

CALIFORNIA ENERGY COMMISSION

H STREET
SACRAMENTO, CA 95814-5512



October 3, 2008

DOCKET	
07-AFC-1	
DATE	OCT 03 2008
RECD	OCT 03 2008

Michael J. Carroll
Latham & Watkins, LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925

**SUBJECT: VICTORVILLE 2-HYBRID PROJECT (07-AFC-1C) REQUEST TO CONDUCT
WASTE AND GEOTECHNICAL SAMPLING ON PROJECT SITE**

Dear Mr. Carroll,

Having reviewed your request to conduct limited ground disturbance activities on the Victorville 2 project site, under section 25105 of the Warren-Alquist Act and in the General Conditions section of the Commission's Final Decision, staff agrees that you can conduct the following activities:

1. The installation of environmental monitoring equipment;
2. A soil or geological investigation;
3. A topographical survey;
4. Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility; and
5. Any work to provide access to the site for any of the purposes specified in "Construction" 1, 2, 3, or 4 above.

These activities are related to your request to conduct geotechnical boring and waste soil sampling on the Victorville 2 project site. Staff appreciates Victorville 2's commitment to retain biological and cultural resource monitors on site during any of the above listed activities, as previously discussed.

A Designated Biologist-approved biological monitor shall accompany each rig used to conduct the geotechnical boring and soil sampling to ensure that no desert tortoise are taken in any way, shape, or form. Due to the project's lack of federal take authorization, if desert tortoises are identified in harm's way during these activities, work must cease until the animal(s) move out of the active work area of their own volition and must not be handled, moved, or harassed. These observations should be reported to the Designated Biologist, USFWS, CDFG, and CPM.

If cultural resources materials are identified by the CRS-approved archaeological monitor observing the geotechnical boring and soil sampling at the Victorville 2 project site, the boring or sampling should be halted to allow the monitor to make notes for the recordation of the discovery on a Department of Parks and Recreation (DPR) 523

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"Primary" form, noting the exact location, the approximate depth at which the material was encountered, and the nature and description of the cultural material observed. Once the notes for the DPR form are complete, geotechnical testing should resume. The project owner should provide the completed form to the CPM.

If any cultural resources discoveries are made during the geotechnical boring and soil sampling, they would have to be evaluated for significance after the Victorville 2 project initiates any activity that the definitions in the General Conditions use to establish the time at which the Conditions of Certification are implemented. These definitions are referenced in the Cultural Resources Conditions of Certification, and so any discovery made during geotechnical testing and soil sampling would be handled after the Conditions of Certification are implemented, under the provisions of CUL-10, requiring a Cultural Resources Treatment Plan (CRTP) and archaeological testing to acquire data for a CPM evaluation of significance.

If you have any questions, please call Mary Dyas at (916) 651-8891 or by e-mail at mdyas@energy.state.ca.us.

Sincerely,



Eileen Allen
Siting and Compliance Office Manager

cc: Tom Barnett, Inland Energy
Jack Caswell, California Energy Commission
Mary Dyas, California Energy Commission