuss the Federal BGEPA and MBTA authorities and recommendations for compliance, and the potential for 'take' of bald and golden eagles resulting from the Rice project.

BIO-20: No desert kit fox burrow surveys were conducted by the Project Owner during the reporting period. However, the Project Owner did provide access to the project site in January so that biologists from the California Department of Fish and Wildlife could conduct three nights of desert kit fox trapping around the perimeter of the project footprint as part of a larger trapping effort at various solar project sites. The CDFW placed nine traps outside the tortoise fence on January 6 and added three more traps on the nights of January 7 and 8. Deana Clifford, CDFW Wildlife Veterinarian, reported that five individual adult foxes (two male and three female) were caught in traps that were placed along the southern, southwest and west sides of the site. According to Dr. Clifford, all foxes appeared healthy at examination and ran away from the site footprint when they released them back at their capture location. The CDFW plans to submit blood samples to test for exposure to canine distemper virus and will report those results in February.

CUL-6: No new personnel received the Worker Environmental Awareness Program training during the reporting period. The total trained to date is 125.

CUL-7: No cultural resources monitoring activities were required during the reporting period.

CUL-9: The CEC Compliance Project Manager notified the Project Owner on November 15, 2013 that Staff had reviewed and approved modifications to the geophysical survey methodology as proposed by the Project Owner. These surveys are expected to begin in 2014 and the Project Owner will continue to keep Staff apprised of the work efforts and results.

GEN-2: During the reporting period, no engineering documents were provided to the Chief Building Official (CBO) for design review/plan check purposes.

PAL-4: No new personnel received the Worker Environmental Awareness Program training during the reporting period. The total trained to date is 125.

PAL-5: No paleo resources monitoring activities were required during the reporting period.

Submittal Deadlines Not Met

No submittal deadlines were missed during the reporting period.

Approved Changes to Conditions of Certification

No petitions requesting changes to the conditions of certification have been submitted.