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

Subject: **GENESIS SOLAR LLC'S REVISIONS TO STAFF'S CULTURAL
CONDITIONS
GENESIS SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-8)**

Enclosed for filing with the California Energy Commission is the original of **GENESIS SOLAR LLC'S REVISIONS TO STAFF'S CULTURAL CONDITIONS**, for the Genesis Solar Energy Project (09-AFC-8). This document was originally docketed and served on July 20, 2010.

Sincerely,



Marie Mills

**Genesis Solar Energy Plant
7/18/2010**

Incorporates staff's and applicant's agreed-upon revisions.

RECOMMENDED CONDITIONS OF CERTIFICATION

**CUL-1 PREHISTORIC TRAILS NETWORK CULTURAL LANDSCAPE
(PTNCLPTNL) DOCUMENTATION AND POSSIBLE NRHP NOMINATION**

The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the PTNCLPTNL Documentation and Possible NRHP Nomination program presented in their other landscape -level PTNL measure agreed to by both the CEC and BLM. Genesis Solar Energy Plant (GSEP) Revised Staff Assessment RSA).

The amount of the contribution shall be \$35 per acre that the project encloses or otherwise disturbs. An additional contribution may be required to ensure the completion of the required documentation and possible NRHP nomination. Any additional contingency contribution is not to exceed an amount totaling 20% of the total original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute 1/3 of the total original contribution amount.

If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the PTNCLPTNL documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the PTNCLPTNL documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the PTNCLPTNL documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.

Verification:

No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special PTNCLPTNL fund, the project owner shall submit a copy of the notice to the Energy Commission's Compliance Project Manager (CPM).

**CUL-2 DESERT TRAINING CENTER CALIFORNIA-ARIZONA MANEUVER AREA
CULTURAL HISTORIC LANDSCAPE (DTCHGL) DOCUMENTATION AND
POSSIBLE NRHP NOMINATION**

The project owner shall contribute to a special fund set up by the Energy Commission and/or BLM to finance the completion of the Documentation and

Possible NRHP Nomination program presented in the other landscape – level DTHL measure agreed to by both the CEC and BLM. GSEP-RSA.

The amount of the contribution shall be \$25 per acre that the project encloses or otherwise disturbs. ~~An additional contribution may be required to ensure the completion of the required documentation and possible NRHP nomination.~~ Any additional contingency contribution is not to exceed an amount totaling 20% of the total original contribution. The contribution to the special fund may be made in installments at the approval of the CPM, with the first installment to constitute 1/3 of the total original contribution amount.

If a project is not certified, or if a project owner does not build the project, or, if for some other reason deemed acceptable by the CPM, a project owner does not participate in funding the ~~DTGCLDTCHL~~ documentation and possible NRHP nomination program, the other project owner(s) may consult with the CPM to adjust the scale of the ~~DTGCLDTCHL~~ documentation and possible NRHP nomination program research activities to match available funding. A project owner that funds the ~~DTGCLDTCHL~~ documentation and possible NRHP nomination program, then withdraws, will be able to reclaim their monetary contribution, to be refunded on a prorated basis.

Verification:

No later than 10 days after receiving notice of the successful transfer of funds for any installment to the Energy Commission's and/or BLM's special DTCHCL fund, the project owner shall submit a copy of the notice to the CPM.

CUL-3 CULTURAL RESOURCES PERSONNEL

Prior to the start of ground disturbance (includes "preconstruction site mobilization", "ground disturbance," and "construction grading, boring, and trenching," as defined in the General Conditions for this project), the project owner shall obtain the services of a Cultural Resources Specialist (CRS), one or more alternate CRSs, if alternates are needed, and the ~~four~~ technical specialists identified below in this condition. The CRS can also serve in the role of one or more of the technical specialists if that person has the requisite qualifications.

The CRS shall manage all cultural resources mitigation, monitoring, curation, and reporting activities in accordance with the Conditions of Certification (Conditions). The CRS shall have a primarily administrative and coordinative role for the GSEP. The project owner shall ensure that the CRS implements the cultural resources conditions, providing for data recovery from known historical resources, and shall ensure that the CRS makes recommendations regarding the eligibility for listing in the California Register of Historical Resources (CRHR) of any cultural resources that are newly discovered or that may be impacted in an unanticipated manner. The CRS may obtain the services of field crew members and cultural resources monitors (CRMs), if needed, to assist in mitigation, monitoring, and curation activities. No ground

disturbance shall occur prior to CPM approval of the CRS and alternates, unless such activities are specifically approved by the CPM. Approval of a CRS may be denied or revoked for reasons including but not limited to noncompliance on this or other Energy Commission projects.

Cultural Resources Specialist

The resumes for the CRS and alternate(s) shall include information demonstrating to the satisfaction of the CPM that their training and backgrounds conform to the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the CRS shall have the following qualifications:

1. A background in anthropology and prehistoric archaeology;
2. At least 10 years of archaeological resource mitigation and field experience, with at least 3 of those years in California; and
3. At least 3 years of experience in a decision-making capacity on cultural resources projects, with at least 1 of those years in California, and the appropriate training and experience to knowledgeably make recommendations regarding the significance of cultural resources.

Required Cultural Resources Technical Specialists

The project owner shall ensure that the CRS obtains the services of a qualified prehistoric archaeologist to conduct the research specified in **CUL-10**, **CUL-11**, and **CUL-12**. The Project Prehistoric Archaeologist's (PPA) training and background must meet the U.S. Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology, as published in Title 36, Code of Federal Regulations, part 61, and the resume of the PPA must demonstrate familiarity with similar artifacts and environmental modifications (deliberate and incidental) to those associated with the prehistoric and protohistoric use of the Chuckwalla Valley. The PPA must meet OSHA standards as a "Competent Person" in trench safety.

~~The project owner shall also ensure that the CRS obtains the services of a senior supervisory archaeologist to conduct the research and activities specified in **CUL-11**. This archaeologist may be the PPA or a different individual, at the discretion of the CRS. The Project Senior Supervisory Archaeologist (PSSA) must have training and background that meets the U.S. Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology, as published in Title 36, Code of Federal Regulations, part 61. In addition this person shall have a resume that demonstrates experience in the archaeology of the Sonoran Desert, particularly in excavating prehistoric structures and other features preserved in depositional contexts and experience supervising projects where mechanical excavation was an essential part of the project. This individual shall also meet OSHA standards as a "Competent Person" in trench safety. This individual will work closely~~

~~with the backhoe operator described below, and the two shall constitute the archaeologist/backhoe-operator team needed for the activities specified in CUL-11.~~

If mechanical excavation is required during the excavation of CA-Riv-9072, the project owner shall ensure that the CRS obtains the services of a specialist backhoe operator to conduct the activities specified subsurface mechanical excavation described in CUL-11. This backhoe operator shall have a resume that demonstrates previous experience using a backhoe in coordination with an archaeologist. In addition the operator shall use a machine with a "stripping bucket" that is sensitive enough to remove even and consistent layers of sediment 5 cm thick.

~~The project owner shall ensure that the CRS obtains the services of a qualified ethnographer to conduct the research and activities specified in **CUL-16**, if one is not hired by the PTNCLPTNL PI for the overall duties as described in the PTNCLPTNL documentation and possible NRHP nomination program. The Project Ethnographer's (PE) training and background must meet the NPS standards for Anthropologist/Applied Ethnographer (GS-190, 11-12 or 13-15). The PE must have already established long term relationships with Native American groups whose traditional territories are near GSEP.~~

Rationale: We proposed deleting CUL-16.

