



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
 COMMISSION OF THE STATE OF CALIFORNIA
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DOCKET	
09-AFC-10	
DATE	DEC 13 2010
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APPLICATION FOR CERTIFICATION FOR THE
**RICE SOLAR ENERGY POWER
 PLANT PROJECT**

DOCKET No. 09-AFC-10

ERRATA TO THE PRESIDING MEMBER’S PROPOSED DECISION

After reviewing the comments submitted by the parties on or before December 13, 2010, we incorporate the following changes to the November 12, 2010 Presiding Member’s Proposed Decision (PMPD):

INTRODUCTION

- 1. Page 1, Fourth Paragraph, First Line, change as follows:**

Change “Colordo” to “Colorado.”

- 2. Page 1, Fourth Paragraph, Last Line, change as follows:**

... The power plant would occupy ~~4,440~~1,387 acres.

- 3. Page 2, Second Paragraph, Second Sentence, change as follows:**

The electrical interconnection would be to Western’s Parker-Blythe #2 161-kilovolt (kV) transmission line at a new substation located southeast of the power plant.

PROJECT DESCRIPTION

- 4. Page 1, Second Paragraph, Second Sentence, change as follows:**

If Western approves the interconnection request, ~~the~~ generating facility would be connected via a new 10-mile generation tie line to Western Area Power Administration’s (Western) existing Parker-Blythe #2 161-kilovolt (kV) transmission line.

- 5. Page 1, Second Paragraph, First Line, change as follows:**

The project footprint would include approximately ~~4,440~~1,387-acres of privately owned ...

- 6. Page 3, Figure 1, Figure Description, change as follows:**

Rice Solar Power Project – Regional Setting & Parker-Blythe #2-Transmission Line

7. Page 3, Figure 1, change as follows:

Note: “Black Point Substation” should be identified as “Black Point Telecommunication Site.”

8. Page 5, Item 3, First Bullet, change as follows:

The term “filed” should be changed to “field”.

9. Page 6, Key Project Components and Features, under #3, add after last bullet and change following paragraph as follows:

- A 10-mile, 230-kV generator tie line that will connect the RSEP with the existing Western Parker-Blythe transmission line.

~~A 10-mile, 230-kV generator tie line that will connect the RSEP with the existing Western Parker-Blythe transmission line.~~ If Western approves the interconnection request, Western will construct and own a new interconnection substation for the project’s tie-in to Western’s system. (Ex. 1, pp. 2-4 – 2-5.)

10. Page 7, a. Heliostats, First Line, change as follows:

Up to 17,500 heliostats would occupy approximately ~~4,370~~ 1,329 acres...

12. Page 8, Figure, Layout, Add Note Under Figure, change as follows:

NOTE: The Applicant will provide a 100-foot buffer between State Route 62 and the construction laydown yard fence, as shown in Figure SII9-1. (Exhibit 47)

13. Page 9, Last Paragraph, Second Line, change as follows:

Replace “to melted” with “to be melted.”

14. Page 10, Second Paragraph, Second Sentence, change as follows:

Replace “though” with “through.”

15. Page 12, Second Paragraph, change as follows:

The word “owed” should be changed to “owned.”

16. Page 12, Second Paragraph, change as follows:

All of the net power produced by RSEP is expected to be delivered to Western’s transmission grid through the project’s interconnection with a proposed new substation to be constructed and owned by Western. (Ex. 1, p. 2-17.) If Western approves the interconnection request, the new RSEP 10-mile long 161-kV transmission generation

tie line will interconnect to Western's Parker-Blythe #2 transmission line southeast of the RSEP.

17. Page 12, Third Paragraph, Second Sentence, change as follows:

The locations of the proposed Generation Tie Line and existing Parker-Blythe #2 transmission line are identified ...

18. Page 12, Fourth Paragraph, Second Sentence, change as follows:

The interconnection of the RSEP to Western's Parker-Blythe #2 transmission line may require ...

19. Page 13, Second Paragraph, change as follows:

From the new substation, telecommunications would likely be established in ~~one of~~ the following ways: (1) microwave (radio-frequency) transmission from either RSEP or the new substation to terminate at either Western's Blythe, or Headgate Rock, ~~or Black Point~~ substations or to an existing telecommunications site at either Cunningham Mountain or Black Point; and or (2) power line carrier/Broadband-over-Power-Line power line carrier/Broadband-over-Power-Line (BPL). (Ex. 200, pp. 3-10 – 3-11.)

20. Page 14, After Table 2, add Note as follows:

NOTE: Staff subsequently analyzed and restricted the Applicant to 150 AFY. See Soil & Water Section.

21. Page 15, Third Paragraph, Fourth Line, change as follows:

On-site runoff would drain as it would naturally from north to south ~~on~~ through the RSEP site. ~~into a 30-acre detention pond where it would infiltrate or be released gradually.~~

22. Page 18, Findings of Fact 6, change as follows:

Replace the word "or" after MWh with "of."

ALTERNATIVES

23. Page 1, Third Paragraph, change as follows:

Because a portion of the Rice Solar Energy Project (RSEP) will be sited on land managed by the U.S. Bureau of Land Management and the Applicant has requested transmission interconnection with Western Area Power Administration, it is also subject to review under the National Environmental Policy Act (NEPA). As appropriate, our evaluation summarizes NEPA conclusions of Western Area Power Administration and the Bureau of Land Management.

24. Page 2, Last Paragraph, Second Sentence, change as follows:

A large circular field of mirrors (heliostats) focuses sunlight onto a central receiving tower; up to 17,500 heliostats would occupy ~~4,410~~ 1,387 acres (~~2.20 square miles~~).

25. Page 3, Fourth Paragraph, change as follows:

If Western approves the interconnection request, ~~the~~ RSEP will interconnect with Western's 161-kV Parker-Blythe #2 transmission line, 10 miles southeast of the site. A new substation (300 feet by 400 feet) would be constructed at the interconnection point. The 10 mile generation tie line that would connect RSEP to Western's Parker-Blythe #2 transmission line would cross private and BLM land; the latter part is adjacent to the Rice Valley Wilderness Area. The gen tie would operate at 161-kV, and could operate at 230-kV with minor transformer modifications when Western rebuilds ~~converts~~ the Parker-Blythe #2 line to 230-kV. Portions of the transmission line route would be considered by the BLM as Multiple-Use Class M (Moderate Use) per the CDCA. SolarReserve has signed a power purchase agreement with Pacific Gas and Electric (PG&E) for the electricity generated from the RSEP. (Ex. 200, pp. 4-9 – 4-10.)

26. Page 17, Third Paragraph, Last Sentence, change as follows:

A project at the site would have a direct visual impact to the National Trails Highway.

27. Page 24, Second Paragraph, Fourth Line, change as follows:

wildlife movement, and alteration of ephemeral streams, ~~and alteration of sand movement associated with the proposed project.~~

28. Page 28, After Second Paragraph and a Third Paragraph, change as follows:

Add a third paragraph that describes Western's NEPA Alternatives as suggested below:

Western's alternatives are the "action alternative" to grant the interconnection request, and the "no action alternative" which for Western is to not grant the interconnection request.

COMPLIANCE AND CLOSURE

29. Page 2, Second Paragraph, add a Second Sentence as follows:

In addition to meeting the Energy Commission's Conditions of Certification, the project owner will be required to comply with all terms and conditions required by the Bureau of Land Management (BLM), as will be described in the BLM's Record of Decision and Right-of-Way Grant documents for this project. The project owner will also be required to comply with all terms and conditions required by Western Area Power Administration

in Western's Record of Decision including the requirements of the Biological Opinion in accordance with Section 7 of The Endangered Species Act and the Memorandum of Agreement in accordance with Section 106 of the Historic Preservation Act.

FACILITY DESIGN

30. Page 2, First Paragraph, Second Sentence, change as follows:

Major structures also include enclosures, tanks, pipes, ~~gas lines~~, water lines, and septic systems. (Ex. 200, p. 7.1-3.)

TRANSMISSION SYSTEM ENGINEERING

31. Page 1, Third Paragraph, change as follows:

Because the Rice Solar Energy Project (RSEP) will interconnect to the Western Area Power Administration (Western) system and the new RSEP generation tie line will terminate at a proposed new Western 161/230-kV substation, Western is responsible for ensuring electric system reliability for RSEP interconnection.

32. Page 2, Second Paragraph, change as follows:

The 161-kV high voltage terminal of the GSU transformer will be connected to the new on-site RSEP 161/230-kV switchyard dead-end structure through short overhead 1,272 Kcmil steel-reinforced aluminum conductors (ACSR) ~~conductors~~ and a 2,000-ampere, 230-kV breaker with two associated 2,000-ampere disconnect switches.

33. Page 2, Third Paragraph, change as follows:

The switchyard will interconnect to the existing Western Parker-Blythe 161/~~230~~-kV No. 2 line by way of a new approximately 10-mile long 230-kV single circuit overhead transmission line on 75 to 115-foot high tubular steel poles. Western's Parker-Blythe line currently operates at 161-kV but ~~is designed and built to operate~~ could be capable of operating at 230-kV.

