



August 16, 2010

Mr. Christopher Meyer
CEC Project Manager
Attn: Docket No. 08-AFC-13
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
08-AFC-13	
DATE	<u>AUG 16 2010</u>
RECD.	<u>AUG 16 2010</u>

RE: Calico Solar (formerly Solar One) Project (08-AFC-13)
Applicant's Proposed Revisions to Cultural Conditions of Certification

Dear Mr. Meyer:

Tessera Solar hereby submits the Applicant's Proposed Revisions to the Cultural Resources Conditions of Certification. I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge.

Sincerely,

Felicia L. Bellows
Vice President of Development

C.3.17 PROPOSED CONDITIONS OF CERTIFICATION

CUL-1 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) and one or more alternate CRSs (at the project owner’s option).

The CRS shall manage all cultural resources monitoring, mitigation, curation, and reporting activities in accordance with the Conditions of Certification (Conditions). The CRS may elect to obtain the services of Cultural Resources Monitors (CRMs) and other technical specialists, if needed, to assist in monitoring, mitigation, and curation activities. The project owner 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 affected in an unanticipated manner. No ground disturbance shall occur prior to Compliance Project Manager (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 non-compliance on this or other Energy Commission projects. After all ground disturbance is completed and the CRS has fulfilled all responsibilities specified in these cultural resources conditions, the project owner may discharge the CRS, if the CPM approves. With the discharge of the CRS, these cultural resources conditions no longer apply to the activities of this power plant.

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 (36 C.F.R., part 61). In addition, the CRS shall have the following qualifications:

1. The CRS’s qualifications shall be appropriate to the needs of the project and shall include a background in anthropology, archaeology, history, architectural history, or a related field;
2. At least three years of archaeological or historical, as appropriate (per nature of predominant cultural resources on the project site), resource mitigation and field experience in California; and
3. At least one year of experience in a decision-making capacity on cultural resources projects in California and the appropriate training and

experience to knowledgably make recommendations regarding the significance of cultural resources.

The resumes of the CRS and alternate CRS shall include the names and telephone numbers of contacts familiar with the work of the CRS/alternate CRS on referenced projects and demonstrate to the satisfaction of the CPM that the CRS/alternate CRS has the appropriate training and experience to implement effectively the Conditions.

CULTURAL RESOURCES MONITORS

CRMs 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.

CULTURAL RESOURCES TECHNICAL SPECIALISTS

The resume(s) of any additional technical specialist(s), e.g., historical archaeologist, historian, architectural historian, and/or physical anthropologist, shall be submitted to the CPM for approval.

Verification:

1. At least 45 days prior to the start of ground disturbance, the project owner shall submit the resume for the CRS, and alternate(s) if desired, to the CPM for review and approval.
2. 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 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.

3. At least 20 days prior to ground disturbance, the CRS shall provide a letter naming anticipated CRMs for the project and stating that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.
4. 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.
5. At least 10 days prior to any technical specialists, other than CRMS, beginning tasks, the resume(s) of the specialists shall be provided to the CPM for review and approval.
6. At least 10 days prior to the start of ground disturbance, the project owner shall confirm in writing to the CPM that the approved CRS will be available for onsite work and is prepared to implement the cultural resources conditions.

CUL-2 Prior to the start of ground disturbance, if the CRS has not previously worked on the project, the project owner shall provide the CRS with copies of the AFC, data responses, and confidential cultural resources reports, upon BLM approval, for the project. The project owner shall also provide the CRS 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 a map 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. The CPM 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.

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If construction of the project would proceed in phases, maps and drawings not previously provided shall be provided to the CRS 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 CPM of any changes to the scheduling of the construction phases.

Verification:

1. At least 40 days prior to the start of ground disturbance, the project owner shall provide the AFC, data responses, and confidential cultural resources documents, to the CRS, if needed, and the subject maps and drawings to the CRS and CPM. The

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CPM will review submittals in consultation with the CRS and approve maps and drawings suitable for cultural resources planning 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 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 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-3 Changes to the proposed project or to the character of its construction, operation, and maintenance that may become necessary subsequent to the approval of the project, were such approval to occur, may in turn require the re-consideration of the extent of the original project area. Where such changes indicate the need to alter the original project area to include additional lands that were not elements of analysis during the certification process, the effects of any proposed changes on historical resources that may be on such lands would need to be taken into account. Changes in the character of the construction, operation, and maintenance of the proposed project may include such actions as decisions to use non-commercial borrow or disposal sites.