~~The project owner shall ensure that the CRS obtains the services of a qualified historical archaeologist to conduct the research specified in **CUL-17**. The Project Historical Archaeologist's (PHA) training and background must meet the U.S. Secretary of Interior's Professional Qualifications Standards for historical archaeology, as published in Title 36, Code of Federal Regulations, part 61. The resume of the PHA must demonstrate familiarity with the artifacts, environmental modifications (deliberate and incidental, including tank tracks), and trash disposal patterns associated with World War II land based army activities, and knowledge of the full range of late nineteenth and early to mid twentieth century domestic can, bottle, and ceramic diagnostic traits.~~

Rationale: Personnel require for PHA is overly specific and goes well beyond the US Secretary of Interior's Professional Qualifications Standards for historical archaeology. See Blythe Solar Energy Project CoC's CUL-3.

The project owner shall ensure that the CRS obtains the services of a qualified geoarchaeologist to conduct the research specified in **CUL-8, CUL-10, and CUL-11**. The resume of the proposed Project Geoarchaeologist (PG) shall demonstrate that the PG's training and background meet the U.S. Secretary of Interior's Professional Qualifications Standards for prehistoric

archaeology, as published in Title 36, Code of Federal Regulations, part 61, and show the completion of graduate-level coursework in geoarchaeology or Quaternary science.

The resumes of the CRS, alternate CRS, ~~the PSSA~~, PPA, PE, PHA, and PG shall include the names and telephone numbers of contacts familiar with the work of these persons on projects referenced in the resumes and demonstrate to the satisfaction of the CPM that these persons have the appropriate training and experience to undertake the required research. The project owner may name and hire the CRS, alternate CRS, the PPA, and the PHA prior to certification.

Field Crew Members And Cultural Resources Monitors

CRMs and field crew members shall have the following qualifications:

1. A B.S. or B.A. degree in anthropology, archaeology, historical archaeology, or a related field, and one year experience monitoring in California; or
2. An A.S. or A.A. degree in anthropology, archaeology, historical archaeology, or a related field, and four years experience monitoring in California; or
3. Enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology, or a related field, and two years of monitoring experience in California.
4. ~~CRMs monitoring GSEP linear corridor and secondary road construction will also have demonstrated experience in identifying Sonoran desert prehistoric features such as structures, pits, canals, and wells in the walls of backhoe trenches.~~

Verification:

1. ~~At least 180-120 days, but in any event No less than 75 days~~ prior to the start of ground disturbance, the project owner shall submit the resumes for the CRS, the alternate CRS(s) if desired, ~~the PSSA~~, the PPA, ~~the PE (if needed)~~, the PHA, and the PG to the CPM and BLM for review and approval.
2. At least 10 days prior to the start of data recovery on known archaeological sites, the project owner shall confirm in writing to the CPM that the approved CRS, ~~the PSSA~~, the PPA, ~~the PE (if needed)~~, the PHA, and the PG will be available for on-site work and are prepared to implement the cultural resources Conditions **CUL-8, CUL-10, CUL-11, CUL-12, and CUL-17.**
3. At least 10 days prior to a termination or release of the CRS, or within 10 days after the resignation of a CRS, the project owner shall submit the resume of the proposed new CRS to the CPM and BLM for review and approval. At the same time, the project owner shall also provide to the proposed new CRS the AFC and all cultural resources documents, field notes, photographs, and other cultural resources materials generated

by the project. If no alternate CRS is available to assume the duties of the CRS, a monitor may serve in place of a CRS so that ground disturbance may continue up to a maximum of 3 days without a CRS. If cultural resources are discovered then ground disturbance will remain halted until there is a CRS or alternate CRS to make a recommendation regarding significance.

4. At least ~~20~~ 15 days prior to data recovery on known archaeological sites, the CRS shall provide a letter naming anticipated field crew members for the project and attesting that the identified field crew members meet the minimum qualifications for cultural resources data recovery required by this Condition.

5. At least ~~20~~ 15 days prior to ground disturbance, the CRS shall provide a letter naming anticipated CRMs for the project and attesting that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.

6. At least 5 days prior to additional CRMs beginning on-site duties during the project, the CRS shall provide letters to the CPM identifying the new CRMs and attesting to their qualifications.

CUL-4 PROJECT DOCUMENTS FOR CULTURAL RESOURCES PERSONNEL

Prior to the start of ground disturbance, the project owner shall provide the ~~PTNCLPTNL PI, the DCTCL PI,~~ the CRS, ~~the PSSA,~~ the PPA, ~~the PE,~~ the PHA, and the PG with copies of the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), and the RSA Supplement/Errata, if any, for the project. The project owner shall also provide the CRS, ~~the PSSA,~~ the PPA, ~~the PE,~~ the PHA, the PG, and the CPM with maps and drawings showing the footprints of the power plant, all linear facility routes, all access roads, and all laydown areas. Maps shall include the appropriate USGS quadrangles and maps at an appropriate scale (e.g., 1:2400 or 1" = 200') for plotting cultural features or materials. If the CRS requests enlargements or strip maps for linear facility routes, the project owner shall provide copies to the CRS and CPM. Staff shall review map submittals and, in consultation with the CRS, approve those that are appropriate for use in cultural resources planning activities. No ground disturbance shall occur prior to CPM approval of maps and drawings, unless such activities are specifically approved by the CPM. Release of cultural resources information will be pending BLM approval.

If construction of the project would proceed in phases, maps and drawings not previously provided shall be provided to the CRS, ~~the PSSA,~~ the PPA, the PHA, the PG, and CPM prior to the start of each phase. Written notice identifying the proposed schedule of each project phase shall be provided to the CRS and CPM.

Weekly, until ground disturbance is completed, the project construction manager shall provide to the CRS and CPM a schedule of project activities for the following week, including the identification of area(s) where ground

disturbance will occur during that week. The project owner shall notify the CRS and the CPM of any changes to the scheduling of the construction phases.

Verification:

~~1. At least 210 days prior to the start of ground disturbance, the project owner shall provide the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), and RSA Errata to the PTNCLPTNL PI and the DCTCL PI.~~

2. ~~1. At least 165-120 days, but in any event n~~ No less than 60 days prior to the start of ground disturbance, the project owner shall provide the AFC, data responses, confidential cultural resources documents, the Revised Staff Assessment (RSA), and RSA Supplement/Errata to the CRS, if needed, and to ~~the PSSA, the PPA, the PHA, and the PG.~~ The project owner shall also provide the subject maps and drawings to the CRS, PSSA, PPA, PE, PHA, PG, and CPM. Staff, in consultation with the CRS, PSSA, PPA, and PHA, will review and approve maps and drawings suitable for cultural resources monitoring and data recovery activities.

2. At least 15 days prior to the start of ground disturbance, if there are changes to any project-related footprint, the project owner shall provide revised maps and drawings for the changes to the CRS, PSSA, PPA, PHA, and CPM.

3. At least 15 days prior to the start of each phase of a phased project, the project owner shall submit the appropriate maps and drawings, if not previously provided, to the CRS, PSSA, PPA, PHA, and CPM.

4. Weekly, during ground disturbance, a current schedule of anticipated project activity shall be provided to the CRS and CPM by letter, e-mail, or fax.