34. Page 2, Fifth Paragraph, change to read as follows:

The new generator tie line will terminate at a take-off structure within the fence line of the proposed new Western 161/230-kV substation bus (hereinafter referred to as "Rice substation") to be located adjacent to Western's Parker-Blythe No. 2 230/161-kV No. 2 transmission line. Comments on the PMPD received from Western Area Power Administration (Western) indicate that Western has completed its Facilities Study and as a result, Western provided additional details regarding its proposed Rice Substation. For example, the Rice substation would be a will have a 2,000-ampere ring bus configuration with three four 2,000-ampere, 230-kV circuit breakers. In addition, according to Western, structural steel and bus work for a future fourth line bay would be included to be utilized by Western in the future if needed. and associated Other major

electrical equipment will include six, 2,000-ampere disconnect switches, nine metering transformers and nine coupling capacitor voltage transformers. A control building (with batteries and chargers, control boards, telecommunications equipment, etc.) and microwave tower complete the major features. Western also stated that the existing Parker-Blythe 230/161 kV No. 2 line would be looped into the new substation, occupying the remaining two line bays. bus through two 2,000-ampere disconnect switches. Western would construct, operate and maintain the station and its facilities within the fence line. (Exs. 1, §§ 2; 3; 45, p. 7.4-5.)

35. Page 5, Fourth Paragraph, change as follows:

Conditions **TSE-2** and **TSE- 3** collectively require the project owner to assign specified engineers to perform design and review functions regarding the transmission system engineering facilities, and provides a resolution mechanism for design/construction discrepancies. Condition **TSE-4** provides that the project owner shall not begin construction on power plant switchyard, outlet line, and termination until plans for each increment received CBO approval.

36. Page 6, Second and Third Paragraphs, change as follows:

The studies must analyze the impact of the project for the proposed first year of operation and thus are based on a forecast of loads, generation and transmission. Load forecasts are developed by each load serving entity embedded within Western's transmission system ~~Western as the interconnected utility.~~ Generation and transmission forecasts are established by an interconnection queue. The studies are focused on thermal overloads, voltage deviations, system stability (excessive oscillations in generators and transmission system, voltage collapse, loss of loads or cascading outages), and short circuit duties. (Exs. 22, 200, p. 7.4-6.)

The SIS, dated May 14, 2010, was prepared by Western to evaluate the system impacts of the proposed RSEP on the Western transmission system in the Desert Southwest region and the adjacent Southern California Edison (SCE) and Imperial Irrigation District (IID) transmission systems. The SIS was supplemented by additional studies and information (diagrams) dated August 9, 2010, which were conducted by Utility System Efficiencies, Inc., a consulting firm in coordination with Western, and used the Western base cases. (Ex. 1, p. 3-12, 22, 48.)

37. Page 12, Second through Third Paragraphs, change as follows:

~~The evidence establishes that a dual-path telecommunications interconnection between the RSEP and an existing Western substation is necessary for breaker control, protective relaying, metering, and other data control needs. The specific requirements for RSEP will be determined by Western as part of its large Generator Interconnection Procedures. However, the evidence indicates that two physically separate paths of communication will likely be required for compliance with applicable LORS.~~

As noted above, comments on the PMPD received from Western indicate that Western has completed its Facilities Study and as a result, Western provided additional details regarding telecommunications impacts. According to Western, dual-path communications are required between Western's interconnecting substation ("Rice") and Phoenix Operations Center. However, only single-path communication is required between Western and RSEP for breaker control, relaying, etc. The metering and SCADA data coming from Western's station requires "physically-separate" and "diversely-routed" dual paths to Phoenix Operations Center. The two paths selected will be microwave (primary path) and digital power line carrier (redundant path). The microwave (primary) signal will be sent to either Headgate Rock Sub or Black Point Communications Site using an intermediate reflector, to gain access to Western's microwave backbone. The digital power line carrier signal will be sent to Parker Dam Substation to gain access to Western's fiber-optic backbone.

Common communications systems used for this purpose include the fiber optic cable link, microwave (radio-frequency) transmission, and the power line carrier/broadband-over-power-line. (Ex. 23.) Based on the new information from Western, From the new substation interconnecting the RSEP to Western's system, telecommunications would be established in ~~one of~~ the following ways:

- (1) microwave (radio-frequency) transmission from either RSEP or the new substation to terminate at either Western's Blythe, or Headgate Rock, or Black Point substations or to an existing telecommunications site at either Cunningham Mountain or Black Point; ~~or~~ and
- (2) power line carrier/broadband-over-power-Line. (Exs. 23; 200, § 7.4, Appendix to TSE.)

38. *Pages 15 and 16, Findings of Fact, change as follows:*

1. The record includes a System Impact Study (SIS) and a supplementary report which analyzes potential reliability and downstream transmission congestion impacts that could occur when the RSEP project interconnects to the grid.
2. The System Impact Study performed by Western and the supplementary report Facility Study demonstrate that
3. The System Impact Study performed by Western and the supplementary report Facility Study ...
4. With the concurrence of the Applicant, ~~Western~~ California ISO, SCE, MWD and IID, Western will develop and implement a viable mitigation plan that will eliminate the identified overloads in the SCE and IID systems and be agreed to by the Applicant.

39. Page 11, Second Paragraph, Second Line, change as follows:

The word “entitles” should be changed to “entities”.

40. Page 13, Finding 7, change as follows:

Add the word “facility” after “generation.”

GREEN HOUSE GAS EMISSIONS

41. Page 2, First through Third Paragraphs, change as follows:

The regulated greenhouse gases are carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC), and perfluorocarbons (PFC). CO₂ emissions are far and away the most common of these emissions; as a result, GHG emissions are often expressed in terms of “metric tons of CO₂-equivalent” (MTCO₂E_{2e}) for simplicity.

Since the impact of the GHG emissions from a power plant’s operation has ~~both~~ global effects, those impacts should be assessed not only by analysis of the plant’s emissions, but also in the context of the operation of the entire electricity system of which the plant is an integrated part....

In this part of the Decision we determine that:

- RSEP’s construction and operation GHG emissions will be insignificant.

42. Page 4, Fourth Paragraph, Last Sentence, change as follows::

RSEP, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]).~~RSEP is exempt from SB-1368 because it would operate at or below a 60 percent capacity factor.~~

43. Page 6, Greenhouse Gas Table 2, text under table, change as follows:

~~Sources: SR-2009a and CH2MHill 2010a~~ Source: Ex. 200, p. 6.1-86.

44. Page 6, First Paragraph, Second Sentence, change as follows:

There are no adopted, enforceable federal or state LORS applicable to RSEP construction emissions of GHG. ~~Nor is there a quantitative threshold over which GHG emissions are considered “significant” under CEQA. ...~~

45. Page 7, Fourth Paragraph, Second Sentence, change as follows:

Although RSEP's solar power generation will not consume fossil fuels, the project will include the limited use of two- diesel-powered emergency generators and two diesel-powered emergency fire pumps as well as gasoline and diesel fuel in the maintenance vehicles, off-site delivery vehicles, and staff and employee vehicles, ~~the two fire water pump engines, and the two emergency generator engines.~~ (Exs. 1, pp. 5.1-14 – 5.1-16, 200, Appendix Air Quality AIR-1, p. 6.1-87.)

46. Page 8, Greenhouse Gas Table 3, text under table, change as follows:

~~Sources: SR-2009a; CH2MHill-2010a; CH2M-Hill-2010e; and CH2M-Hill-2010l~~
Source: Ex. 200, p. 6.1-87.

47. Page 8, First Paragraph, Last Sentence, change as follows:

. . . Moreover, RSEP has an estimated GHG emission rate of ~~0.0022~~ MTCO₂E/MWh, which is well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh. (Ex. 200, Appendix Air Quality AIR-1, p. 6.1-88.)

48. Page 8, Second Paragraph, change as follows:

Hyphenate multi-state region, . . .

49. Page 10, Greenhouse Gas Table 4, text under table, change as follows:

~~Source: Energy Commission staff 2010.~~
Source: Ex. 200, p. 6.1-90

50. Page 11, First Paragraph, Second Line, change as follows:

. . . Between now and 2020, more than 18,000 GWh of energy procured by California utilities under these contracts will have to reduce GHG emissions or be replaced; these contracts are presented below in ~~below~~ **Greenhouse Gas Table 5**. (Ex. 200, Appendix Air Quality AIR-1, p. 6.1-91.)

51. Page 11, Greenhouse Gas Table 5, text under table, change as follows:

~~Source: Energy Commission staff based on Quarterly Fuel and Energy Report (QFER) filings.~~
Source: Ex. 200, p. 6.1-91

52. Page 13, Greenhouse Gas Table 6, Aging and Once-Through Cooling Units: 2008 Capacity and Energy Output, change source:

~~Source: Energy Commission staff based on Quarterly Fuel and Energy Report (QFER) filings.~~
Source: Ex. 200, p. 6.1-93

53. Page 15, Findings of Fact, Item 1, change as follows:

1. The GHG emissions from the RSEP project construction are likely to be 28,610 MTCO₂ equivalent (“MTCO₂E₂E”) during the 30-month construction and commissioning period.

54. Page 16, Findings of Fact, Items 7 and 12, change as follows:

7. The maximum annual equivalent CO₂ emissions from RSEP operation will be nearly 1,000 MTCO₂E₂, which constitutes an emissions performance factor of 0.0022 MTCO₂E₂ / MWh.
12. When it operates, RSEP will displace generation from ~~less efficient (i.e., higher-heat-rate and therefore higher-GHG-emitting)~~ power plants.

55. Page 17, Conclusions of Law, Item 2, change as follows:

- ~~2. The GHG emissions from a power plant’s operation should be assessed in the context of the operation of the entire electricity system of which the plant is an integrated part.~~

56. Page 17, Conclusions of Law, Items 8 and 9, change as follows:

8. The GHG emissions of any power plant must be assessed within the context of the entire electricity system on a case-by-case basis to ensure that the project will be consistent with applicable the goals and policies ~~enunciated above~~.
9. RSEP will ~~Any new power plant that we certify must:~~
 - a) not interfere with generation from existing renewables or with the integration of new renewable generation; and
 - b) have the ability to reduce system-wide GHG emissions.
 - c) Have the ability to reduce system-wide GHG emissions.