Upon the recognition that proposed changes to the project would require the use of lands that were not a part of the original project area of analysis, the project owner shall ensure that the CRS surveys any such lands for cultural resources and record each newly found resource on DPR 523 Series forms. Exceptions would be made to this protocol in cases where cultural resources surveys no greater than five years in age are documented for the entirety of the subject lands and approved by the CPM. Where new cultural resources surveys are warranted, the project owner shall convey the results of such surveys, along with the CRS's recommendations for further action, to the CPM, who will determine whether further action is necessary. If the CPM determines that historical resources may be present and that any such resource may be subject to a substantial adverse change in its significance, the project owner shall ensure that the CRS provides the CPM with substantiated recommendations on whether each such resource is eligible for listing in the CRHR and recommendations for the resolution of any such significant effects. The CRS, the project owner, and the CPM shall then confer on said recommendations, and, upon the concurrence of the CPM with those recommendations, the project owner shall ensure that the CRS

proceeds to implement them, and reports on the methods and the results of any such work in the final Cultural Resources Report (CRR) (CUL-8).

Verification:

1. Upon the recognition that proposed changes to the project or to the character of the construction, operation, and maintenance of the project would require the use of lands that were not a part of the original project area, the project owner shall notify the CRS and CPM. The project owner shall then provide, for CPM review and approval, documentation of any cultural resources surveys five years or less in age that exist for the additional lands.
2. At least 30 days prior to the use of the new additional project area lands, in the absence of any such cultural resources surveys or when the extant cultural resources surveys do not cover the entirety of the lands to be added to the project area, the project owner shall ensure that the CRS surveys the additional lands for cultural resources, notifies the project owner and the CPM of the results of the new cultural resources survey, and recommends further action.
3. No more than 15 days subsequent to the receipt of the information in verification 2, **CUL-3**, above, the CPM shall determine whether historical resources may be present and whether any such resources may be subject to substantial adverse changes in significance.
4. At least 60 days prior to the use of the new additional project area lands, if the CPM determines that historical resources may be subject to substantial adverse changes in significance, the project owner shall ensure that the CRS provides the CPM with substantiated evaluations, based on archival and field research, on whether each such resource is eligible for listing in the CRHR and recommendations for the resolution of any potential significant effects.
5. For no longer than 15 days, the project owner, the CRS, and the CPM shall confer about the above evaluations and recommendations, and, upon the concurrence of the CPM with those evaluations and recommendations, the project owner shall ensure that the CRS proceeds to resolve any significant effects pursuant to the above recommendations prior to the use of the new additional project area lands.
6. The project owner shall ensure that the CRS reports on the methods and the results of all such work in the CRR (**CUL-7**).

CUL-4 Prior to phased earth-removing activities, the project owner shall develop, prepare, and implement a series of protocols the purposes of which will be to gather and analyze information to refine the assessments of the historical significance of the archaeological resources in the project area of analysis. The project owner shall prepare and submit, for the review and approval of the CPM and consistent with the guidance found in the February 1990 "Archaeological Resource Management Reports (ARMR): Recommended Contents and Format" and the February 1991 "Guidelines for Archaeological Research Designs," separate protocols for the CRHR evaluation of each

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Comment [f1]: Given BLM's approach, should we just rip this out? How do we deal with our conflict here?

Comment [C2]: This was the language that CEC used to describe the need for monitors, does it work here?

Deleted: the preparation of the Cultural Resources Monitoring and Mitigation Plan (CRMP)

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Deleted: The project owner shall first prepare and submit, for the review and approval of the CPM, a final draft of an archaeological resource taxonomy that splits out the individual archaeological resources in the project area of analysis into objectively similar archaeological site types or site type groups, and that delimits, as appropriate, groups of individual resources, such as districts or landscapes, that relate unifying prehistoric and historic themes. The initial basis for the taxonomy of individual archaeological resources should be the taxonomy in the "Cultural Resource Site Taxonomy" subsection of the published SSA for this project. Subsequent to CPM approval of the final draft of the archaeological resource taxonomy, t

archaeological site type or site type group in the CPM-approved, final archaeological resource taxonomy and for each archaeological district, landscape, or other large-scale archaeological resource in the subject taxonomy. An evaluation plan will be included with the protocol submittal which outlines a representative sample of 5% of each of the site types which would be selected for further evaluation. Earth removing activities on sites selected for evaluation may not commence until the evaluation reports have been completed. Earth removing activities may begin on portions of the site which do not contain sites selected for further evaluation.