5. Within 5 days of changing the scheduling of phases of a phased project, the project owner shall provide written notice of the changes to the CRS and CPM.

CUL-5 CULTURAL RESOURCES MONITORING AND MITIGATION PLAN

Prior to the start of ground disturbance, the project owner shall submit to the CPM for review and approval the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, with the contributions of ~~the PSSA, the PPA, the PHA, PE, and the PG.~~ The authors' name(s) shall appear on the title page of the CRMMP. The CRMMP shall specify for each phase of construction or resource type in that CRMMP the impact mitigation protocols for all known cultural resources and identify general and specific measures to minimize potential impacts to all other cultural resources, including those discovered during construction. Implementation of the CRMMP shall be the responsibility of the CRS and the project owner. Copies of the CRMMP shall reside with the CRS, alternate CRS, ~~the PSSA, the PPA, the PHA, the PE, the PG, each CRM, and the project owner's on-site construction manager.~~ No ground disturbance shall occur prior to CPM approval of the CRMMP, unless such activities are

specifically approved by the CPM. Prior to certification, the project owner may have the CRS, alternate CRS, the PPA, and the PHA complete and submit to Energy Commission for review the CRMMP, except for the portions to be contributed by the PTNCLPTNL and the DTCHGL programs.

The CRMMP shall include, but not be limited to, the elements and measures listed below.

1. The following statement shall be included in the Introduction: "Any discussion, summary, or paraphrasing of the Conditions of Certification in this CRMMP is intended as general guidance and as an aid to the user in understanding the Conditions and their implementation. The conditions, as written in the Commission Decision, shall supersede any summarization, description, or interpretation of the conditions in the CRMMP. The Cultural Resources Conditions of Certification from the Commission Decision are contained in Appendix A."

2. The duties of the CRS shall be fully discussed, including any coordination duties with respect to the completion of the Prehistoric Trails Network Cultural Landscape (PTNCLPTNL) documentation and possible NRHP nomination program and the Desert Training Center California-Arizona Maneuver Area Historic Cultural Landscape (DTCHGL) documentation and possible NRHP nomination program, and oversight/management duties with respect to site evaluation, data collection, monitoring, and reporting at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction.

3. A general research design shall be developed that:

a. Charts a timeline of all research activities, including ~~those~~any coordinated under the PTNCLPTNL and DTCHGL documentation and possible NRHP nomination programs;

b. Recapitulates ~~any~~the existing paleoenvironmental, prehistoric, ethnohistoric, ethnographic, and historic contexts developed in the PTNCLPTNL and DTCHGL historic context and adds to these the additional context of the non-military, historic-period occupation and use of the Chuckwalla Valley, to create a comprehensive historic context for the GSEP vicinity;

c. Poses archaeological research questions and testable hypotheses specifically applicable to the archaeological resource types known for the Chuckwalla Valley, based on ~~any~~the research questions developed under the PTNCLPTNL and DTCHGL research and on the archaeological and historical literature pertinent to the Chuckwalla Valley; and

d. Clearly articulates why it is in the public interest to address the research questions that it poses.

4. Protocols, reflecting the guidance provided in **CUL-3**, **CUL-10**, **CUL-11**, **CUL-12**, **CUL-16**, and **CUL-17** shall be specified for the data recovery from known prehistoric and historic-period archaeological resources.
5. Artifact collection, retention/disposal, and curation policies shall be discussed, as related to the research questions formulated in the research design. These policies shall apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. A prescriptive treatment plan may be included in the CRMMP for limited data types.
6. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground-disturbance and post-ground-disturbance analysis phases of the project shall be specified.
7. Person(s) expected to perform each of the tasks, their responsibilities, and the reporting relationships between project construction management and the mitigation and monitoring team shall be identified.
8. The manner in which Native American observers or monitors will be included, in addition to their roles in the activities required under CUL-1, the procedures to be used to select them, and their roles and responsibilities shall be described.
9. All impact-avoidance measures (such as flagging or fencing) to prohibit or otherwise restrict access to sensitive resource areas that are to be avoided during ground disturbance, construction, and/or operation shall be described. Any areas where these measures are to be implemented shall be identified. The description shall address how these measures would be implemented prior to the start of ground disturbance and how long they would be needed to protect the resources from project-related impacts.
10. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age shall be stated. In addition, the commitment to curate all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery), in accordance with the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, into a retrievable storage collection in a public repository or museum shall be stated.
11. The commitment of the project owner to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project shall be stated. The project owner shall identify a curation facility that could accept cultural resources materials resulting from GSEP cultural resources investigations.
12. The CRS shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource

materials (that cannot be treated prescriptively) from known CRHR-eligible archaeological sites and from CRHR-eligible sites that are encountered during ground disturbance .

13. The contents, format, and review and approval process of the final Cultural Resource Report (CRR) shall be described.

Verification:

1. ~~At least 120 90 days, but in any event n~~No less than 30 days prior to the start of ground disturbance, the project owner shall submit the CRMMP to the CPM for review and approval.

2. At least ~~90~~ 20 days prior to the start of ground disturbance, in a letter to the CPM, the project owner shall agree to pay curation fees for any materials generated or collected as a result of the archaeological investigations (survey, testing, data recovery).

3. At least ~~45~~ 30 days prior to the initiation of ground disturbance, the project owner shall provide to the CPM a copy of a letter from a curation facility that meets the standards stated in the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, stating the facility's willingness and ability to receive the materials generated by GSEP cultural resources activities and requiring curation. Any agreements concerning curation will be retained and available for audit for the life of the project.

CUL-6 CULTURAL RESOURCES REPORT (CRR)

The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for review and comment and to the BLM Palm Springs archaeologist for review and approval. The final CRR shall be written by or under the direction of the CRS and shall be provided in the ARMR format, as specified by the California State Historic Preservation Office. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, revised and final Department of Parks and Recreation (DPR) 523 forms, data recovery reports, and any additional research reports not previously submitted to the California Historical Resource Information System (CHRIS) and the State Historic Preservation Officer (SHPO) shall be included as appendices to the final CRR.

If the project owner requests a suspension of ground disturbance and/or construction activities, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM and to the BLM Palm Springs archaeologist for review and approval on the same day as the suspension/extension request. The draft CRR shall be retained at the project site in a secure facility until ground disturbance and/or construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval at the same time as the withdrawal request.

Verification:

1. Within 30 days after requesting a suspension of construction activities, the project owner shall submit a draft CRR to the CPM for review and approval.
2. Within 180 days after completion of ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM for review and approval and to the BLM Palm Springs Field Office archaeologist for review and approval. If any reports have previously been sent to the CHRIS, then receipt letters from the CHRIS or other verification of receipt shall be included in an appendix.
3. Within 10 days after the CPM and the BLM Palm Springs Field Office archaeologist approve the CRR, the project owner shall provide documentation to the CPM confirming that copies of the final CRR have been provided to the SHPO, the CHRIS, the curating institution, if archaeological materials were collected, and to the Tribal Chairpersons of any Native American groups requesting copies of project-related reports.

