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February 16, 2017

Mike Monasmith, Project Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Subject: Mission Rock Energy Center (15-AFC-02) Data Request Response, Set 3 (154-158)

Dear Mike:

Mission Rock Energy Center, LLC (the Applicant) submits responses to California Energy Commission Staff Data Requests, Set 3 (154-158) for the Mission Rock Energy (15-AFC-02) Application for Certification.

Please contact me at 916-359-4805 if you have questions about this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. M. Davy'.

Douglas M. Davy, Ph.D.  
Project Manager

Attachment

cc: Mitch Weinberg, Calpine Corporation  
Barbara McBride, Calpine Corporation  
Jill Van Dalen, Calpine Corporation  
Samantha Neumyer, Ellison Schneider, Harris, and Donlan, LLP

DATA REQUEST RESPONSE

Responses to California Energy Commission Staff  
Data Request Set 3 (154 to 158)

In support of the

Application for Certification

For the

Mission Rock Energy Center

15-AFC-02

*Prepared for*

Calpine Corporation



February 2017



CH2M Hill Engineers, Inc.  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833

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# Acronyms and Abbreviations

|           |                                    |
|-----------|------------------------------------|
| AFC       | Application for Certification      |
| Applicant | Mission Rock Energy Center, LLC    |
| CEC       | California Energy Commission       |
| DPR       | Department of Parks and Recreation |
| DR        | Data Request                       |
| DRR       | Data Request Response              |
| LLC       | Limited Liability Corporation      |
| MREC      | Mission Rock Energy Center         |
| PAA       | Project Area of Analysis           |

# Introduction

Attached are Mission Rock Energy Center, LLC's (Applicant's) responses to the California Energy Commission (CEC) Staff Data Requests (DRs) Set 3 (154 to 158) for the Mission Rock Energy Center (MREC) (15-AFC-02) Application for Certification (AFC). The CEC Staff served the Set 3 data requests on February 7, 2017, as part of the discovery process for the MREC project.

The responses are grouped by individual discipline or topic area. Within each discipline area, the responses are presented in the same order as presented by CEC Staff, and are keyed to the Data Request numbers (154, 155, etc.).

## 5.3 Cultural Resources (154-158)

### Background

The Flats/El Arco/ Camp 900 housing camp referenced in the Background to Data Requests 154-156 was identified by the Applicant during archival research completed before the archaeological surveys of the generator tie line were conducted on behalf of the Mission Rock Energy Center in 2015. The Applicant notes that the surveys of the terrace conducted by Staff are largely outside the generator-tie corridor and buffer zone for the MREC inside an avocado orchard. Several items associated with the sewage pond which were not previously recorded given their location outside of the survey corridor. However, given the expanded scope of the Historic Built Environment surveys conducted by the Applicant in response to Data Request 115, those features have now been recorded as part of those surveys.

### Generator tie-line pole location

154. *If the applicant chooses an alternative location for the pole that is not located within the resource's boundaries, please submit:*

*An amended project description of the 230kV transmission line, including a description of how the new pole location would avoid impacts to the resource, and any other necessary information requirements specified in Title 20, California Code of Regulations, Appendix B (e.g., biological and cultural surveys, land use determination) that would be applicable to the new pole location.*

**Response:** Applicant proposes an alternative location for generator tie-line pole #18 that is not located within the boundaries of the archaeological site identified by Staff. Attachment DR154-1 shows the currently proposed location of generator tie-line pole #18, the proposed new pole location, and conductor/centerline routes as proposed and reconfigured.

As the change in generator tie-line alignment is relatively slight, biological and cultural surveys and land use determinations would not require updating with additional information. The new pole #18 location is on the edge of a cleared roadway and would not result in removal of biological resources habitat and that is within the previous survey area. It is in an area zoned agricultural and in the same right-of-way as the previous location. The new location of pole #18 has been previously subject to pedestrian archaeological survey, which confirms that there are no potential impacts to cultural resources.

