

DOCKETED

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Filer:	Alicia Campos
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Memorandum

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To: **Commissioner Karen Douglas**, Presiding Member
Commissioner David Hochschild, Associate Member
Ken Celli, Hearing Officer

From: **California Energy Commission** - **Christine Stora**, Compliance Project Manager
1516 Ninth Street Siting, Transmission and Environmental Protection Division
Sacramento, CA 95814-5512

Subject: **Palen Solar Electric Generating System Amendment (09-AFC-7C)**
ENERGY COMMISSION STAFF'S TESTIMONY AND ERRATA TO THE FINAL
STAFF ASSESSMENT PART B

The Final Staff Assessment, Part B, with the attached Errata, are Staff's Testimony.

Energy Commission staff is providing an Errata to the Final Staff Assessment Part B. Staff is modifying the FSA-Part B for the following technical area: Cultural Resources. Edits to the FSA-Part B are included where new text is **bold and underlined** and removed text is shown as ~~strikethrough~~.

cc: Docket (09-AFC-7C)
Proof of Service List

ERRATA TO THE FINAL STAFF ASSESSMENT PART B

CULTURAL RESOURCES

Staff is proposing minor modifications to portions of the Verification for CUL-1 in the FSA. These modifications extend the timelines for certain compliance actions, to more realistically align to timeframes required for multi-agency coordination (such as Energy Commission, BLM and National Park Service), based on staff's past experience.

CUL-1 TREATMENT OF THE CHUCKWALLA VALLEY PORTION FO THE PACIFIC TO RIO GRANDE TRAILS LANDSCAPE (PRGTL)

1. Page 4.3-182, CUL-1 Verification, staff makes the following changes:

Verification:

Treatment for Direct Visual Effects

Field Inventory and Documentation of PRGTL Contributing Elements

1. Within ~~90~~**180** days of the start of ground disturbance, the project owner shall submit, for the review and approval of the CPM, separate draft research designs for reconnaissance pedestrian (class II) surveys of the Palen, Coxcomb, Eagle, Chuckwalla, and McCoy Mountains Resource Areas, the Coxcomb Fringe and Raceway Mesquite Areas, and the BLM's Palen Dry Lake ACEC. The research designs may be developed as a single document, multiple separate documents, or in any combination convenient to the project owner. Whether prepared separately or as one or several bundles, the research designs shall be explicit about the methods to be used in the survey of each area and the anticipated routes of the pedestrian transects through each area.
2. Prior to the project owner's submission of any one draft technical report of the results of the class II pedestrian survey of any one of the areas in verification 1, above, or of any combination of multiple areas, the project owner shall first submit, for the review and approval of the CPM, California State Parks DPR 523 Series form sets, complete per California State Parks instructions (CA State Parks 1995) and in accordance with the language of this condition of certification.
3. Upon the approval of the CPM, the project owner shall, within ~~44~~**30** days of said approval, formally submit each approved DPR 523 Series form set for each cultural resource to the Eastern Information Center of the California Historical Resources Information System and to the BLM's Palm Springs-South Coast Field Office.

4. Within ~~120~~**180** days of the CPM's approval of any research design for any of the areas in verification 1, above, the project owner shall submit, for the review and approval of the CPM, a draft technical report of the results of the class II pedestrian survey for each such area. Draft technical reports for the subject areas may be developed separately or in any combination convenient to the project owner.
5. Upon the approval of the CPM, the project owner shall, within ~~14~~**30** days of said approval, formally submit each approved technical report of the results of each class II pedestrian survey to the Eastern Information Center of the California Historical Resources Information System and to the BLM's Palm Springs-South Coast Field Office.
6. Should the project owner petition to suspend or terminate the license for the subject facility subsequent to the execution of any fieldwork that had been done in partial fulfillment of this condition, yet prior to the submission of draft DPR 523 Series form sets or draft technical reports, the project owner shall, no later than ~~90~~**15** days prior to filing a petition to suspend or terminate said license, submit complete draft form sets for each field-observed cultural resource to the CPM, the Eastern Information Center of the California Historical Resources Information System, and the BLM's Palm Springs-South Coast Field Office, and further submit, to the CPM and the BLM's Palm Springs-South Coast Field Office, organized and legible copies of all of the field documentation for the surveys that have been completed by that time and the drafts, however incomplete, of any technical reports in preparation.

2. Page 4.3-184, #11, staff makes the following changes:

Staff is recommending additional language regarding verification of monetary contributions by the project owner to finance updates to the extant draft context for the Prehistoric Trails Network Cultural Landscape (PTNCL) and the PTNCL's draft companion field manual.

Revision of Prehistoric Trails Network Cultural Landscape Context

11. Within 30 days of the start of ground disturbance, the project owner shall make a contribution to a special fund set up by the Energy Commission the purpose of which would be to completely finance the revision of the extant draft context for the Prehistoric Trails Network Cultural Landscape (PTNCL) and the PTNCL's draft companion field manual. **Confirmation of this contribution, in the form of written receipt or other evidence, shall be submitted to the CPM.**