CUL-7 WORKER ENVIRONMENTAL AWARENESS PROGRAM (WEAP)

Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program (WEAP) training to all new workers within their first week of employment at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas. The training shall be prepared by the CRS, may be presented in the form of a video. ~~in consultation with local Native Americans and shall incorporate the traditions and beliefs of local Native American groups into the presentation. If consultation with local Native Americans is not possible, the CRS shall consult, instead, with an ethnographer, either the PTNGLPTNL Ethnographer or the GSEP PE, on the content of the presentation. The presentation may be conducted by any member of the archaeological team and a Native American, if possible (preferably the Native American serving as a construction monitor under CUL-8), and may be presented in the form of a video. A consulting fee or honorarium shall be negotiated with the local Native American consultants and presenter and paid to them for their participation. The CRS shall be available (by telephone or in person) to answer questions posed by employees. The training may be discontinued when ground disturbance is completed or suspended, but must be resumed when ground disturbance, such as landscaping, resumes.~~

The training shall include:

1. A discussion of applicable laws and penalties under the law;
2. Samples or visuals of artifacts that might be found in the project vicinity;
3. A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed;

4. A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits;

~~5. A discussion of what local Native American beliefs are, how those beliefs are related to archaeological resources that may be found in the area, and the appropriate respectful behavior towards sacred places and objects;~~

Rationale: See Blythe Solar Energy Project COC's CUL-15.

~~65.~~ Instruction that the CRS, alternate CRS, and CRMs have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the CRS;

~~76.~~ Instruction that employees are to avoid areas flagged as sensitive for cultural resources;

~~87.~~ Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the CRS or CRM, and that redirection of work would be determined by the construction supervisor and the CRS;

~~98.~~ An informational brochure that identifies reporting procedures in the event of a discovery;

~~109.~~ An acknowledgement form signed by each worker indicating that they have received the training; and

~~110.~~ A sticker that shall be placed on hard hats indicating that environmental training has been completed.

No ground disturbance shall occur prior to implementation of the WEAP program, unless such activities are specifically approved by the CPM.

Rationale: See Blythe Solar Energy Project COC's CUL-15.

Verification:

1. At least 30 days prior to the beginning of ground disturbance, the CRS shall provide the training program draft text and graphics and the informational brochure to the CPM for review and approval.

2. At least 15 days prior to the beginning of ground disturbance, the CPM will provide to the project owner a WEAP Training Acknowledgement form for each WEAP trained worker to sign.

3. Monthly, until ground disturbance is completed, the project owner shall provide in the Monthly Compliance Report (MCR) the WEAP Training Acknowledgement forms of workers who have completed the training in the prior month and a running total of all persons who have completed training to date.

CUL-8 CONSTRUCTION MONITORING PROGRAM

Staff expects the Qoaf alluvium to be reached during grading across most of the site. The project owner shall ensure that the CRS, alternate CRS, or CRMs monitor full time all ground disturbance, if allowed by the BLM, until the CRS, alternate CRS, or CRMs certify that the sterile Qoaf alluvium has been reached. This will include ground disturbance at the project site, along the linear facilities routes, and at laydown areas, roads, and other ancillary areas, to ensure there are no impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner.

During utility trenching along the linear corridor, which is expected to reach a depth of 10 feet, the face of each trench shall be examined for features. As described in ~~CUL-3~~, monitoring will be conducted by a CRM with demonstrated experience in identifying buried features in backhoe trench walls in Sonoran Desert depositional contexts. In addition, While the utility trench is open, the owner shall arrange for a geoarchaeologist with qualifications described in **CUL-3** to observe the exposed stratigraphy. This specialist shall collect information and samples that will aid in the paleo-environmental reconstruction of Ford Dry Lake over the last 14,000 years, as specified in the PTCNL documentation and possible NRHP nomination program funded under **CUL-1**.

Full-time archaeological monitoring for this project shall be the archaeological monitoring of the earth-removing activities in the areas specified in the previous paragraph, for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than 50 feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than fifty feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material.

In the event that the CRS believes that the required number of monitors is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the number of monitors shall be provided to the CPM for review and approval prior to any change in the number of monitors.

The project owner shall obtain a Native American monitor to monitor ground disturbance if local Native American groups so request. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. Staff will either identify potential monitors or will allow ground disturbance to proceed without a Native American monitor.

The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.

On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of non-compliance with the Conditions and/or applicable LORS. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.

The CRS or alternate CRS shall report daily to the CPM on the status of the project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the CRS and approved by the CPM.

In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.

The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities, including PTNCLPTNL sites monitoring, with Energy Commission technical staff.

Cultural resources monitoring activities, including PTNCLPTNL sites monitoring, are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these Conditions.

Upon becoming aware of any incidents of non-compliance with the Conditions and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the

resolution measures. This report shall be provided in the next MCR for the review of the CPM.

Verification:

1. At least 30 days prior to the start of ground disturbance, the CPM will provide to the CRS an electronic copy of a form to be used as a daily monitoring log.
2. Within 15 days of receiving from a local Native American group a request that a Native American monitor be employed, the project owner shall submit a copy of the request and a copy of a response letter to the group notifying them that a Native American monitor has been employed and identifying the Native American monitor.
3. Monthly, while monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP.
4. At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level.
5. Daily, as long as no cultural resources are found, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail or in some other form of communication acceptable to the CPM.
6. At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting.
7. No later than 30 days following the discovery of any Native American cultural materials, the project owner shall submit to the CPM copies of the information transmittal letters sent to the Chairpersons of the Native American tribes or groups who requested the information. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification, consultation, and reports and records.
8. Within 15 days of receiving them, the project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information.

CUL-9 AUTHORITY TO HALT CONSTRUCTION; TREATMENT OF DISCOVERIES

The project owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, PPA, PHA, PG, PE, and the CRMs in the event of a discovery of a cultural resource over 50 years of age, or younger if determined to be exceptionally significant by the CPM. Redirection of ground disturbance shall be accomplished under the direction of the construction supervisor in consultation with the CRS.

In the event that a cultural resource over 50 years of age is found (or if younger, determined exceptionally significant by the CPM), or impacts to such

a resource can be anticipated, ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from further impacts. Monitoring and daily reporting, as provided in other conditions, shall continue during the project's ground-disturbing activities elsewhere. The halting or redirection of ground disturbance shall remain in effect until the CRS has visited the discovery, and all of the following have occurred:

1. The CRS has notified the project owner and the BLM Palm Springs Field Office archaeologist, and the CPM has been notified within 24 hours of the discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning, including a description of the discovery (or changes in character or attributes), the action taken (i.e., work stoppage or redirection), a recommendation of CRHR eligibility, and recommendations for data recovery from any cultural resources discoveries, whether or not a determination of CRHR eligibility has been made.
2. If the discovery would be of interest to Native Americans, the CRS has notified all Native American groups that expressed a desire to be notified in the event of such a discovery.
3. The CRS has completed field notes, measurements, and photography for a DPR 523 "Primary" form. Unless the find can be treated prescriptively, as specified in the CRMMP, the "Description" entry of the DPR 523 "Primary" form shall include a recommendation on the CRHR eligibility of the discovery. The project owner shall submit completed forms to the CPM.
4. The CRS, the project owner, and the CPM have conferred, and the CPM has concurred with the recommended eligibility of the discovery and approved the CRS's proposed data recovery plan, if any, including the curation of the artifacts, or other appropriate mitigation; and any necessary data recovery and mitigation have been completed.