AIR QUALITY

57. Page 2, Third Paragraph, Second Sentence, change as follows:

Two subsets of particulate matter are (1) inhalable particulate matter (less than or equal to 10 microns in diameter, or (PM10) and (2) fine particulate matter (less than or equal to 2.5 microns in diameter, or (PM2.5).

58. Page 6, Third and Fourth Paragraphs, change as follows:

. . . Dispersion models allow for complex, repeated calculations that consider emissions in the context of various ambient meteorological conditions, local terrain, and nearby structures that affect airflow.

The evidence establishes that the Applicant performed the air dispersion modeling analysis using the U.S. EPA *Guideline on Air Quality Models* and the Industrial Source Complex, Short-Term Model (ISCST3) (version 02035) and the SCREEN3 meteorological set (~~version 07026~~) to evaluate potential impacts on ambient air quality. To assess 1-hour NO₂ impacts, the Applicant used the AERMOD dispersion model (version 09292) and the ozone limiting method (OLM). (Exs. 1, p. 5.1-18; 200, p. 6.1-24.)

59. Page 7, First Paragraph, change as follows:

~~As shown, the maximum annual emissions are below the General Conformity Rule applicability thresholds for PM₁₀ (70 tons) and ozone precursors NO_x ([100 tons] and VOC [100 tons]).~~

60. Page 7, Third Paragraph, change as follows:

~~Using estimated peak hourly, daily, and annual construction equipment exhaust emissions, [~~The Applicant modeled RSEP's construction emissions to determine impacts. The Applicant's modeling analysis includes onsite fugitive dust and vehicle tailpipe emissions sources and control measures proposed by the Applicant. The predicted off-site impacts were added to Staff's conservatively estimated background concentration levels as shown above in **Air Quality Table 3**. (Exs. 200, pp. 6.1-26 -6.1-29.)

61. Page 9, First Paragraph, First Sentence, change as follows:

As shown, with the exception of ~~24-hour~~ PM₁₀ impacts, the project will not create new exceedances or contribute to existing exceedances for any of the modeled air pollutants.

62. Page 11, Second Paragraph, change as follows:

The Applicant estimated the potential ~~4-hour~~ air quality impacts resulting from simultaneous construction and salt commissioning activities by modeling the maximum predicted emissions from both sets of activities. To determine the salt commissioning impacts relative to the ambient air quality standards ~~except for the 1-hour NO₂ standards~~, the predicted project impacts were added to Staff's conservatively estimated background concentration levels as shown above in **Air Quality Table 3**.

63. Page 13, Fourth Paragraph, change as follows:

~~The results of the Applicant's modeling analysis of maximum annual operation emissions are well below the General Conformity Rule applicability thresholds for PM10 (70) and ozone precursors (NO_x [100 tons] and VOC [100 tons]). These estimates are shown below in Air Quality Table 8.~~

64. Page 14, First Paragraph, First Sentence, change as follows:

The Applicant's ~~analysis~~ modeling took the molten salt system into consideration. Typical plant operations will involve the daily transfer of molten salt from the "cold" storage tank (nominal temperature 550° F) through the solar receiver to the "hot" storage tank (nominal temperature 1050° F). . . .

65. Page 16, Second Paragraph, change as follows:

In light of the existing PM10 and ozone non-attainment status for the project area, Staff determined that the operating emissions of nonattainment pollutants and their precursors NO_x, VOC, and PM emissions are potentially CEQA significant and mitigation is required for the stationary equipment, the off-road maintenance equipment, and fugitive dust emissions. (Ex. 200, p. 6.1-34.)

66. Page 16, Fourth Paragraph, change as follows:

Although project operations will not cause new violations of any NO₂, SO₂, PM2.5 or CO₂ ambient air quality standards, the direct and secondary emissions contributions to existing violations of the ozone and PM10 ambient air quality standards are significant and require mitigation. Both the Applicant and Staff proposed mitigation measures. (Ex. 200, pp. 6.1-34 – 6.1-35.) The Applicant proposed specified Best Available Control Technology emission controls on the stationary equipment that are formalized in the District's Conditions. ~~These District Conditions and measures, as incorporated into Staff-proposed, more particularly, Conditions AQ-SC6 and AQ-SC7 proposed by Staff incorporate Applicant's and Staff's proposed mitigation measures,~~ will adequately mitigate the project's stationary source, mobile equipment, and fugitive dust emissions from operations.

67. Pages 17, Seventh Paragraph through Page 18, First Paragraph, change as follows:

~~Much of the preceding discussion is concerned with cumulative impacts as it is focused on criteria air pollutants. Such pollutants have impacts that are usually (though not always) cumulative by nature. Rarely would a project by itself cause a violation of a federal or state criteria pollutant standard. However, a new source of pollution may contribute to violations of criteria pollutant standards because of the existing background sources or foreseeable future projects.~~

68. Page 28, Second Paragraph. Last Sentence, change as follows:

. . . This potential for significant additional development within the air basin and corresponding increase in air basin emissions will be addressed through implementation of Staff-proposed Conditions of Certification **AQ-SC6** and **AQ-SC7**. As shown below, we have adopted these Conditions.

69. Page 31, Second Paragraph, change as follows:

Rule 406 - Specific Contaminants

The rule prohibits sulfur emissions, calculated as SO₂, in excess of 500 ppmv. Compliance with this rule is assured with the required use of pipeline-quality natural gas for the boilers and heaters and California low sulfur diesel fuel for the emergency generator and fire pump engines.

70. Page 31, Third Paragraph, add heading to read as follows:

Rule 407 – Liquid and Gaseous Air Contaminants

The rule prohibits carbon monoxide emissions in excess of 2,000 ppmv. The emergency generators and fire pump engines would have CO emissions well below this concentration limit. Compliance with this rule is expected.

71. Page 31, Fifth Paragraph, change as follows:

Rule 431 - Sulfur Content of Fuels

The rule prohibits the burning of gaseous fuel with a sulfur content of more than 800 ppm and liquid fuel with a sulfur content of more than 0.5 percent sulfur by weight. Compliance with this rule is assured with the required use of pipeline-quality natural gas and California low sulfur diesel fuel for the emergency engines.

72. Page 32, Findings of Fact, Items 3, 4, 5, change as follows:

3. The project will not cause new violations of any NO₂, SO₂, PM2.5 or CO ambient air quality standards. Therefore, the NO_x, SO_x, PM2.5 and CO emission impacts are not significant.
4. The project's NO_x and VOC emissions can contribute to the existing violations of the state ozone standards. However, the required mitigation will reduce the project's impact to a level that is less than significant.
5. The project's PM10 emissions can contribute to the existing violations of the state 24-hour and annual PM10 air quality standards. However, the required mitigation will mitigate the project's impacts to a level that is less than significant.

73. Page 34, Condition of Certification AQ-SC3, Paragraph B, change as follows:

B. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading (consistent with Biology Conditions of Certification that address the minimization of standing water) (~~consistent with BIO-7~~); and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification **AQ-SC4**. The frequency of watering can be reduced or eliminated during periods of precipitation.

WORKER SAFETY/FIRE PROTECTION

74. Page 4, Third Paragraph, change as follows:

In the event of a major fire, fire support services, including trained firefighters and equipment for a sustained response, would be provided by the Riverside County Fire Department. (Ex. 200, p. 6.14-17.) Local fire support services are under the RCFD jurisdiction. Station 4349 (Lake Tamarisk) would be the first responder with a response time of approximately one hour and 15 minutes. The next closest station would be Lake Tamarisk–Station #4943 (the Blythe Station), with a response time of about one hour and thirty minutes. RCFD fire stations are staffed full-time with a minimum of three personnel per shift which include paramedics. (Exs. 200, p. 6.14-17; 202, p. 6.14-20.)

75. Page 8, First Paragraph, change as follows:

~~Should RCFD and the Applicant reach agreement such~~ To the extent that the RCFD and REMS determine that the RSEP may lawfully provide on-site emergency medical and rescue services, we would require the project owner to comply with Conditions of Certification **WORKER-SAFETY-9, -10, and -11**. . . .

76. Page 9, Fourth Paragraph, change as follows:

. . . Based on the limited cost figures submitted by Staff by way of Staff-proposed Condition of Certification ~~Worker~~ **WORKER SAFETY-7** ... we find that RSEP's onetime payment of the development impact fee, property taxes, and a onetime payment of \$570,000 will reduce the incremental impact to less than significant levels. These requirements are set forth in Condition of Certification **WORKER SAFETY-7**.

77. Page 15, Verification to Condition of Certification WORKER SAFETY-7

Verification: At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM documentation that a letter of credit in the amount of \$570,000 has been paid provided to the RCFD.

78. Pages 15 through 16, insert the following text before the Conditions of Certification WORKER SAFETY-9:

Conditions of Certification WORKER SAFETY-9 and -10 would apply if RCFD and REMS determine that the RSEP may lawfully provide on-site emergency medical and rescue services.

79. Page 15, Condition of Certification WORKER SAFETY-9, change as follows:

WORKER SAFETY-9 During any construction activities, the project owner shall provide on-site:

- a) an Advanced Life Support Provider EMT-P (Paramedic) who is certified by Riverside Emergency Medical Services (REMS) along with the appropriate equipment and supplies, either directly provided or provided through contract with a RCEMS-certified company; and
- b) a ~~Advance~~-Basic Life Support Ambulance with a California certified driver for use during medical emergency events; and
- c) a Memorandum of Understanding (MOU) with REMS for utilization of air medical services; ~~contract with an REMS-certified air medical service to respond to a request from an onsite EMT-P;~~

Verification: At least 30 days prior to the commencement of site mobilization, the project owner shall ~~be either provide a letter to the CPM from Riverside County stating this condition cannot lawfully be implemented in accordance with its ordinances or shall~~ provide to the CPM for review and approval:

- a) the name and contact information for the ~~EMT-P~~ Advanced Life Support Provider. The contact information of any replacements ~~EMT-P~~ shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and
- b) a letter to the CPM confirming that the Basic Life Support Ambulance is available and will be onsite during any construction activities and provide evidence in each January Monthly Compliance Report during construction; and
- c) proof of its MOU with REMS contract for air medical service ~~the CPM for review and approval~~ and provide evidence in each January Monthly Compliance Report during construction.