### Archaeological research design

155. *If the applicant chooses to submit a research design to establish the horizontal and vertical extent of the resource, please submit the research design to Cultural Resources staff for review and approval:*

*Please provide an archaeological research design that conforms to the standards described in Guidelines for Archaeological Research Designs (OHP 1991). The purpose of the research design is to establish the precise horizontal and vertical extent of The Flats/El Arco/Camp 900 and determine if there is an area within the resource where the transmission pole could be constructed without impacting the resource. To make this determination, a research design shall be prepared by an archaeologist that meets the Secretary of the Interior's professional standards for archaeologists (see Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines, 36 C.F.R. Part 61). The research design must include the following.*

- a. *A statement of the problem(s) and research goals.*
- b. *A statement of methods to achieve the research goal.*
- c. *A statement regarding how the results will be reported.*
- d. *Maps depicting site boundaries and locations of excavation units for the resource. Maps shall meet the requirements laid out for DPR 523 Sketch Maps (OHP 1995:15), but do not need to be generated on the site form template.*
- e. *An overlay of the proposed pole location, access roads, and pull locations on the aforementioned sketch map.*
- f. *A schedule for implementation of the research design.*
- g. *The preparer's résumé and the résumés of other key staff that are expected to implement the research design.*
- h. *Upon staff approval of the research design, the applicant will implement the approved testing plan as specified in the research design.*

**Response:** Please see the response to Data Request #154.

## Archaeological testing report

156. *Following completion of the archaeological investigation specified above, please provide an archaeological testing report that identifies the methods employed and results of the investigation. The report shall conform to the content requirements of Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (OHP 1990) and contain the following:*
- a. *A description of the research design and the methods employed during the study.*
  - b. *A description of the study results.*
  - c. *A location map on a U.S. Geological Survey, 7.5-minute topographic quadrangle.*
  - d. *A description of whether the pole as proposed would result in impacts to the resource. Supplement the impact discussion with exhibits and quantify the amount of archaeological materials that would be damaged or removed.*
  - e. *A description of proposed avoidance measures based on the results of the testing plan, including mitigation measures for the affected archaeological resource. Supplement the mitigation discussion with exhibits as needed.*
  - f. *A Sketch map (see Data Request No. 155 d. above) that depicts the sampling locations and the location of any newly identified archaeological materials.*
  - g. *Revised DPR 523 forms.*

**Response:** Please see the response to Data Request #154.

## Vegetation management

157. *For all areas identified as requiring vegetation management pursuant to Figure DR 121-1 please provide:*
- a. *Site plans for each vegetation management area indicating the extent of tree removal and trimming required for pole and generator tie-line installation and maintenance;*

- b. *Elevation plans for each vegetation management area indicating the extent of tree removal and trimming required for pole and generator tie-line installation and maintenance;*
- c. *Site and elevation plans should clearly identify any Heritage Trees, Historical Trees, Introduced Protected Trees, Native Trees, and Tree Rows as defined in Ventura County Code of Ordinances Tree Protection Regulations (Division 8, Chapter 1.1, Article 7, Section 8107-25 et seq).*
- d. *Identify any potential impacts to protected trees, identify steps to avoid or minimize damage to protected trees consistent with the provisions of Division 8, Chapter 1.1, Article 7, Section 8107-25.10.2 – Tree Offset Standards.*

**Response:** Ventura County’s Tree Protection Regulations<sup>1</sup> provide for the altering, felling, or removal of “Protected Trees,” as defined in the regulations. Whether a tree is a “Protected Tree” depends on the species, size, and location of the tree as well as whether the tree is a Historical Tree<sup>2</sup> or Heritage Tree.<sup>3</sup> Specifically, Section 8107-25.2 of the Ventura County Code defines “Protected Trees” as “any trees from among the species or any heritage or historical tree listed in [Table 1, Section 8107-25.2] with one or more differentiated trunks which meets the dimensional standards therein and which is situated on land with the applicable zoning shown on Table 1.”