Deleted: Among the large-scale resources that the project owner shall explicitly consider in the final draft of the archaeological resource taxonomy are a prehistoric archaeological landscape that encompasses the numerous and diverse individual prehistoric archaeological sites across the desert pavements in the southern portion of the project area, a potential historical archaeological gravel mining district over roughly the western to west-central portion of the project area, and the archaeological remnants of the segment of the National Trails Road in the project area that may be a contributing element to a National Trails Road historic district.

Each CRHR evaluation protocol shall include, at a minimum, the following elements:

1. A background research section which develops interpretive contexts germane to each protocol and which presents information on previous research in the vicinity of the project area, generally, and on previous research on the specific resource types under consideration in the respective protocols.
2. An evaluation phase research design which, in the case of protocols prepared for individual archaeological resource types or type groups, should include a rationalized 5% sample of the resources in a type or type group, rather than a protocol structured to sample 100 percent of the population of a type or type group, and which explicitly takes into account extant information on the subject resources.
3. A detailed and explicit field methodology tailored to acquire the data necessary to address specific research questions, if determined necessary to complete CRHR evaluation.
4. Provisions for specialists to be present onsite and specialized laboratory analyses of recovered cultural materials, where feasible and if determined necessary to complete CRHR evaluation.
5. Provisions for specialists and specialized laboratory analyses of chronometric samples, and organic remains and residues, where feasible and if determined necessary to complete CRHR evaluation.

Comment [f3]: Shearer suggested 5%. If we think that's too aggressive, ok.

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Where defensible relative to archaeological theory, the project owner may submit documents that, within a single document, tier several separate evaluation protocols from common background research. In such documents, the project owner would develop and present germane prehistoric or historic contexts and present a general review of previous archaeological research in the project area vicinity before laying out the specific evaluation protocols for particular archaeological resources by reviewing previous archaeological research specific to a resource type, type group, or large-scale resource, and then developing and presenting custom research designs for those particular resources.

Subsequent to the completion of the implementation of each protocol, the project owner shall prepare and submit, for the review and approval of the CPM, separate reports on the results of the implementation of each protocol, on the analysis and interpretation of that data, and on the CRHR evaluation of the resource type, type group, or large-scale resource that a subject protocol addresses.

Each CRHR evaluation report may include the following elements, as defined in the protocol for each site type:

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1. Synopses of the background research section, evaluation phase research design, field methodology, and material culture, chronometric, and organic analyses as set out in the relevant original evaluation protocol.
2. A detailed, explicit, illustrated presentation of the results of the field and laboratory work done under the relevant protocol.
3. An analysis and behavioral interpretation of data from previous research, and of field and laboratory data acquired as the result of the implementation of the relevant protocol.
4. Formal evaluation of the specific resource types relative to the CRHR program.

The project owner may lump the evaluation reports into report documents that reflect any prior approved protocol documents that contain more than one protocol.

Verification:

1. At least 15 days prior to the start of earth-moving activities, the project owner shall have submitted all CRHR evaluation protocols to the CPM for review and approval. CPM review will take no longer than 5 days.
2. At least 5 days prior to the start of earth-moving activities, which would impact sites selected for further evaluation the project owner shall have submitted all CRHR evaluation reports to the CPM for review and approval.

Comment [f4]: How does this timing work for us? I don't think it does. And even if it's phase 1b, 120 days is huge. Needs to be much less.

Comment [f5]: But this is now. If we're starting on 10/1 best case, we have to do this on Monday.

Comment [C6]: This was the language that CEC used to describe the need for monitors, does it work here?

Deleted: <#>At least 150 days prior to the start of ground disturbance, the project owner shall submit a final draft of the archaeological resource taxonomy for the project area of analysis to the CPM for review and approval.¶

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Comment [C7]: This was the language that CEC used to describe the need for monitors, does it work here?

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CUL-5 Prior to the start of ground disturbance, the project owner shall submit the CRMMP, as prepared by or under the direction of the CRS, to the CPM for review and approval. The CRMMP shall follow the content and organization of the draft model CRMMP, provided by the CPM, and the authors' name(s) shall appear on the title page of the CRMMP. The CRMMP shall identify general and specific measures to minimize potential impacts to sensitive cultural resources. 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, 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.