80. **Page 16, Condition of Certification WORKER SAFETY-10, change as follows:**

WORKER SAFETY-10 Beginning with commercial operation, the project owner shall provide onsite:

- a) an EMT-P who is certified by Riverside Emergency Medical Services (REMS) Agency along with the appropriate equipment and supplies; and
- b) an MOU with REMS contract for air medical services to respond based on clinical justification and a request from an onsite EMT-P.

81. **Page 16, Verification to Condition of Certification WORKER SAFETY-10, change as follows:**

Verification: At least 30 days prior to the commencement of commercial operation, the project owner shall ~~be~~ either provide a letter to the CPM from Riverside County stating this condition cannot be lawfully implemented in accordance with its ordinances or shall provide to the CPM for review and approval:

- a) the name and contact information for the EMT-P(s) to be working on each shift. The contact information of any replacement EMT-P shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and
- b) annually thereafter in the Annual Compliance Report, proof of its MOU with REMS contract for air medical services to the CPM for review and approval.

82. **Page 16, Insert Condition of Certification WORKER SAFETY-11 as follows:**

WORKER SAFETY-11: The project owner shall provide the CPM with a schedule indicating when construction activities that create the potential for rescue incidents will be ongoing, the type of construction to be done, the names of the rescue team members to be onsite, and documentation showing that the rescue team members have the appropriate training.

Verification: At least 60 days prior to the commencement of any construction activities that create the potential for rescue incidents, the project owner shall provide to the Safety Monitor (provided for in Worker Safety-4) for review and to the CPM for review and approval:

- A. a schedule indicating when the construction activities will occur;
- B. a description of the type of construction to be done;
- C. the names of the rescue team members to be onsite; and

- D. documentation showing that the rescue team members have the appropriate training.

BIOLOGICAL RESOURCES

83. Page 6, Fourth Paragraph, change as follows:

Electrical power generated by the project will be delivered to the transmission grid through an interconnection with the existing Western Parker-Blythe #2 transmission line, southwest of the project site. The facility would consist of a roughly circular solar heliostat field, administrative facilities, and stream channel diversions on approximately 4,470 1,387 acres of private land owned by the Applicant; a 10-mile generator tie-line crossing public and private land; and an interconnection substation (identified as a “switchyard” in Western documents) on approximately three acres at the tie-in point with Western’s existing transmission line, on public land. BLM manages public land on the tie-line alignment and substation site and throughout the area.

84. Page 6, Sixth Paragraph through Page 7, First Paragraph, change as follows:

The Applicant owns 3,324-acres in Rice Valley, consisting of six parcels. Within this holding, the RSEP solar field site would be located on a new 2,560-acre square-shaped parcel that would be created by merging four existing assessor’s parcels. The heliostat field and most other permanent facilities would be located in a circular area encompassing 4,440 1,368 acres of the property, to be enclosed within a permanent boundary fence. During operation, most project facilities, including parking areas, administration buildings, water treatment system, a 230-kV switchyard, the approximately ~~4,316-acre~~ 1,329-acre heliostat field and associated power generation structures, and evaporation ponds would be contained within this fenced boundary. The entire solar generator site would be permanently disturbed by project construction and operation.

85. Page 7, Third Paragraph, change as follows:

The proposed logistics and lay-down areas ~~is~~ are on ~~60~~ 26 acres, ~~immediately~~ south of SR-62 and outside the proposed heliostat field. During construction, all logistics, laydown, and parking would be contained within ~~theseis~~ temporarily fenced areas. ~~Theseis~~ these areas would be temporarily disturbed, though disturbance would be long-term due to slow recovery rates in the deserts. Additional long-term disturbance areas would include transmission tower construction sites, pull sites, and other logistics, staging, and lay-down areas along the proposed new transmission line and, distribution line, ~~and the Western Parker-Blythe #2 transmission line.~~ (Ex. 200, Page 6.2-16.)

86. Page 7, Fourth Paragraph, change as follows:

Staff estimates that ~~287~~ 48.9 acres will be subject to total long-term disturbance resulting from temporary construction impacts. Staff further estimates the total long-term and permanent project disturbance would affect approximately ~~4,760~~ 1,448 acres. The project components and corresponding acreages are shown below in **Biological Resources Table 1**:

87. Page 8, Biological Resources Table and Footnotes, change as follows:

**Biological Resources Table 1
Summary of Project Components and Acreages¹**

Project Component	Applicant-Owned Land	Private Land (Other)	Public (BLM) Land	Total
Total contiguous applicant holdings (six parcels)	3,324 <u>3,325</u> acres	n/a	n/a	3,324 <u>3,235</u> acres
Project site (four parcels, to be merged into one)	2,560 acres	n/a	n/a	2560 acres
Solar generator site, including permanent facilities within perimeter fence	4,410 <u>1,368</u> acres	0	0	4410 <u>1,368</u> acres
Permanent stream channel diversions (outside perimeter fence) ²	35-60 <u>19</u> acres	0	0	35-60 <u>19</u> acres
Long-term construction-phase disturbance (parking, lay-down, workforce RV camp, and logistics)	60 <u>26</u> acres	0	0	60 <u>26</u> acres
Permanent new access and maintenance road for transmission line (24 ft. wide x 4.6 or 5.4 miles) ²	0-3 <u>3</u> acres	0	14-46 <u>11</u> acres	14-46 <u>14</u> acres
Long-term disturbance for new distribution line (existing line to perimeter of solar generator site)	Unkn.		Unkn.	Unkn.
Long-term disturbance for new transmission line towers and pull sites ^{4,2}	40 <u>2</u> acres	40 <u>3</u> acres	80 <u>21</u> acres	100 <u>26</u> acres
Permanent disturbance for interconnector substation	0	0	3 acres	3 acres
Long-term disturbance for ground line construction on existing Western 161 kV Transmission Line ⁵		Unkn.	Unkn.	127 acres
Total Project disturbance area³	4,515-1,540 <u>1,418</u> acres	40 <u>3</u> acres +	97-99 <u>35</u> acres +	1,749-1,776 <u>1,456</u> acres

1. Data from the Application for Certification (SR 2009a) unless otherwise noted. **Exhibit 47 unless otherwise noted**

2. Staff estimate based on CH2MHill 2010g.

3. Total generator tie-line right of way = 150 acres (Rice Solar Energy 2010). Staff estimates road disturbance as 24-foot width x length of road; length is reported as 4.6 miles in SR 2009a, and as 5.4 miles in CH2MHill 2010d.

4. 2. Staff estimates 90 towers and 10 pull sites, each site approximately one 0.5 acre; approximately 80% of tower and pull sites would be on BLM land.

5. Estimate provided by Western (pers. comm. W. Werner).

3. Note that 6 acres within the disturbance area consists of a concrete apron that is not considered desert tortoise habitat for later calculations of compensation acreage. Therefore, the total acreage for the habitat compensation calculations is 1,448.4

88. **Page 9, Second Paragraph, Third and Fourth Sentences, change as follows:**

The new generator tie-line would be located primarily on BLM land and would include the establishment of approximately ~~5.4~~ 4.6 miles of new dirt service roadway and a new 300 by 400 foot substation at the point of interconnection. The remaining ~~4.6~~ 5.4 miles of generator tie-line would be located adjacent to an existing dirt road (Rice Valley Road), which would serve as its access road.

89. **Page 10, Biological Resources Table 2, change as follows:**

**Biological Resources Table 2
Summary of Project Disturbance Acreage by Vegetation Type¹**

Vegetation Type	Solar Generator Site and Contiguous Facilities	Transmission lines and Interconnector Substation	Total
Creosote bush scrub	1,422-1,447 <u>1,320</u> acres	107-109 <u>42</u> acres	1,529-1,556 <u>1,362</u> acres
White bursage scrub	87 acres	0	87 acres
Smoke tree woodland	0	0	0
Unvegetated (concrete pad)	6 acres	0	6 acres
Unmapped disturbance (existing 161-kv Parker-Blythe #2 transmission line)	0	127 acres	127 acres
Total Project disturbance area¹	1,515-1,540 <u>1,413</u> acres	234-236 <u>42</u> acres	1,749-1,776 <u>1,455</u> acres

1. Does not include Distribution Line or Fiber Optic OPGW. Note that the 6 acres consists of a concrete apron that are not considered desert tortoise habitat for later calculations of compensation acreage. Therefore, the total acreage for the habitat compensation calculations is 1,448.4

90. **Page 13, Biological Resources Table 3, Third Row, change as follows:**

Biological Resources Table 3

<i>Cynanchum utahense</i>	Utah cynanchum, Utah vine milkweed	CNPS: 4.2 S 3.2	Moderate. Reported in desert tortoise survey, perhaps from tortoise zone of influence transects; not reported on site by botanical survey; suitable habitat present. <u>Present. Reported at substation site in late-season botanical surveys (Applicant's Fall 2010 Supplemental Botanical Inventory, tn 58773, Oct. 13, 2010)</u>
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91. **Page 18, Second Paragraph, change as follows:**

~~As previously discussed, no field surveys or streambed delineation of the Western Parker-Blythe #2 transmission line have been provided for Staff's review. However,~~

~~based on a review of online Google Earth aerial images, Staff believes that the transmission line crosses numerous desert washes. Thus, project activities such as road widening, pole access, and that may occur within those washes may be subject to regulation under Section 1600 of the California Fish and Game Code or Section 404 of the Federal Clean Water Act.~~

92. Page 19, Second Paragraph, Second Sentence, change as follows:

All of these channels are ephemeral. In total, there are 75.4 acres of state-jurisdictional streambeds (i.e., ephemeral washes) within the 4,410 1,387- acre solar generator site.