There are four categories of trees that, if present during post-Certification detailed design, would be considered “Protected Trees” in the Project Area of Analysis (“PAA”) for the Mission Rock Energy Center: (1) single-trunk Oaks (9.50” in girth) and multiple-trunk Oaks (6.25” in girth); (2) Sycamores (9.50” in girth); (3) Historical Trees as designated on the list kept by Ventura County Planning; and (4) Heritage Trees of any species (for single trunk, 90” in girth; for multiple trunk, 72” in girth).<sup>4</sup>

Review of the Ventura County Planning Department’s list of “Historical Trees in Ventura County” confirms that none of these Historical Trees is present in the PAA.<sup>5</sup> As part of the detailed design for the Project, the Applicant will conduct surveys to determine whether there are any other types of Protected Trees in the finalized route for the generator-tie line. Protected Trees, if any, identified during detailed design post-Certification would be avoided, offset or otherwise addressed consistent with the requirements of Ventura County Code.<sup>6</sup>

Pursuant to Section 1716(f) of the Commission’s Regulations, the Applicant objects to providing site plans and elevations plans requested by Data Request 157(a)-(d) because Data Request 157 is

<sup>1</sup> Ventura County Code, Division 8, Chapter 1, Article 7, Section 8107-25, “Tree Protection Regulations.” Chapter 1 applies to the unincorporated, non-coastal zone of the County. (See, §§ 8101-0 et seq.) The “Background” section for Data Requests 157 and 158 incorrectly references, “Division 8, Chapter 1.1, Article 7, Section 8107-25 et seq. of the Ventura County Code”; however, Chapter 1.1 applies to the unincorporated coastal zone of the County. (See, § 8171-2.)

<sup>2</sup> A “Historical Tree” is defined as “Any tree or group of trees identified by the County or a city as a landmark, or identified on the Federal or California Historic Resources Inventory to be of historical or cultural significance, or identified as contributing to a site or structure of historical or cultural significance.”

<sup>3</sup> A “Heritage Tree” is defined as “Any species of tree with a single trunk of ninety (90) or more inches in girth or with multiple trunks, two of which collectively measure seventy-two (72) inches in girth or more. In addition, species with naturally thin trunks when full grown (such as Washington Palms), species with naturally large trunks at an early age (such as some date palms), or trees with unnaturally enlarged trunks due to injury or disease (e.g., burls and galls) must be at least sixty (60) feet tall or seventy-five (75) years old to be considered as a heritage tree.”

<sup>4</sup> Ventura County Code, Division 8, Chapter 1, Article 7, Section 8107-25.2, Definitions, Table I, Protected Trees.

<sup>5</sup> [http://vcrma.org/planning/pdf/permits/tree/Historical\\_Trees\\_in\\_VTA\\_County.pdf](http://vcrma.org/planning/pdf/permits/tree/Historical_Trees_in_VTA_County.pdf)

<sup>6</sup> Ventura County Code, Division 8, Chapter 1, Article 7, Sections 8107-10 through 8107-25.10.2.

burdensome and not necessary for any decision the Commission must make in this proceeding.<sup>7</sup> The Applicant objects on the basis that the information requested in Data Request 157(a)-(d) requires site-specific detailed design to be performed and, consistent with Commission precedent, this site-specific detailed design is not commenced until after project approval, i.e., post-Certification. The request is therefore burdensome because it is not reasonably available to the Applicant, and the information is not necessary for any decision the Commission must make in this proceeding because Applicant's obligation to comply with all LORS will also ensure that there will be no significant adverse impact.

## Ground disturbance

158. *For all ground disturbance that will occur adjacent to trees within the PAA, please provide:*
- a. *Site plans showing all pole, pipeline, horizontal drilling locations within or adjacent to the tree protected zone as defined in Division 8, Chapter 1.1, Article 7, Section 8107-25.10.2 – Definitions.*
  - b. *Identify any potential impacts to protected trees which may occur within the root protected zone. Identify steps to avoid or minimize damage to protected trees consistent with the provisions of Division 8, Chapter 1.1, Article 7, Section 8107-25.10.2 – Tree Offset Standards.*

**Response:** Please see responses to Data Request #157.

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<sup>7</sup> 20 CCR 1716(f) provides for objections within 20 days of receiving a data request; however, given the accelerated time frames in this last round of Discovery, the Applicant provides both its responses and this objections here.

Attachment DR154-1  
Revised Location of Generator Tie-Line Tower #18



- LEGEND
- Tower
  - Generator Tie-Line
  - Previous generator line-line conductor

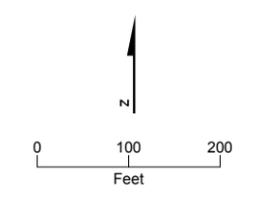


Figure DR154-1  
**Revised Location of Generator Tie-line Tower #18**  
 Mission Rock Energy Center  
 Ventura County, California

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community