Verification:

1. At least 30 days prior to the start of ground disturbance, the project owner shall provide the CPM and CRS with a letter confirming that the CRS, alternate CRS, PPA, PHA, PG, and CRMs have the authority to halt ground disturbance in the vicinity of a cultural resources discovery, and that the project owner shall ensure that the CRS notifies the CPM within 24 hours of a discovery, or by Monday morning if the cultural resources discovery occurs between 8:00 AM on Friday and 8:00 AM on Sunday morning.
2. Within 48 hours of the discovery of a resource of interest to Native Americans, the project owner shall ensure that the CRS notifies all Native American groups that expressed a desire to be notified in the event of such a discovery.
3. Unless the discovery can be treated prescriptively, as specified in the CRMMP, completed DPR 523 forms for resources newly discovered during ground disturbance shall be submitted to the CPM for review and approval no later than 24 hours following the notification of the CPM, or 48 hours following the completion of

data recordation/recovery, whichever the CRS decides is more appropriate for the subject cultural resource.

CUL-10 DATA RECOVERY FOR SMALL SITES

Prior to the start of ground disturbance within 30 meters of the site boundary of sites CA-Riv-9084, CA-Riv-9209, CA-Riv-9215, CA-Riv-9216, CA-Riv-9220, CA-Riv-9223 and CA-Riv-9227, ~~CA-Riv-9249, and CA-Riv-9255~~, the project owner shall ensure that the CRMMP includes a data recovery plan for these sites. This site list may be revised only with the agreement of the CRS and the CPM. The project owner shall then ensure that the CRS, the PPA, and/or archaeological team members implement the plan, if allowed by the BLM, which shall include, but is not limited to the following tasks:

1. Use location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers) to add to the original site maps the following features: seasonal drainages, site boundaries, location of each individual artifact, and the boundaries around individual artifact concentrations;
2. Collects all artifacts after their locations are marked, and submits them for laboratory analysis;
3. Requests the PG to identify the specific landform for each site and its relationship to specific ancient lakeshores of Ford Dry Lake. If a lakeshore is present within 100 meters of the site boundary, it shall be included on the site map;
4. Excavates one 1-meter-by-1-meter unit in 10-centimeter levels until the unit reaches the top of the Qoaf alluvium, placing these units in the part of the site with the highest artifact density
5. Places, one 1-meter-by-1-meter excavation unit, as described above, in the center of each concentration if multiple artifact concentrations have been identified;
6. Tests the horizontal limits of the site by placing test units down to the upper boundary of the Qoaf alluvium with a shovel or hand auger, or other similar technique, at four spots equally spread around the exterior edge of each site;
7. Continues exploring the extent of the site using methods described in **CUL-11**, if features or other buried deposits are identified. Plans for this contingency shall be described in detail in the CRMMP. If no buried deposits are found, data recovery is complete;
8. Presents the results of the **CUL-10** data recovery in a letter report by the PPA or CRS, which shall serve as a preliminary report. Letter reports may address one site, or multiple sites depending on the needs of the CRS. The letter report shall be a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of excavation units including topographic contours and the site landforms;

9. Updates the existing Department of Parks and Recreation (DPR) 523 site form for these sites, including new data on seasonal drainages, site boundaries, location of each individual artifact, the boundaries around individual artifact concentrations, and the landform; and
10. Presents the final results of data recovery at these nine prehistoric sites in the CRR, as described in **CUL-6**.

Verification:

1. At least ~~90~~15 days prior to commencing data recovery on any of these sites ~~ground disturbance~~, the project owner shall notify the CPM that data recovery for small sites has ensued.
2. Within one week of the completion of data recovery at a site, the project owner shall verify this by submitting a letter report written by the PPA or CRS for review and approval of the CPM. When the CPM approves the letter report, ground disturbance may begin at these site locations.

CUL-11 DATA RECOVERY FOR LARGE SITES WITH MECHANICAL EXCAVATION

Prior to the start of ground disturbance, the project owner shall ensure that the CRMMP includes a plan to recover data from those parts of sites ~~CA-Riv-0260, CA-Riv-0663, and CA-Riv-9072~~ that the project will directly impact. The project owner shall then ensure that the plan is implemented, if allowed by the BLM. The sub-surface data recovery plan ~~at these three sites~~ shall, at a minimum, include the following:

1. The research questions to be addressed by the data recovery at these ~~three~~ this potential ~~PTNCL~~PTNL contributors, based on any ~~the~~ context written pursuant to ~~by the~~ ~~PTNCL PI~~ Prehistoric Archaeologist, ~~PTNCL~~ Ethnographer, and ~~PTNCL~~ Ethnohistorian, as described in **CUL-1**;
2. ~~The flagging of the entire boundary of each site as required in CUL-13;~~
3. The accurate and conspicuous marking with lath and flagging of that portion of ~~each~~ the site that is inside plant site boundaries and subject to destruction; this area shall constitute the study area for each site;
4. The detailed examination of the surface within ~~each~~ the site study area;
5. The creation of a digital map using location recordation equipment using the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers); the map shall include at a minimum: the site boundary, local landforms, features, and the boundaries around artifact concentrations; point proveniencing on the map of all artifacts shall be used unless, in cases of high artifact density, alternative methods can be negotiated with the CPM. After the location of each artifact is marked, it shall be collected for analysis; FAR (fire-affected rock—rock that shows evidence of having been in prolonged contact with fire) that is not also groundstone, may be counted and discarded;

- ~~6. The employment of an experienced archaeologist/backhoe operator team (as described in **CUL-3**) to conduct the mechanical excavation and subsurface sampling;~~
- ~~7. Field direction by the PSSA, with qualifications described in **CUL-3**, of any data recovery at these three sites or any other GSEP sites that require mechanical excavation;~~
8. The testing of the horizontal limits of the site by placing test units down to the upper boundary of the Qoaf alluvium using hand excavation, augers, or other similar non-mechanical technique;
9. Use testing results to determine additional excavation that the CRS, the PPA, BLM, and the CPM shall agree upon and in order to explore the spatial variability in the physical and material character and the chronology of the site;
10. ~~The identification of any buried deposits, to be accomplished by placing a series of backhoe trenches in systematic intervals across each site. A trenching plan, developed by the PSSA and if mechanical excavation is used to identify buried deposits, a trenching plan shall be included in the **CUL-11** data recovery plan in the CRMMP, shall specify the location of the trenches and the strategy behind their placement at each site; at a minimum the trenching plan shall:~~
 - ~~a. Result in a 40 2.5 percent sample of the portion of the site expected to be destroyed, trench spacing between 10-m to 50-m, and a trench orientation from north-south, unless site specific conditions suggest better results using a different arrangement;~~

Rationale: See Blythe Solar Energy Project COC's CUL-6.
 - a-
 - b. Use backhoe trenches two feet wide and generally dug to depths no greater than 5 feet to conform to OSHA standards;
 - c. Use stepped trenches or hydraulic shoring if a depth greater than 5 feet is required to investigate archaeological features, to comply with OSHA regulations;
 - d. Require trench walls, excavated within the boundaries of the archaeological site, to be scraped with hand tools to provide a clear exposure of subsurface cultural remains;
 - e. Require archaeological features identified in trench walls to be marked and assigned a number; and
 - f. Require the completion of a trench record form for each trench that includes its essential characteristics (trench number, length, width, and depth), the locations and types of archaeological features, the stratigraphy and characteristics of exposed sediments, and locations of disturbances such as tree roots or animal burrows.
11. The requirements that:
 - a. All identified features shall be documented through standardized forms, scaled profile drawings, plan view maps, and photographs;