...

93. Page 20, Third Paragraph, First Sentence, change as follows:

More particularly, project construction would result in permanent and long-term impacts to approximately 4,743 ~~to 1,770~~ 1,448 acres of desert shrubland (excluding the 6-acre unvegetated concrete pad).

94. Page 24, Third Paragraph, change as follows:

~~One CNPS List 4 species, Utah cynanchum, is reported on the project site, at the interconnector substation location. It appears though that the plant may have been misidentified or may have been recorded off-site, on desert tortoise zone of influence transects. Utah cynanchum has not been observed or reported on the site by the Applicant's botanical consultant but the site is within its geographic range. Furthermore, suitable desert wash habitat may be present in desert washes on the proposed generator tie-line alignment. Even so, b~~ Based on this plant's known geographic range and abundance, absence of any reported unusual morphology among local populations, and local occurrence in typical habitat, we conclude that project impacts to Utah cynanchum ~~potentially occurring on the generator tie-line alignment~~ would not reach the level of significance under the Energy Commission's adopted significance criteria.

95. Page 27, Third Paragraph, Second Sentence, change as follows:

~~However, these species may occur in portions of the Western's existing 161-kV Parker-Blythe #2 transmission line and may also migrate seasonally through the Rice Valley where they may be subject to project-related construction disturbance.~~

96. Page 28, Second Paragraph, First Sentence, change as follows:

~~Cheesewood Owlfly, Gila Monster and Rosy Boa~~ This species ~~The cheesewood owlfly~~ has a conservation ranking with the CDFG Natural Diversity Database of S1S3, indicating uncertain status ranging between "critically imperiled" and "vulnerable."

97. Page 30, First Paragraph, Second Line, change as follows:

...approximately 4,770 1,448 acres of occupied desert tortoise habitat.

98. Page 31, Fifth paragraph, Third Sentence, change as follows:

The primary threat related to the transmission line is risk of injury or mortality during construction or, after construction is complete, vehicle strikes on the approximately ~~5.4~~ 4.6-mile new, unpaved access road.

99. Page 35, Third Paragraph, First Sentence

... permanent and long-term impacts to approximately ~~4,664~~ 1,412 acres of lower quality habitat at the solar generator site to less than significant. For permanent and long-term impacts to approximately ~~409~~ 37 acres of higher-quality habitat.”

100. Page 35, Third Paragraph, Fifteenth Line, change as follows:

...the ~~5.4~~ 4.6 miles of new roadway...

101. Page 36, Biological Resources, Table 5, First through Third Rows, change as follows:

Project Component	Disturbance Acreage	Compensation Ratio	Compensation Acreage
Solar generator site, including permanent and long-term disturbance within and outside perimeter fence; all applicant-owned land; and 127 acres estimated disturbance on Parker Blythe #2 transmission line.	4,664 <u>1,411.5</u> acres	1:1	4,664 <u>1,411.5</u> acres
Total permanent and long-term disturbance for generator tie-line, access road, and interconnector substation (includes approx. 20 acres private land and 97-99 acres BLM land).	409 <u>36.9</u> acres	3:1	327 <u>110.7</u> acres ²
Acreege Totals	4,770 <u>1,448.4</u> acres		4,988 <u>1,522.2</u> acres

102. Page 40 ,Last paragraph and Page 41- First through Third Paragraphs, change as follows:

... Therefore, this 250-foot buffer area surrounding the perimeter fence (estimated as ~~465~~ 155 acres), if included as desert tortoise compensation land, should be credited at the reduced mitigation value of 0.5:1 rather than 1:1.

Stated otherwise, an approximately ~~465~~ 155-acre area would be credited as only ~~82.5~~ 77 acres of mitigation land. For similar reasons, Applicant-owned lands between SR-62 and the project footprint (i.e., north of the heliostat perimeter and administrative area, estimated as ~~230~~ 217 acres) should also be credited at the reduced mitigation value of 0.5:1 rather than 1:1. This area would be credited as only ~~445~~ 109 acres of mitigation land.

Based on these approximations, we estimate that Applicant-owned land contiguous to the project area could account for approximately ~~1,486~~ 1,691 acres, which is more than of the required 1,522 acres of desert tortoise compensation habitat, with a “surplus” of approximately 168.5 acres. (See Condition of Certification **BIO-16**.) If the Applicant chooses not to use these lands for mitigation, then alternate lands should be identified and acquired offsite. These lands should be within the Colorado Desert Recovery Unit.

103. Page 42, First Paragraph, Second Sentence, change as follows:

Its potential for occurrence on the solar generator site is low, ~~but suitable habitat may be found on the Parker-Blythe #2 transmission line alignment.~~

104. Page 42, Second Paragraph, Third Sentence, change as follows:

It is not expected to occur on the solar generator site, but may occur on the generator tie-line alignment or interconnector substation site, ~~and probably occurs on portions of the Parker-Blythe #2 transmission line alignment.~~ Construction impacts to habitat along the transmission lines would be temporary because aeolian habitat is only sparsely vegetated and post-construction habitat recovery would occur naturally in only a short time.

105. Page 43, Second Paragraph, First and Second Sentences, change as follows:

Suitable aeolian sand habitat or fine sandy desert wash habitat that may be occupied by Mojave fringe-toed lizards may occur in patches along the proposed generator tie-line alignment, or at the interconnector substation site, ~~or on Western’s existing 161-kV Parker-Blythe transmission line.~~ Project-related transmission line construction and upgrades would temporarily disturb habitat, and could crush individual Mojave fringe-toed lizards.

106. Page 44, Third Full Paragraph, Sixth Line, change as follows:

“...~~1,770~~ 1,448 acres of foraging habitat in the region...”

107. Page 46, Third Paragraph, Second Sentence, change as follows: .

In addition, the proposed new access road that would extend for approximately ~~5.4~~ 4.6 miles along the transmission line would cross numerous drainages.

108. Page 51, Second Paragraph, Third and Fourth Sentences, change as follows:

“Participation” means making a onetime monetary contribution in the amount of \$105.00 per acre to the REAT Account held by NFWF, for the ~~1,776~~ 1,448-acre total project footprint area (excluding the 6-acre existing concrete pad). This payment of ~~\$190,209.60~~ \$152,040.00 would support the regional raven management plan activities focused within the Colorado Desert Recovery Unit.

109. Page 51, Fourth Paragraph, Second Sentence, change as follows:

Vehicle access by project personnel during operations, as well as by the public along the new generator tie-line access road ~~and improved access along the existing 161-kV Parker-Blythe transmission line~~, could result in mortality of desert tortoises by vehicle strikes.

110. Page 53, Second Paragraph, change as follows:

. . . These measures are described in Condition of Certification **VIS-2**. With implementation of this measure, we find that lighting impacts to wildlife at the RSEP would be reduced below a level of significance. (Ex. 200, pPage 6.2-117 – 6.2-118.)

111. Page 55, Fourth Paragraph, change as follows:

The record describes the particular nature of each of these hazards. The evidence indicates that collisions with heliostat mirrors is a real threat. Additional factors that may lead to mortality of migratory birds and special-status birds are nighttime project lighting, evaporation ponds, and perhaps a “mirage” effect that may be caused by the proposed heliostat field. Thus, potential for bird mortality through collision with the ~~proposed power line~~ project components would be significant without mitigation. Condition of Certification **BIO-8** requires the Applicant to construct the transmission line according to the standards in the Avian Power Line Interaction Committee’s (APLIC’s) *Mitigating Bird Collisions with Power Lines* (APLIC 1994) to minimize risk of collision. **BIO-8** includes specifications that the lighting atop the towers use flashing strobe lights rather than steady burning, and recommendations for other project lighting to be shielded downward and turned off when not needed. Furthermore, Condition of Certification **BIO-25** requires the project owner to prepare and implement an Avian and Bat Protection Plan ~~(which also expressly protects bats)~~ to minimize death and injury of birds and bats from collisions with facility features and focused heat and light at and near the central tower and at “standby points”; and to identify adaptive management measures to minimize such impacts. With the implementation of this mitigation, impacts to birds and bats from collisions with the ~~proposed transmission line~~ project components would be less than significant.

112. Page 65, Second Paragraph, change as follows:

Special Status Plants. The RSEP’s incremental contribution to cumulative impacts to special-status plants would be minor. ~~Two~~ Three special-status species would be impacted by the RSEP: chaparral sand-verbena, Utah cynanchum, and Harwood’s milk-vetch. Chaparral sand-verbena is widespread in the Colorado Desert, and is not rare in this region. Utah cynanchum is on the CNPS Watch List (List 4), but adverse impacts would not be significant under CEQA. Impacts to Harwood’s milk-vetch and any other special-status plants found on the project site would be avoided or minimized through implementation of Condition of Certification **BIO-12**. Given the relatively low abundance of these plants in the RSEP and generator tie-line footprints, the occurrence

of Harwood's milk-vetch in areas to be avoided due to other resource concerns (sandy washes and similar habitats); the relatively low local conservation concern for chaparral sand verbena and Utah cynanchum, and the anticipated compliance with Condition of Certification **BIO-12**, the RSEP would not make a considerable contribution to the cumulative regional impacts to special-status plants, and its cumulative impact would be less than significant.