The CRMMP shall include, but not be limited to, the following elements and measures:

1. The following statement 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. A proposed general research design that includes a discussion of archaeological research questions and testable hypotheses specifically applicable to the project area, and a discussion of artifact collection, retention/disposal, and curation policies as related to the research questions formulated in the research design. The research design will specify that the preferred treatment strategy for any buried archaeological deposits is avoidance. Specific mitigation plans shall be prepared and submitted, for the review and approval of the CPM, for any unavoidable significant effects to archaeological resource types, type groups, or large-scale archaeological resources determined by the process in **CUL-4** to be eligible for listing in the CRHR. Specific mitigation plans shall also be prepared and submitted, pursuant to **CUL-6**, for the review and approval of the CPM, for the unmitigable significant effects that the project will have on U.S. Route 66, and for any other significant effects that the project may have on other significant built-environment resources. Prescriptive treatment plans for construction-related discoveries may also be included in the CRMMP for limited archaeological resource types.
3. Specification of 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.
4. Identification of the 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.
5. A description of the manner in which Native American observers or monitors will be included, the procedures to be used to select them, and their role and responsibilities.
6. A description of 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, and identification of areas where these measures are to be

implemented. 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 effects.

7. A statement that all encountered cultural resources over 50 years old shall be recorded on Department of Parks and Recreation (DPR) 523 forms and mapped and photographed. In addition, all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery) shall be curated 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.
8. A statement that the project owner will pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project. The project owner shall identify three possible curation facilities that could accept cultural resources materials resulting from project activities.
9. A statement that the CRS has access to equipment and supplies necessary for site mapping, photography, and recovery of any cultural resource materials that are encountered during ground disturbance and cannot be treated prescriptively.
10. A description of the contents, format, and review and approval process of the final Cultural Resource Report (CRR), which shall be prepared according to ARMR guidelines.

Verification:

1. Upon approval of the CRS proposed by the project owner, the CPM will provide to the project owner an electronic copy of the draft model CRMMP for the CRS.
2. At least 30 days prior to the start of ground disturbance, the project owner shall submit the CRMMP to the CPM for review and approval.
3. At least 30 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).
4. Within 90 days after completion of ground disturbance (including landscaping), if cultural materials requiring curation were generated or collected, the project owner shall provide to the CPM a copy of an agreement with, or other written commitment from, a curation facility that meets the standards stated in the California State Historical Resources Commission's *Guidelines for the Curation of Archaeological Collections*, to accept the cultural materials from this project. Any agreements concerning curation will be retained and available for audit for the life of the project.

CUL-6 Prior to the start of earth-removing activities, the project owner shall complete large-format photographs and negatives and a written data short form of the character defining features associated with the 9-mile long segment of U.S. Route 66, including its landscape and viewshed characteristics within the project area from the roadway. In total, no more than fifteen negatives will be prepared. The project owner shall ensure that archivally stable original photographs and negatives and written documentation are submitted to the California Office of Historic Preservation for archival storage, and one acid-free reproduction of the photographic prints and written documentation is made available to the following repositories and agencies: California Historical Resources Information System (CHRIS), County of San Bernardino, California Energy Commission, and Bureau of Land Management. The project owner shall be responsible for any associated curation fees.

Comment [f8]: How much of this is already done with the visual stuff we did before?

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Documentation shall be undertaken and completed by a personnel meeting the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61 (36 C.F.R., part 61) and a qualified architectural photographer. The resumes of the historian and architectural photographer shall include the names and telephone numbers of contacts familiar with their work on referenced projects and demonstrate to the satisfaction of the CPM that the historian and architectural photographer have the appropriate training and experience to effectively implement this condition. The applicant may undertake the photographic and written recordation activities prior to certification. The applicant undertaking such activities would do so, at their own risk, as a means of advantaging their schedule.

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The project owner shall submit the final photographic and written documentation to the CPM for review and approval. The final written report and photographic documentation shall be provided in the format specified by the Historic American Landscape Survey (HALS) Level 3 guidelines, as specified in the research design. The applicant may undertake the HALS recordation activities prior to certification. The applicant undertaking such activities would do so, at their own risk, as a means of advantaging their schedule.

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Comment [C9]: Suggest deleting, but may be an easy "gimme"?

