

## DOCKETED

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**CALIFORNIA ENERGY COMMISSION**

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September 22, 2016

Mitch Weinberg  
Calpine Company  
4160 Dublin Boulevard, Suite 100  
Dublin, CA 94568

**RE: MISSION ROCK ENERGY CENTER (15-AFC-02) PROPOSED REVISIONS TO CULTURAL RESOURCES DATA REQUESTS**

Dear Mr. Weinberg,

Staff hereby proposes revisions to Data Request 30-32, 35-47, 48-52, and 53-58, related to the potential impacts of the proposed on cultural resources. On August 1, 2016, applicant filed objections to these requests on various grounds, including that they were too burdensome and the information was not reasonably available to applicant. Staff and applicant discussed these requests at the workshop held August 26, 2016, but were not able to reach mutual agreement. Staff and applicant agreed it would be productive to hold a follow-up workshop to discuss staff's data requests related to cultural resources, which has been scheduled for September 23, 2016.

Staff continues to believe the information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, and 4) assess potential mitigation measures. As explained further herein, to balance these considerations, staff proposes to assist the applicant in conducting tasks necessary to understanding aspects of a smaller, re-configured Project Area of Analysis.

Staff hopes applicant will take note of staff's willingness to conduct research, provide methodologies and modify the scope of analysis to reduce the burden on applicant, and that applicant will also consider its own willingness to cooperate in the gathering of information necessary to determine the cultural resource impacts of the Mission Rock project on its surrounding historical and built environment.

If applicant agrees with the attached proposal, staff would memorialize this agreement in a subsequent Data Request 115, which would supersede some of the data requests to which applicant objected. Staff looks forward to discussing these issues at the data request workshop scheduled for September 23, 2016, and appreciates applicant's commitment to seeking a mutually agreeable resolution.

Sincerely,  
Mike Monasmith  
Siting Project Manager

Enclosure: Proposed Revisions to Cultural Resources Data Requests

## **MISSION ROCK ENERGY CENTER (15-AFC-02) PROPOSED REVISIONS TO CULTURAL RESOURCES DATA REQUESTS**

**Authors:** Sean de Courcy and Matthew Braun

### **BACKGROUND**

On August 1, 2016, Calpine Mission Rock Energy Center, LLC (hereafter the applicant) filed objections to most of Cultural Resources staff's data requests on the basis that the information was not reasonably available or necessary for staff to complete the environmental analysis of the Mission Rock Energy Center (Mission Rock) project (TN# 212531). Per the California Environmental Quality Act (CEQA), staff is required to determine if the Mission Rock project may cause a substantial adverse change in the significance of historical resources or their immediate surroundings, including archeological resources. Without complete and updated cultural resource evaluation and survey information, and relying entirely on the limited amount of information included in the Application for Certification (AFC) or the 1996 rural historic landscape survey, it is difficult for staff to determine what cultural resources exist within the project area of analysis (PAA), if those resources are historically significant in their own right or as contributors to the historic landscape, or how construction and operation of Mission Rock might impact those resources,.

### **AUGUST 26, 2016 DATA REQUEST WORKSHOP SUMMARY**

Staff requested that the applicant complete the field survey for cultural resources, and conduct additional research in local repositories to support their findings. This level of effort is standard practice for projects such as Mission Rock, and a required part of the AFC pursuant to Title 20 (Appendix B)(g)(2)(C)(i-v). The applicant cited the large survey area (175 parcels) and the number of private property owners (75), as their primary objection to completing the survey work described in the Energy Commission's Power Plant Siting Regulations.

Staff requested the applicant conduct research focused on specific historical themes to support their survey work. The applicant agreed to submit all research documentation which they currently possess; however, the applicant maintains their objection to conducting research at local repositories, such as the Ventura County Museum Research Room, University of California Santa Barbara Map Room, or the California Oil Museum in Santa Paula. The applicant acknowledged that they did not previously visit these repositories to conduct research.

### **OUTSTANDING DATA REQUEST SUMMARY**

DR 30: A Technical Report including additional research and fieldwork with the goal of completing the archaeological and built environment survey and documentation of cultural resources in the Mission Rock survey area. This report should include all linear features in the Mission Rock survey area (DR 30 & 35-47).

DR 31: A Technical Report that includes additional research and fieldwork focused on documenting and evaluating all newly identified cultural resources within the Mission Rock survey area (DR 31 & 48-52).

DR 32: A Technical Report that includes additional research focused on the following significant historical themes associated with the Mission Rock survey area: oil industry, transportation systems, cultural institutions (education/social), and agribusiness (DR 32 & 53-58).