- b. Between 50 and 100 percent of the features identified shall be fully or partially excavated, depending on their state of preservation and the presence or absence chronologically relevant materials;
 - c. The proportion of excavated features shall be negotiated between the owner and the CPM ~~on a site-by-site basis~~, depending on the nature of the features identified, their rarity, and their information potential; and
 - d. Buried features shall be excavated by hand or by mechanical "stripping" with a backhoe bucket to remove sterile overburden until 20 centimeters above the limits of the feature, as identified in the trench wall, then excavating the remainder of the feature by hand, using the standard archaeological methods as outlined by the California SHPO; and
 - e. Samples such as flotation, pollen, and charcoal shall be methodically collected from appropriate contexts, and artifacts such as lithics, ceramics, groundstone, and shell shall be subject to the professionally appropriate laboratory analyses.
12. The determination of the age and function of each ~~the~~ site, if possible;
 13. A letter report, which shall serve as a preliminary report, written by the CRS, PSSA, ~~and/or trench specialist~~ submitted to the CPM that details what was found at each site, as follows:
 - a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and
 - b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of excavation units, including topographic contours and the site landforms.
 14. The updating of the existing DPR 523 site forms ~~for these sites~~, including new data on features, artifact analyses and the overall results of the data recovery and the landform;
 15. The definitive determination as to whether the ~~three sites evaluated are~~ is a contributing element to the ~~PTNCLPTNL~~, made by the ~~PTNCLPTNL~~ PI using the data collected from the field work ~~at these sites~~;
 16. The completion of a final, comprehensive report, after all recovered data are analyzed, written by the CRS and/or the trench specialist, or under their direction;
 17. The inclusion of the final version of this report in the CRR (**CUL-6**).
 18. The inclusion of relevant portions of the information gathered ~~at the three sites~~ in the National Register nomination for the ~~PTNCLPTNL~~ (**CUL-1**), if the nomination is done;
 19. A paper, ~~incorporating the final results of the surface collection at these sites~~ (**CUL-12**) and the data from other ~~PTNCL~~ sites and placing the ~~GSEP sites in the larger context of the region, to be submitted to a peer-reviewed archaeological journal;~~

- ~~20. Evaluation of the paper by the PI Prehistoric Archaeologist, the PTNCL Ethnographer, and the CPM prior to its submission for publication; and~~
- ~~21. The pursuit by the CRS of the publication of this paper to its successful completion.~~

Rationale: Should be the end result of CUL-1 and CUL-2 research program.

Verification:

1. At least ~~90~~ 45 days prior to ground disturbance, the project owner shall notify the CPM that data recovery for large sites has ensued.
2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.
- ~~3. Within 90 days of the submission of the draft CCR to the CPM, the project owner shall submit to the CPM for review and approval the draft of the required research paper, as reviewed and approved by the PTNCL PI Prehistoric Archaeologist and the PTNCL Ethnographer.~~
- ~~4. Within 90 days following its publication in a peer reviewed journal, the project owner shall submit for CPM review and approval a copy of the published paper.~~

Rationale: Should be the end result of CUL-1 and CUL-2 research program.

CUL-12 SURFACE COLLECTION WITH SAMPLING FOR CA-RIV-9072 LARGE SITES

Prior to the start of ground disturbance, the project owner shall ensure that the CRMMP includes a plan to recover data from those parts of sites ~~CA-Riv-0260, CA-Riv-0663, and CA-Riv-9072~~ that the project will both directly and indirectly impact. The project owner shall then ensure that the plan is implemented, if allowed by the BLM. The surface data collection plan shall include, but is not limited to the following:

- ~~1. Marking the boundary for each site conspicuously as required in **CUL-13**;~~
2. Completing a surface collection in the part of each site CA-RIV-9072 that is inside the plant site boundaries, and thus subject to destruction, prior to ground disturbance in the area; all diagnostic artifacts and features shall be mapped using a Trimble GPS, and collected; if datable materials are present on the ground surface and in clear association with a feature, a sample of these materials shall be collected;
3. Completing additional surface collection transects or units, judgmentally placed in areas of highest artifact density, in total representing 10 percent of the overall site area outside of the plant site boundaries; the artifacts in these transects shall be mapped and then collected;
4. Analyzing the collected artifacts and the incorporate the results into the appropriate section of the CRR for CA-RIV-9072 each site;

5. Writing and submitting to the CPM a letter report by the CRS and PPA, which shall serve as a preliminary report, that details what was found at CA-RIV-9072 each site. Letter reports may address one site, or multiple sites depending on the needs of the CRS; the results of the surface collection may be incorporated into the results of the data recovery, required in **CUL-11**, at the same site, depending on the needs of the CRS;
6. Ensuring that the letter report is a concise document that provides description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection units including topographic contours and the site landforms; and
7. Including the final results of the surface collection at CA-RIV-9072 these sites into the CRR required under **CUL-6**.

Verification:

1. At least ~~90~~ 15 days prior to ground disturbance, the project owner shall notify the CPM that surface collection on sites ~~CA-Riv-0260, CA-Riv-0663, and CA-Riv-9072~~ has ensued.
2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing that the surface collection portion of data recovery at each site has been completed.

CUL-13 FLAG AND AVOID

Prior to the start of ground-disturbing activities within 30 meters of sites CA-Riv-0260, CA-Riv-0663, and CA-Riv-9072, the project owner shall reduce or avoid impacts to these sites, if allowed by the BLM, by:

1. Ensuring that a CRS, alternate CRS, PPA, or CRM re-establish the portion of the boundary of each site which is within 30 m of the GSEP linear corridor or site footprint, add a 10-meter-wide buffer around ~~the periphery of each site~~ this boundary, and flag the resulting space in a conspicuous manner;
2. Ensuring that a CRM enforces avoidance of the flagged areas during GSEP construction;
- ~~3. Ensuring, prior to the completion of construction, that the boundary around each site and its buffer is permanently marked and that each bounded area is set aside as an environmentally sensitive area that would not be subject to disturbance during the life of the project;~~
- ~~4. Having a plant employee assigned to environmental monitoring check the boundary markers at each site at six month intervals for the life of the project; and~~
- ~~5. Restoring any moved or removed boundary markers.~~

Verification:

- ~~1. Within 90 days of the completion of plant construction, the project owner shall submit for CPM review and approval a letter, with photograph and maps, evidencing the completion of the boundary marking. While construction is on-going, the project owner shall ensure that the CRS or other archaeological crew member establish that the temporary site markers are visible and in place on a monthly basis. The status of these boundary markers will be reported on in the monthly monitoring summary report.~~
- ~~2. Annually, in the Annual Report, the project owner shall report on the results of the monitoring of the boundary markers and any restoration effected.~~

~~CUL-14 PALEN-MCCOY WILDERNESS BOUNDARY FENCE CONSTRUCTION~~

~~Prior to the start of ground disturbance, the project owner shall avoid or minimize impacts to PTNCLPTNL contributors located in the Palen-McCoy Wilderness, if allowed by the BLM, through the following measures:~~

- ~~1. Install permanent fencing, which meets Bureau of Land Management (BLM) standards. Unless otherwise specified by BLM, the fence shall be a "Typical Barbed Wire Fence (4-Wire)," as described in the BLM National Science and Technology Center Engineering Specifications standard fence drawings. This fence shall be installed along the southern border of the Palen-McCoy Wilderness, extending from the northeast corner of the GSEP facility security fence to the southeasternmost extent of the Wilderness;~~
- ~~2. Install gates along this fence, the number and technical specifications of which shall be determined by BLM; and~~
- ~~3. Maintain the fence for the life of the project.~~
- ~~4. This condition shall be void if the BLM does not give the project owner permission to construct and maintain the fence.~~