Deleted: The HALS documentation shall be used to develop an interpretive display adjacent to the project in an area easily accessible by the public. The interpretive display shall display photographs of the project site and include a written history of Route 66 and its significance in the eastern Mojave, to be reviewed and approved by the CPM prior to installation. The project owner shall maintain the interpretive display for the life of the project.

Verification:

1. At least 25 days prior to the start of earth-removing activities, the project owner shall submit the resume for the historian and architectural photographer to the CPM for review and approval. CPM review will take no longer than 5 days.
2. At least 15 days prior to the start of earth-removing activities, the project owner shall submit the research design for the photographic and written report to the CPM for review and approval. CPM review will take no longer than 5 days.

Comment [f10]: Again, this is Sunday.

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3. At least 5 days prior to the start of earth-removing activities, the project owner shall submit the draft HALS report to the CPM for review and approval. If any reports have previously been sent to the CHRIS, County of San Bernardino, California Energy Commission, and Bureau of Land Management, then receipt letters from those agencies or repositories or other verification of receipt shall be included in an appendix.

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Within 10 days after CPM approval of the HALS report, the project owner shall provide documentation to the CPM confirming that copies of the final report have been provided to the SHPO, the CHRIS, and the HALS.

Comment [C11]: Again, suggest deleting, but may be an easy "gimme"

Deleted: <#>At least 60 days prior to the completion of Phase 1 construction, the project owner shall submit the interpretive display design and text to the CPM for review and approval.¶

CUL-7 The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for approval. The final CRR shall be written by or under the direction of the CRS and shall be provided in the ARMR format. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, Department of Parks and Recreation (DPR) 523 Series 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 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 90 days after completion of ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM 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 CPM approval of 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-8 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 conducted by any member of the archaeological team, and may be presented in the form of a video. 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. 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;
6. 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;
7. An informational brochure that identifies reporting procedures in the event of a discovery;
8. An acknowledgement form signed by each worker indicating that they have received the training; and
9. 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.

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-9 The project owner shall ensure that the CRS, alternate CRS, or CRMs monitor full time all 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.

Full-time archaeological monitoring for this project shall be the archaeological monitoring of earth-removing activities for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than one mile 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 one mile from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material.

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A Native American monitor shall be obtained to monitor ground disturbance in areas where Native American artifacts may be discovered. 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. The CPM 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 with Energy Commission technical staff.

Cultural resources monitoring activities 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. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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-10 The project owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, and the CRMs in the event of a discovery. 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 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, 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, 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. 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-11 In the event that a resource is determined to be eligible post decision, either through an unanticipated discovery or the implementation of CUL-4, the Applicant shall prepare a Historic Properties Treatment Plan (HPTP) subject to BLM and CEC review and approval. The HPTP will require compliance with the treatment standards set forth in this condition. The HPTP will:

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- (1) Identify all eligible resources in the Project's Area of Potential Effects (APE)
- (2) Identify the resources that the Project will avoid
- (3) Specify how the Applicant will avoid, minimize, or mitigate impacts that the Project may have on eligible resources
 - a. Avoidance measures may include, but not be limited to, temporary or permanent fencing, flagging, staking, or monitoring.
 - b. Measures to minimize or mitigate impacts may include, but not be limited to, placement of

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construction within portions of eligible properties that do not contribute to the qualities that make the resources eligible, data recovery, or off-site mitigations such as public interpretation or interpretive materials or displays

(4) Include provisions for additional cultural resources inventory and evaluation procedures

(5) Include an unanticipated discoveries plan

(6) Provide for the disposition of recovered materials and records

The HPTP will be implemented prior to issuance of a Notice to Proceed for those portions of the Project addressed in the HPTP.

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In the event that Native American human remains or funerary objects found in association with such human remains are encountered on private or state land, the Applicant will treat the remains and objects in accordance with California Public Resources Code 5097.98

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Verification:

Should the need arise, the HPTP will be submitted to the CPM for review and approval.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

APPLICATION FOR CERTIFICATION

For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

**PROOF OF SERVICE
(Revised 8/9/10)**

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DECLARATION OF SERVICE

I, Corinne Lytle, declare that on August 16, 2010, I served and filed copies of the attached Applicant's Proposed Revisions to Cultural Resources Conditions of Certification. 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: [\[www.energy.ca.gov/sitingcases/solarone\]](http://www.energy.ca.gov/sitingcases/solarone).

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. 08-AFC-13
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.

Original Signed By
Corinne Lytle