### **DATA REQUEST ISSUES RESOLUTION**

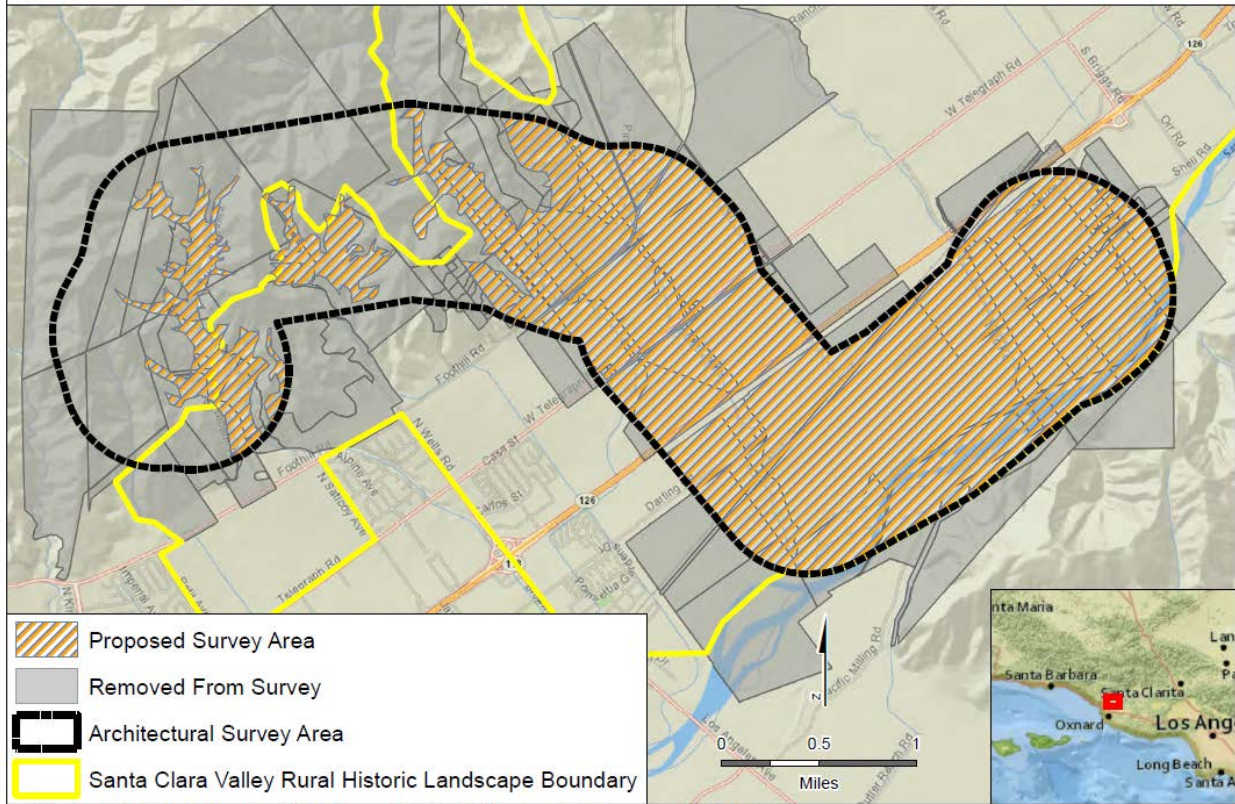
Survey (DR 30 and 35-47/DR 31 and 48-52)

Given the applicant's unwillingness to complete the built-environment windshield survey as described in Appendix B, staff has made a good faith effort to apply a set of criteria which would reduce the survey area while still capturing the majority of cultural resources in the PAA. These criteria include:

- Remove parcels included in the survey area, which only slightly overlap with the PAA;
- Remove portions of parcels outside the PAA;
- Reduce the survey area by eliminating land with a slope unlikely to contain cultural resources that contribute to the historic landscape;
- Reduce the survey area by eliminating parcels with development not consistent (less than 45 years of age) with the built environment resources that contribute to the historic landscape.

However, if cultural resources are identified outside of the reduced survey area, staff reserves the right to analyze impacts to these resources at a later date and as part of its independent analysis. The following map represents the remaining survey area after applying the above criteria.

Property Owners Within Architectural Survey Area  
Mission Rock Energy Center  
(15-AFC-02)



This approach would reduce the survey area within the PAA by 33 percent.

**Additional Thematic Research (DR 32 and 53-58)**

During the August 26, 2016 Data Request Workshop, the applicant expressed an unwillingness to conduct historical research focused on the significant themes identified in the 1996 survey, including the oil industry, transportation systems, cultural institutions, and agribusiness. The primary purpose of this research is to inform fieldwork and analysis associated with the landscape's contributing elements. Given the continued objection, staff proposes to conduct the necessary contextual research and prepare a fieldwork methodology to assist the applicant in performing the survey work described in staff's data request (DR 31) and the siting regulations, Appendix B(g)(2)(C). If the revised data request below is agreeable to the applicant, staff will commit to providing a contextual research and fieldwork methodology within 30-days.

**PROPOSED DATA REQUEST**

If the applicant agrees, the following Data Request (No. 115)) would supercede Cultural Resources Set 1 Data Requests Numbers 30-32, 35-47, 48-52, and 53-58.

[Proposed] DR No. 115:

Provide a technical appendix to the Cultural Resources section of the AFC that includes the following elements:

- Request access in writing and verbally to any un-surveyed parcels in the revised survey area. Provide records of all attempts to contact property owners;
- The results of an archaeological pedestrian survey of un-surveyed portions of the PAA where access has been delayed due to the presence of crops;
- Conduct a built-environment windshield survey to document contributing resources to the Santa Clara Valley Rural Historic District (historic landscape) which overlaps with the PAA. The survey should include the following elements:
  - o Updated DPR 523(a) forms for historic farm clusters identified as contributing resources to the historic district, as defined by the 1996 survey;
  - o Updated DPR 523(a) forms, for contributing historic landscape features (e.g., oil pumps/wells, water conveyance structures, worker housing buildings, etc.), as defined in the contextual research and fieldwork methodology provided by staff'
  - o DPR 523(E) forms for linear features that may contribute to the historic landscape (e.g., railroad tracks, historic roads, irrigation features, tree rows, oil pipelines, etc.).
- Provide survey area map(s) that includes the following elements:
  - o Survey area boundaries;
  - o Locations of contributing historic farm clusters;
  - o Locations of contributing linear features;
  - o Locations of individual contributing landscape features;
  - o Newly identified contributing and individually eligible historic resources;
  - o Mission Rock and associated linear improvements (e.g. transmission, water supply and return, and gas line).