Verification:-

- ~~1. At least 30 days prior to ground disturbance, the project owner shall submit for CPM review and approval a letter, with photographs and maps, evidencing the completion of the Palen-McCoy Wilderness boundary fence.~~
- ~~2. Annually, in the Annual Report, the project owner shall report on Palen-McCoy Wilderness boundary fence maintenance activities.~~

~~CUL-15 GEOGLYPH FENCE CONSTRUCTION~~

~~Prior to the start of ground disturbance, the project owner shall avoid or minimize impacts to PTNCLPTNL contributors CA-Riv-0661 and CA-Riv-0662, if allowed by the BLM, through the following measures:~~

- ~~1. Have the CRS, alternate CRS, PPA, or CRM re-establish the geoglyph boundaries;~~

2. Install permanent fencing, meeting BLM's standards around each site, 10 meters beyond the formal site boundary. Unless otherwise specified by BLM, the fence shall be a "Typical Barbed Wire Fence (4 Wire)," as described in the BLM National Science and Technology Center Engineering Specifications standard fence drawings.
3. Provide pedestrian access to each site, as determined by BLM; and
4. Maintain the fence for the life of the project.
5. This condition shall be void if the BLM does not give the project owner permission to construct and maintain the fence.

Verification:

1. At least 30 days prior to ground disturbance, the project owner shall submit for GPM review and approval a letter, with photograph and maps, evidencing the completion of the geoglyph site fences.
2. Annually, in the Annual Report, the project owner shall report on the geoglyph site fences maintenance activities.

CUL-16 PTNCL PROTECTION OF PTNCL RESOURCES CULTURAL LANDSCAPE MONITORING PROGRAM

Prior to the start of construction, and continuing until the end of construction, to minimize the indirect impact of potential increased vandalism to the PTNCL and 248 of its probable contributors, the project owner shall ensure that the CRMMP includes a monitoring plan, written by the CRS, the PPA, the PE, the PTNCL PI Prehistoric Archaeologist, and the PTNCL Ethnographer. The project owner shall ensure that the monitoring plan is implemented, if allowed by the BLM. The monitoring plan shall include, at a minimum, the following:

1. Consultation by the PE with local Native American groups to determine what indirect impacts they identify for the PTNCL, and what mitigation they recommend; these consultations shall include personal interviews and visits by Native Americans to PTNCL sites, if allowed by the BLM;
2. Coordination of this monitoring program with any ongoing monitoring of other PTNCL contributors in the Southern California Desert region;
3. A study by a qualified CRM to assess the pre-construction condition of the 248 PTNCL archaeological sites recorded by McCarthy's survey in the 1990s, using photographs taken by the McCarthy team when originally recording these resources, all relevant maps, descriptions of the artifacts and features, and a sub-meter Trimble GPS containing site locations, if allowed by the BLM;
4. Visits to and inspection once a month every six months, with the approval of the BLM, during construction by a CRM (possibly accompanied by a Native American monitor) of archaeological sites identified by McCarthy's survey in the 1990s, to check for evidence of vandalism. Monitors shall be provided with all necessary equipment including:
 - a. A vehicle, horses for monitoring in the Wilderness, horse trailer, camping equipment, and supplies; and

- ~~b. A sub-meter Trimble GPS containing site locations, the CPM-approved pre-construction baseline study, all relevant maps, descriptions of the artifacts and features, and photographs taken by the McCarthy team when originally recording these resources;~~
- ~~5. Trimble mapping and photography of all new vandalism and a daily log of the site visits and inspections, including observations on vandalism;~~
- ~~6. More frequent monitoring visits in response to vandalism with the consultation and approval of the CPM;~~
- ~~7. Initiation of a data recovery phase, in the form of surface collection and artifact analysis, if vandalism is observed, at the discretion of the CRS, the PTNCL PI Prehistoric Archaeologist, and the PTNCL Ethnographer, with the consultation and approval of the CPM, and with the approval of the BLM; the research design in the CRMMP shall govern the treatment, retention/disposal, and curation of any archaeological materials collected;~~
- ~~8. Formal recordation on DPR 523 forms of any new sites identified during monitoring and recordation of their boundaries using the Trimble GPS;~~
- ~~9. Fulfillment of any additional mitigation measures recommended by Native Americans, if feasible and approved by the BLM;~~
- ~~10. Participation of a Native American monitor in PTNCL site visits, if requested by local Native American groups. Contact lists of interested Native Americans and guidelines for monitoring shall be obtained from the Native American Heritage Commission. Preference in selecting a monitor shall be given to Native Americans with traditional ties to the area that shall be monitored. If efforts to obtain the services of a qualified Native American monitor are unsuccessful, the project owner shall immediately inform the CPM. Staff shall either identify potential monitors or shall allow monitoring to proceed without a Native American monitor; and~~
- ~~11. Continuation of the monitoring of the PTNCL sites on an annual basis after construction is completed, for the life of the project.~~

~~CRMs shall keep a daily log of PTNCL site monitoring and any other cultural resources activities. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.~~

~~In the event that the CRS believes that the current level of PTNCL monitoring is not appropriate, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring.~~

~~The project owner shall provide to the Chairpersons of the Native American tribes or groups who requested such information the records and reports of any new resources identified during PTNCL site monitoring. In all cases where the new information entails site locations on BLM lands, that information shall not be provided to anyone without the permission of BLM.~~

The Project owner shall:

1. With the approval of BLM, construct a security gate and/or guard at the south end of the access road to prevent unauthorized access.
2. Will include in the WEAP (CUL-7) training to ensure that all workers are aware that they are prohibited from going outside authorized work areas. Any worker found disturbing any resources will be subject to disciplinary action, including termination.

Verification:

1. Prior to commencement to grading operations on the plant site, the project owner will provide documentation to the CPM demonstrating that the security gate and/or guard is in place.

2. See CUL-7 for WEAP verification.

- ~~1. At least 60 30 days prior to the start of construction, the project owner shall notify the CPM that the Native American consultation by the PE has been initiated.~~
- ~~2. At least 30 15 days prior to the start of construction, the project owner shall provide to the CPM and to the BLM Palm Springs Field Office archaeologist the results of the PE's consultation with local Native American groups concerning the impacts they identify for the PTNCL and what mitigation they recommend for these impacts.~~
- ~~3. At least 30 15 days prior to construction, the project owner shall submit for CPM review and approval a letter report, with photographs and maps, of the results of the baseline study of PTNCL archaeological sites, documenting the conditions of these sites prior to the start of GSEP construction.~~
- ~~4. At least 30 15 days prior to construction, the project owner shall submit to the CPM a letter report outlining efforts to identify and coordinate with any other ongoing monitoring activities for PTNCL contributors in the Southern California Desert region.~~
- ~~5. At least 30 15 days prior to the start of construction, the project owner shall notify the CPM of the name of the Native American PTNCL monitor, if required.~~
- ~~6. No more than 15 days after the start of construction, the project owner shall notify the CPM that the monitoring visits and inspections have been initiated.~~