113. Page 66, Third Paragraph, change as follows:

As discussed above, the ~~The~~ RSEP would have permanent and long-term impacts to about ~~4,600~~ 1,450 acres of tortoise habitat. This would amount to less than ~~0.06~~ 0.005 percent of the total medium quality habitat mapped within the NECO planning area in the habitat model (2,797,866 acres).

114. Page 66, Fifth Paragraph, change as follows:

Mojave Fringe-Toed Lizard. The RSEP's impacts to Mojave fringe-toed lizard would largely be limited to construction-related impacts during construction or upgrade work on the generator tie-line alignment ~~and the Parker-Blythe #2 transmission line alignment~~. Potential habitat on the solar generator site is marginal, patchy, and not extensive. Compliance with Condition of Certification **BIO-8** would minimize potential adverse impacts to the species and its habitat during transmission line work. Mojave fringe-toed lizard occurs in the Danby Dunes, less than one mile south of the project site.

115. Page 67, Second Paragraph, Third Sentence, change as follows:

The entire RSEP site, including the proposed generator tie-line alignment ~~and the existing Parker-Blythe #2 transmission line alignment~~, provides potential foraging habitat and is within foraging range of known or potential nest sites.

116. Page 69, First Paragraph, Third Sentence, change as follows:

Even though the RSEP would permanently fence a ~~4,410~~ 1,368-acre area, it is unlikely to have a substantial impact on any occasional use of the Rice Valley for movement.

117. Page 70, Second Paragraph, Fifteenth and Sixteenth Lines, change as follows:

Jurisdictional Waters of the State. The RSEP solar generator and generator tie-line would impact 82.8 acres of State jurisdictional waters. ~~Additional jurisdictional waters may be impacts along the Parker-Blythe #2 transmission line alignment~~. This loss would

....

118. Page 77, Findings of Fact, change as follows:

1. Construction and operation of RSEP will result in the permanent loss of ~~1,770~~ 1,448 acres of habitat.

119. Page 106, BIO-14, 1st bullet of Condition, change as follows:

1. Desert Tortoise Exclusion Fence Installation. To avoid impacts to desert tortoises, permanent desert tortoise exclusion fencing shall be installed at the solar generator site along the permanent perimeter security fence and permanent access road from the security gate southward. Temporary exclusion fencing shall be installed along any additional construction site associated with the project, including the ~~60-26~~-acre construction laydown logistics/staging areas, stormwater diversion channels, and proposed generator tie-line alignment work sites. Permanent desert tortoise exclusion fencing shall also be installed at the interconnector substation site prior to construction activities at that site. . . .

SOIL AND WATER RESOURCES

120. Page 8, Second and Third Paragraphs, change as follows:

~~More particularly, all on-site drainage will collect at the south end of the project in a shallow 30-acre detention facility. This unlined basin will allow for discharge through either infiltration or through a discharge pipe at the lower end of the basin. The function of the discharge pipe would be to maintain the predeveloped discharge rate for the 100-year, 24-hour storm. This pipe would allow the basin to discharge at a maximum rate of 91 cubic feet per second (cfs).~~

~~The evidences establishes that the projects detention of onsite flows would result in a less than significant modification of local hydrology when compared to the volume and velocity of storm water that flows from the Turtle Mountains. (Id.)~~

The RSEP originally included a detention basin to accommodate on-site drainage. Staff required it to be removed from consideration in order to maintain a less than significant impact to “water of the state.” The Applicant agreed and the requirement is embodied in Condition of Certification BIO-22.

On-site runoff would drain as it would naturally from north to south on the RSEP site.

121. Appendix A, Page 39, Item 9, change as follows:

... 10) Three evaporation ponds for waste disposal, approximately 5 acres each; ~~11) A 30-acre storm water detention pond;~~ 12-11) Two diesel fire-water pumps and two emergency diesel generator sets for backup emergency power supply; and ~~13~~ 12) The

existing 12-kV electrical distribution line is extended to have a total length of approximately 1.1 miles long to the facility fence-line.

122. Appendix A, Page 41, Item 15, Last Sentence, change as follows:

~~An expansive and shallow detention basin of 30 acre-foot capacity will be constructed to detain any increase in storm flows.~~

CULTURAL RESOURCES

123. Page 2, Fourth Paragraph, change as follows and replace cites to Exhibit 200 with sites to Exhibit 203” throughout text:

The evidence was undisputed. (10/29/10 RT 21, 124-126; Exs. 1, 3, 4 [78-88], 9 [6, 7], 20, 28, 32, 36, 40, 49; 200, § 6.3, 203, 208, 210.)

124. Page 3, Third Paragraph, change as follows:

... The most significant grading would occur in the power block area and for development of the stormwater detention (~~30 acre-foot capacity~~) and wastewater evaporation ponds (Three ponds at 5 acres each or a total of 15 acres.)

125. Page 11, 7. Cultural Resources Inventory, Second Paragraph, change as follows:

~~Eighty-one Three previously recorded resources, all of the historic era, (64 prehistoric and 17 historical) are within the RSEP study area., the vast majority of which are situated along the existing Parker Blythe Transmission Line No. 2. Of these, ~~77~~ one (Camp Rice) are is located within the archaeological APE. The prehistoric sites include 29 trail segments (two with associated petroglyphs, several with associated lithic scatters and/or quarries), 26 lithic scatters, 7 quarry sites, one geoglyph, and one ceramic scatter.”~~

The historical three sites include three small, unnamed temporary Desert Training Center camp sites, Camp Rice, 2 mining camps, two historic roads, the Atchison-Topeka-Santa Fe Railroad, and the Colorado River Aqueduct, the structural remains of a former Vidal power substation, and 6 refuse scatters and/or dumps. (Ex. 200, Page 6.3-39.)

126. Page 14, #9. NRHP and CRHR Evaluations, change as follows:

Previously Recorded Resources within the APE. All previously recorded resources along the existing Parker-Blythe Transmission Line No. 2 were previously evaluated for possible eligibility. Their eligibility recommendations (eligible, not eligible, and indeterminate) are assumed valid for the purposes of this evaluation. (See Ex. 200, Cultural Resources Table 9, Appendix A for a listing.) We note that these recommendations have not received concurrence from the Office of Historic Preservation.

Of the 77 resources considered, 23 were recommended eligible for the NRHP, 35 were indeterminate (therefore possibly eligible), and 18 ineligible. The only other resource previously recorded within the APE (not recorded as part of the Parker-Blythe Transmission Line No. 2) is Camp Rice. It has not been evaluated. (Ex. 200, Page 6.3-46.)

127. Pages 16 through end of Page 17, “Prehistoric Trails Network Cultural Landscape (PTNCL), change as follows:

Delete entire section.

128. Page 18, Cultural Resources Table 2, Second through Fifth Rows, change as follows:

Delete the second through fifth rows.

129. Page 19, First Paragraph

To reduce potential impacts to these resources to less than significant levels, we adopt Conditions of Certification **CUL-2** through **CUL-14**. Each condition is provided below; but the pertinent aspects of each are summarized as follows.

130. Pages 20, Third and Fourth Paragraphs, change as follows:

Specifically regarding impacts to the Rice Army Airfield (Rice AAF), Camp Rice, and the surrounding DTC/C-AMA cultural landscape, we adopt **CUL-11**, ~~-12~~, ~~-13~~, and ~~-14~~. Condition **CUL-11** requires the project owner to construct and maintain a Historic Interpretive Area Roadside Stop, ~~with visitor services, including parking, water, restrooms, and shaded information kiosk, and trash receptacle. ; appropriate to a desert environment. Although not specifically related to the interpretive value of the site, requirements for restrooms, drinking fountain, garbage cans, and shaded areas have been included to address relevant sanitary concerns and acknowledge the area’s unique desert conditions. Providing self-closing containers and collection of refuse would minimize litter that could attract wildlife and invite increased predation on desert tortoise and other at-risk species. There are no existing restrooms or source of drinking water along SR 62 for many miles in either direction. Restrooms would prevent the inappropriate use of the land surrounding the interpretive area and provide a means to properly contain and dispose of human waste. A properly maintained drinking fountain would provide public access to potable water in an environment where outside activities could contribute to dehydration and heat-related illness. Shaded areas would also reduce heat-related impacts.~~

~~The Historic Interpretive Area would be located along the west side of the project’s secondary access (fire access road), adjacent to several remaining artifacts of the Rice AAF (e.g., stem wall foundations and rock-lined paths), which would become part of an interpretive path. All sensitive site information related to the Rice AAF would be documented (and curated, if appropriate) prior to completion of the interpretive area and public access. Location of the Historic~~

~~Interpretive Area at a considerable distance from the remaining Camp Rice would help limited additional public impacts to the Camp's remaining features.~~

131. Page 24, Findings of Fact, change as follows:

3. There ~~are 77~~ are three cultural resource sites identified from previous and new resource investigations within the project's Area of Potential Effect. Two of these resource sites, Rice AAF and Camp Rice, included numerous features and artifact concentrations.
5. Of the resources identified in previous studies, ~~23~~ two sites were recommended as eligible for NRHPs. Both Rice AAF and Camp Rice have been identified as being eligible for the NRHPs.
6. The project assessment also recommended the designation of ~~two~~ one cultural landscapes: Desert Training Center and Prehistoric Trail Network."

132. Page 24, Findings of Fact, change as follows:

7. We adopt Conditions of Certification **CUL-1** through **CUL-~~12-14~~14** to reduce impacts to cultural resources to less than significant. (Ex. 200, ~~p~~Page pp. 6.3-1, 6.3-56, 6.3-57.)

133. Pages 24 through 48, Replace the Conditions of Certification with the language contained in Attachment A.

LAND USE

134. Page 1, Second Paragraph, First Sentence, change as follows:

The land use analysis focuses on ~~two~~three main issues: (1) whether the Rice Solar Energy Project (RSEP) is consistent with local land use plans, ordinances, and policies; (2) whether the project is compatible with existing and planned uses, and (3) potential project-related direct, indirect, and cumulative environmental effects.

135. Page 2, First Paragraph, change as follows:

The project site is immediately south of and adjacent to State Route (SR) 62, in unincorporated Riverside County. The project footprint will include approximately ~~4,410~~ 1,387 acres of privately owned property and 99 acres of federal lands managed by the U.S. Bureau of Land Management (BLM). (Ex. 200, Page 6.5-~~47~~.)

136. Page 3, First Paragraph, First and Second Sentences, change as follows:

The RSEP power block and solar arrays will cover approximately 1,410 acres of a 2,560-acre project site, consisting of four parcels. ~~The project is sited~~These parcels are

located within part of a larger, 3,324 acre parcel area, comprised of six Assessor parcel numbers owned by the applicant.

137. Page 3, Second Paragraph, change as follows:

(Ex. 200, Page 6.5-78.)

138. Page 5, Applicable Land Use Plans and Land Designations, Bullets 1, 2, 5, and 7 of First Paragraph, change as follows:

Plans and policies governing physical development in the project study area include:

- BLM's California Desert Conservation Area (CDCA) Plan;
- BLM's Northern and Eastern Colorado Desert Coordinated Management Plan (NECO);
- Riverside County General Plan;
- Riverside County Land Use Ordinance;
- Riverside County Ordinances 457.102 (Building Code) and 859-859.2 (Landscape Requirements)
- San Bernardino County General Plan; and
- San Bernardino County Development Code. (Exs. 1, p.5.6-5; 200, pp. 6.5-6 – 6.5-7.)

139. Page 5, Second Paragraph, change as follows:

Because the RSEP is within an unincorporated area of Riverside County, our evaluation focuses on the County's current General Plan and Land Use Ordinances. ~~The evidence indicates that the County is currently updating its current General Plan dated 2003. As a result, this evaluation considers both the current and proposed amended General Plan. (Id.)~~

140. Page 5, Third Paragraph, Third Sentence, change as follows:

It defines zones ~~that~~ that dictate allowed uses and design requirements that include setbacks and height limits. Under this Ordinance, the RSEP site is zoned Controlled-Development Area, minimum 10-acre minimum (W-2-10). The tie line route and interconnection substation are zoned Natural Assets (N-A). The neighboring private lands are also zoned W-2-10 and N-A. (Ex. 1, ~~Page 5.6-6~~ 200, pp 6.5-40, 6.5-46 – 6.5-47.)

141. Pages 8 through 9, Last Paragraph of page 8 and First paragraph of page 9, change as follows:

Thus, the evidence establishes that use of or access to a portion of the Allotment area could be disrupted during the construction period (i.e., up to three grazing seasons). These temporary impacts will be mitigated to less than significant levels with implementation of Staff-proposed Condition of Certification **LAND-4**. **LAND-4** provides

that activities blocking or limiting access to Rice ~~v~~Valley Road, or construction within the boundaries of the Allotment shall not occur during the established seasonal grazing period. Moreover, no open trenches or construction materials that could endanger livestock shall be accessible within the Allotment boundaries during the grazing seasons.

142. Page 11, Third Paragraph, change as follows:

As noted above, the RSEP ~~site is~~ generating facilities would be sited on privately-owned land designated Open-Space Rural (OS-RUR) by the Riverside County General Plan. The site is zoned Controlled- Development Area (W-2) by the County's Land Use Ordinance.

143. Page 23, Condition of Certification LAND-9, First Sentence, change as follows:

LAND-9: The project owner shall submit a Landscaping Plan for the entrance, northern fenceline, and Historic Interpretive Area Roadside Stop (see condition of certification **CULT-11**) of the plant site to the CPM for review and approval prior to the start of commercial operations.

TRAFFIC AND TRANSPORTATION

144. Page 12, Second Paragraph, Second Sentence, change as follows:

Condition of Certification **LAND-910** addresses the issue of frequency interference and would require coordination with the military to ensure that no frequencies used at the project site or in conjunction with plant construction or operation would interfere with frequencies used for communication or other military operations.

145. Page 30, Condition of Certification TRANS-6, Second Paragraph, replace existing language with the following:

TRANS-6 The project owner shall prepare and implement a Heliostat Positioning Plan in coordination with the Avian Protection Plan specified in Condition of Certification **BIO-25** that would minimize potential for human health and safety hazards and bird injury or mortality from solar radiation exposure.

Verification: Within 90 days before RSEP commercial operation, the project owner shall submit a Heliostat Positioning Plan (HPP) to the CPM for review and approval. The project owner shall also submit the plan to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment and

forward any comments received to the CPM. The Heliostat Positioning Plan shall accomplish the following:

1. Identify the heliostat movements and positions (including reasonably possible malfunctions) that could result in potential exposure of observers at various locations including in aircraft, motorists, pedestrians and hikers in nearby wilderness areas to reflected solar radiation from heliostats;
2. Describe within the HPP how programmed heliostat operation would address potential human health and safety hazards at locations of observers, and would limit or avoid potential for harm to birds;
3. Prepare a monitoring plan that would: a) obtain field measurements in candela per meters squared and watts per meter squared to validate that the Heliostat Positioning Plan would avoid potential for human health and safety hazards consistent with the methodologies detailed in the 2010 Sandia Lab document presented by Clifford Ho, et al¹, including those referenced studies and materials within related to ocular damage, and b) provide requirements and procedures to document, investigate and resolve legitimate human health and safety hazard complaints prioritizing localized response (e.g screening at location of complaint) regarding daytime intrusive light.
4. The monitoring plan should be made available to interested parties including CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group and be updated on an annual basis for the first 5 years, and at 2-year intervals thereafter for the life of the project.

146. Page 31, Condition of Certification TRANS-7, replace existing language with the following:

TRANS-7 The project owner shall prepare a Power Tower LMVR Plan to provide procedures to conduct measurements and to document complaints regarding distraction effects to aviation, vehicular and pedestrian traffic associated with the RSEP solar receiver tower.

Verification: No later than 60 days prior to RSEP commercial operation, the project owner shall provide a Power Tower LMVR Plan applicable to RSEP for review and approval by the CPM. The plan shall specify procedures to document and investigate complaints regarding intrusive light, and report these to the CPM within 10 days of receiving a complaint.

¹ C.K. Ho, C.M. Ghanbari, and R.B. Diver, 2010, Methodology to Assess Potential Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, ES2010-90053, in proceedings of the ASME 2010 4th International Conference on Energy Sustainability, Phoenix, AZ, May 17-22, 2010.

The project owner shall measure the intensity of the luminance of light in candelas per meter squared and watts per meter squared reflected from the solar receiver tower according to the following:

- A. Within 90 days following commercial operation;
- B. If a major design change is implemented that results in an increase of the reflective luminance of the RSEP solar receiver tower; and
- C. After receiving a complaint regarding a distraction associated with the central solar receiver from a location where previous measurements were not taken.

The Power Tower LMVR Plan shall include provisions for the following:

1. Provide measurement data within 30 days to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment, and to the CPM for review and approval.
2. Measurement of luminance at the locations where any distraction effects have been reported and at the locations nearest the solar receiver tower from the four sides of the power plant boundary, and the nearest public road, which may be substituted for one of the sides of the solar receiver tower during the time of day when values would be highest;
3. Measurement of luminance using an illuminance meter, photometer, or similar device and reporting of data in photometric units (candelas per meter squared and watts per meter squared); the measurements are intended to provide a relative and quantifiable measure of luminance that can be associated with any observed and reported distraction effect from the solar receiver tower.
4. Provisions for documenting reported distraction and if the solar receiver tower is identified as a safety concern; the project owner shall consider reasonable localized mitigation measures that are technically and financially feasible. The localized mitigation measures may include signage for or screening of the affected area or other reasonable measures
5. Post-mitigation verification; Within 30 days following the implementation of mitigation measures designed to reduce localized impact of the solar receiver tower, the project owner shall repeat the luminance measurements to demonstrate the effectiveness of mitigation measures and provide the new measurement data for review and comment by interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group, and for review and approval by the CPM.

SOCIOECONOMICS & ENVIRONMENTAL JUSTICE

147. Page 8, Fifth and Sixth Paragraphs, change as follows:

The capital costs for the RSEP are approximately \$750 to 850 million. Of this, construction materials and supplies are estimated at approximately ~~\$251.5~~ \$241.5 million, with the total construction payroll estimated at \$102 million. (Ex. 200, Page 6.8-24.)

The total sales tax estimated during construction is expected to be approximately \$21 million. ...

VISUAL RESOURCES

148. Page 11, Fourth Paragraph, Third Sentence, change as follows:

Under this Condition, the soil surface and set-back area south of SR 62 must remain undisturbed to the maximum extent feasible ~~and all construction-related areas must be screened from the highway by 8-foot tall opaque screening or tan or brown color to blend with the surrounding soil surface.~~

149. Page 11, Fifth Paragraph, Second Sentence, change as follows:

However, these impacts, if significant and capable of mitigation, ~~can~~ will be mitigated to less than significant levels. Impacts that are significant, unavoidable, and immitigable are addressed in the Statement of Overriding Considerations and Findings below.

150. Page 23, First Paragraph, Fourth Sentence, change as follows:

Viewer concern appears to be moderate for the reasons discussed above regarding KOP 1. ~~moderately high due to the eligible State Scenic Highway status of the highway.~~

151. Page 24, Third Paragraph, Last Sentence, change as follows:

~~But, in the context of the setting's low visual exposure and sensitivity, these are potentially adverse but not significant impacts.~~

152. Page 25, Second and Third Paragraphs, change as follows:

... The solar receiver tower would intrude into background views of the valley and mountains to a minor degree to the continuous brightness of the receiver. ~~Overall, from viewpoints approaching background, visual change would be moderate.~~

Given the context of these impacts in the [context] of the setting's low visual exposure and sensitivity, the impacts are adverse but not significant. (Ex. 200, p. 6.12-21.)