- ~~7. Daily, PTNCL CRMs shall keep a log of monitoring and other cultural resources activities. Copies of these daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM.~~
- ~~8. Monthly, while monitoring is on-going, the project owner shall include in each MCR a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and including information derived from the monitoring logs of the PTNCL CRMs.~~
- ~~9. Within 5 days of the PTNCL monitor reporting vandalism at the PTNCL archaeological sites, the CRS, after consultation with the PTNCL PI Prehistoric Archaeologist and the PTNCL Ethnographer, and after CPM consultation and approval, shall initiate data recovery at the vandalized site or sites, in the form of surface collection and artifact analysis. The research design in the CRMMP shall govern the treatment, retention/disposal, and curation of any archaeological materials collected.~~
- ~~10. At least 24 hours prior to implementing a proposed change in PTNCL monitoring frequency, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring frequency.~~
- ~~11. Within 30 days of the completion by the PTNCL monitor of DPR 523 forms for any new sites identified during monitoring, the CRS shall submit copies of the forms to the BLM Palm Springs Field Office archaeologist for review and comment.~~
- ~~12. No later than 60 days following the discovery of any new Native American cultural materials, the project owner shall submit to the CPM copies of the information transmittal letters sent to the Chairpersons of the Native American tribes or groups who requested the information, if that transmittal was allowed by BLM.~~
- ~~13. Annually, in the Annual Report, the project owner shall report on the results of the annual monitoring of the PTNCL sites.~~

CUL-17 HISTORIC-PERIOD SITE MAPPING AND IN-FIELD ARTIFACT ANALYSIS

Prior to the start of ground disturbance, the project owner shall ensure that a data recovery plan for the historic-period archaeological resources identified within the GSEP site footprint and linear corridor is included in the CRMMP. These sites include: P33-13508, CA-Riv-9063, CA-Riv-9203, CA-Riv-9204, CA-Riv-9205, CA-Riv-9211, CA-Riv-9213, CA-Riv-9214, CA-Riv-9228, CA-

Riv-9246, CA-Riv-9258, CA-Riv-9259, CA-Riv-9262, and CA-Riv-9263. This site list may be revised only with the agreement of the CRS, BLM, and the CPM. The project owner shall ensure that the plan is implemented, if approved by BLM. The plan must include, but is not limited to, the following:

1. ~~The project owner as described in CUL-5.~~ Research questions addressed by this field work shall be based upon the any context developed pursuant to CUL-2 written by the PI-Historian and the Historical Archaeologist of the DTCCL documentation and possible NRHP nomination program.
2. The project owner shall hire a PHA with the qualifications described in CUL-3 to supervise the field work.
- 2.3. _____
3. ~~The project owner shall ensure that, prior to beginning the field work, the PHA trains all members of and all the field crew members are trained by the DTCCL Historical Archaeologist in the identification, analysis and interpretation of the artifacts, environmental modifications, and trash disposal patterns associated with the early phases of WWII land-based U.S. army activities, as researched and detailed by the DTCCL PI-Historian and the DTCCL Historical Archaeologist.~~
4. The project owner shall ensure that, prior to beginning the field work, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early-to-mid-twentieth-century can, bottle, and ceramic diagnostic traits.
5. The project owner shall ensure that all 45 historic-period archaeological sites shall be revisited by the field crew. Using location recordation equipment that has the latest technology with sub-meter accuracy (such as UTM 11 North or California Teale Albers), the original site map shall be updated to include at minimum: landform features such as small drainages, the location of each artifact, and the limits of any artifact concentrations or other features.
6. The project owner shall ensure that an in-field analysis of all artifacts shall be completed. The dimensions of each artifact and feature shall be recorded. Types of seams and closures for each bottle and all cans shall be documented. Photographs shall be taken of any text or designs. Unusual or unidentifiable artifacts may be collected for further analysis, but otherwise artifacts shall not be collected.
7. The project owner shall ensure that each site shall be examined with a metal detector to determine if buried deposits are present. If such deposits are located, the size and shape of each feature shall be established and a sample of the materials each feature contains shall be excavated by a qualified historical archaeologist. Details for this contingency shall be outlined in the CRMMP.
8. The project owner shall ensure that the details of what is found shall be presented in a letter report from the CRS or PHA, which shall serve as a preliminary report, that details what was found at each site, as follows:
 - a. Letter reports may address one site, or multiple sites depending on the needs of the CRS; and

- b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the site landforms.
- 9. The project owner shall ensure that the data collected from the field work shall be provided to the DTCCLEDTCHL Historical Archaeologist to assist in the determination of which, if any, of the 45 historic-period sites are contributing elements to the DTCCLEDTCHL.
- 10. The project owner shall ensure that the PHA analyzes all recovered data and writes or supervises the writing of a comprehensive final report. This report shall be included in the CRR (**CUL-6**). Relevant portions of the information gathered shall be included in the possible NRHP nomination for the DTCCLEDTCHL (funded by **CUL-2**).
- ~~11. The project owner shall ensure that the results of the field work shall be prepared in a paper, incorporating the data from other DTCCL sites and placing the GSEP sites in the larger context of the region and of WWII, and submitted to a peer-reviewed archaeological journal.~~
- ~~12. The paper shall be evaluated by the DTCCL PI Historian, the DTCCL Historical Archaeologist and the CPM prior to its submission for publication.~~
- ~~11. The CRS shall pursue the publication of this paper to its successful completion.~~

Rationale: Should be the end result of CUL-1 and CUL-2 research program.

43.

Verification:

1. At least ~~90~~ 15 days prior to ground disturbance, the project owner shall notify the CPM that historic-period site mapping and in-field artifact analysis has ensued.

2. Within one week of completing data recovery at a site, the project owner shall submit to the CPM for review and approval a letter report written by the CRS, evidencing that the field portion of data recovery at each site has been completed. When the CPM approves the letter report, ground disturbance may begin at the site location(s) that are the subject of the letter report.

~~3. Within 90 days of the submission of the draft CCR to the CPM, the project owner shall submit to the CPM for review and approval the draft of the required research paper, as reviewed and approved by the DTCCL PI Historian and the DTCCL Historical Archaeologist.~~

~~4. Within 90 days following its publication in a peer-reviewed journal, the project owner shall submit for CPM review and approval a copy of the published paper.~~

Rationale: Should be the end result of CUL-1 and CUL-2 research program.

CUL-18 COMPLIANCE WITH BLM PROGRAMMATIC AGREEMENT

If provisions in the BLM Genesis Solar Energy Project ~~lan~~ Programmatic Agreement and associated implementation and monitoring programs conflict with or duplicate these Conditions of Certification, the BLM provisions shall take precedence. Provisions in these conditions that are additional to or exceed BLM provisions and represent requirements under the Energy Commission's CEQA responsibilities shall continue to apply to the project's activities, contingent on BLM's approval as authorized by federal law.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION FOR THE
GENESIS SOLAR ENERGY PROJECT

Docket No. 09-AFC-8

PROOF OF SERVICE
(Revised 7/23/10)

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DECLARATION OF SERVICE

I, Scott Galati, declare that on July 20, 2010, I served and filed copies of the attached: **GENESIS SOLAR LLC'S REVISIONS TO STAFF'S CULTURAL CONDITIONS** dated July 18, 2010. 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://ww.energy.ca.gov/sitingcases/genesis_solar].

The documents have been sent to both 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;
 by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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**);

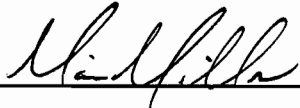
OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-8
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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



for Scott Galati
Counsel to Genesis Solar, LLC