153. Page 25, Insert New Subsection between existing Subsections 9 and 10, as follows:

10. Viewer Sensitivity to and Concern Regarding Impacts

As reflected in the PMPD as initially presented, we found that that the evidence did not unequivocally support a finding that the RSEP would result in significant adverse visual impacts. Conclusions regarding who would be significantly and negatively affected by this impact remained somewhat vague.

Staff's comments on the PMPD are noted. However, the organization identified as Desert Survivors made a salient point at the PMPD Conference held on December 3, 2010, and in its written comments, regarding the overall issue of viewer sensitivity and concern that was not developed in the evidentiary record or fully evaluated by the PMPD.

Desert Survivors is self-described as a group that walks the deserts, beholds the views, and is awed by the vast open spaces of this complex of desert valleys and surrounding mountains. According to Desert Survivors, its members lead hikes in the Turtle Mountains Wilderness, the Riverside Mountains Wilderness, the Little Marias, and Palen Wilderness. Desert Survivors further asserts that its members camp in the Arica Mountains off the Rice Midland Road and along the Parker-Blythe "transmission line road proposed to be linked the Rice Project"

Desert Survivors' comments indicate that its members seek out and travel to these destination locations for subjective psychic and emotional reasons that are not readily quantified but should not be dismissed or minimized.

Where unique and important natural areas such as wilderness areas are involved, it is essential that an evaluation of viewer sensitivity and concern include a robust, fact based assessment of impacts on wilderness and scenic areas. The assessment must capture the reasons for which visitors seek out these destinations and how the visitation and viewing experiences might be affected. The evidentiary record in this proceeding does not give weight and significance to these factors beyond identifying and evaluating hypothetical impacts associated with simulated and arguably inaccessible KOPs.

These comments from Desert Survivors suggest the possibility of greater impacts to viewer sensitivity and concern than was initially presented or understood. As a result, we recognize there is a reasonable argument of direct and cumulative significant visual impacts to visitors (albeit few visitors) of the nearby destination areas (i.e., wilderness areas and Joshua Tree National Park) caused by the introduction of the receiver tower and 360 degree luminance from the top of the receiver tower. The receiver tower could also affect glare perceptions discussed below.

We further recognize that any such impacts could be mitigated only by moving the project to another another site or changing the project design and technology. As more fully discussed in the **Alternatives** section of this Decision, neither alternative is feasible for satisfying the project objectives.

In order to supplement our evaluation of this matter and more fully recognize the points raised by Desert Survivors, we have reexamined the existing evidence of record and have decided to supplement the original PMPD with a Statement of Overriding Considerations and Findings, below, to address the potentially significant and unmitigable impacts to viewer sensitivity and concern.

154. Page 29, Second Paragraph, Last Sentence, change as follows:

However, there is no evidence that the impacts are unmitigable except as discussed above under Viewer Sensitivity and Concern and below under Statement of Overriding Considerations and Findings.”

155. Page 30, Finding of Fact, Items 6 change as follows and add Item 7:

6. With implementation of the Conditions of Certification, any potentially significant impacts will be reduced to less than significant levels to the extent possible.
7. We find that there is a cumulative significant environmental impacts to visitors of the nearby destination area (i.e., wilderness areas and Joshua Tree National Park) caused by the introduction of the receiver tower and 360 degree luminance from the top of the receiver tower. We also find that the receiver tower could also significantly affect glare perceptions of these viewers. These potential impacts cannot be mitigated to less than significant levels.

156. Page 30, Insert Before “CONCLUSION OF LAW”:

STATEMENT OF OVERRIDING CONSIDERATIONS AND FINDINGS

Our analysis of the RSEP finds that there is a reasonable argument that the introduction of the receiver tower and 360 degree luminance from the top of the receiver tower could result in significant unmitigated environmental impacts. Our analysis further finds that receiver tower could also affect viewer glare perceptions. Thus, if the project will be approved, the California Environmental Quality Act (CEQA) requires the Energy Commission to take the following two actions as set forth in Public Resources Code section 21081:

“ (a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.”

(Public Res. Code, §§ 21002, 21002.1, 21081.)

1. Significant Project Impacts

As identified and discussed above in this **Visual Resources** section, we find there is a reasonable argument that the RSEP will have direct and cumulative significant environmental impacts to visitors of the nearby destination area (i.e., wilderness areas and Joshua Tree National Park) caused by the introduction of the receiver tower and 360 degree luminance from the top of the receiver tower. We also find that the receiver tower could significantly affect glare perceptions of these viewers. Except for these potential significant impacts, all RSEP-caused direct, indirect, and cumulative impacts will be mitigated to less than significant levels, as identified and discussed in the specific topic sections of this Decision.

2. Project Benefits

The RSEP, if constructed and operated as proposed, will provide the following benefits to California and its residents as discussed in the **Greenhouse Gas (GHG) Emissions** and **Socioeconomics and Environmental Justice** sections of this Decision:

- RSEP will provide 150 MW of renewable energy power, which will assist in meeting California’s Renewable Portfolio Standard, which specifies that retail sellers of electricity serve 20 percent of their load with renewable energy by 2010. (Pub. Util. Code, § 399.11 et seq.) Gubernatorial Executive Orders increase the requirement to 33 percent by 2020. (Governor’s Executive Order S-14-08.)
- Producing electricity from renewable resources provides a number of significant benefits to California’s environment and economy, including improving local air quality and public health, reducing global warming emissions, developing local

energy sources and diversifying our energy supply, improving energy security, enhancing economic development and creating green jobs. (2009 CEC Integrated Energy Policy Report, p. 231.)

- Scientific studies quantify the negative impacts of global climate change to California's and the world's population, environment, food supplies, flora and fauna, coastal regions, and public health. In order to reduce the impact, the State has adopted goals to reduce greenhouse gas emissions through renewable energy development.
- RSEP will assist the state in meeting its ambitious greenhouse gas reduction targets by generating 150 MW of electricity with vastly lower greenhouse gas emissions than existing fossil fuel burning generating facilities.
- By generating electricity with the use of only a small amount of fossil fuels, RSEP will reduce California's dependence on fossil fuels.
- RSEP will provide construction jobs. The number of construction workers would range from a minimum of 29 in the first month to a maximum of 438 in the twelfth month of construction. The project is expected to require a total of 47 permanent full-time employees. The power plant construction work force, which will require numerous highly trained employees, is expected to be drawn from the Riverside/San Bernardino County region and La Paz County, Arizona. (See, e.g, Ex. 1, § 5.10.2.3.1, Table 5.10-11.)
- Construction and operation of the RSEP will provide a boost to the economy from the purchase of major equipment, payroll, and supplies, increased sales tax revenue, and property taxes. Additional indirect economic benefits, such as employment in local service industry jobs and induced employment, will result from these expenditures as well.

3. Comparison of Project Alternatives

As is discussed in the **Alternatives** section of this Decision, none of the project alternatives will significantly reduce the above-referenced project impacts while still meeting the defined project objectives. The no-project alternative, which would eliminate the project's impacts, would also eliminate its benefits. The distributed solar energy (photovoltaic or thermal) generation and other renewable technologies are required in addition to large scale projects such as this in order to meet our renewable energy and GHG policy goals; the two complement, rather than compete with each other.

4. Site Characteristics

The RSEP site is located in an unincorporated area in the eastern portion of Riverside County, approximately 32 miles west of Parker, Arizona and approximately 40 miles northwest of Blythe, California. The project footprint would include approximately 1,387 acres of previously disturbed privately-owned property. Approximately nine miles of the 10-mile generation tie line would be located on public land. The site is in close proximity to transmission infrastructure.

5. Testimony of Terry O'Brien

On October 21, 2010, Terry O'Brien, Deputy Director of the California Energy Commission Siting, Transmission and Environmental Protection Division, representing the Energy Commission Staff, submitted written testimony entitled "Testimony of Terry O'Brien, Statement Regarding Overriding Considerations." (Ex. 201). Staff did not support an override relating to the issue of visual impacts. However, during the December 3, 2010, Committee Conference to hear comments on the PMPD, Mr. O'Brien indicated that Staff would not oppose an override finding if the PMPD was revised with a finding of significant immitigable visual impacts. (12/3/10 RT 53:21-54:55.)

6. Applicant's Testimony

In anticipation of a possible finding of significant immitigable visual impacts, the Applicant submitted additional testimony to underscore evidence contained in the Application for Certification and Staff Assessment/Draft Environmental Impact Statement. (Ex. 48) As restated by the Applicant, the evidence of record establishes that the project will result in public benefits such as, but not limited to, the following:

- By furthering the displacement of GHG producing power plants, RSEP has the distinction and unique ability to store energy for delivery of electric power to the grid after the sun goes down.
- RSEP contributes to reductions in GHG emission from both a State and a regional perspective. Specifically, the RSEP is expected to generate on average approximately 450,000 megawatt-hours (MWh) per year and will displace the use of approximately 5.51 billion cubic feet of natural gas per year typically used by modern high-efficiency natural gas-fired plants, and reduce the emission of greenhouse gases by approximately 176,850 metric tons in carbon dioxide equivalent (CO2e) per year, when compared to a high-efficiency natural gas plant.

7. Official Notice

In arriving at the following findings, we have taken official notice of the following documents:

- Climate Action Team Report to Governor Schwarzenegger and the Legislature. CalEPA, March 2006.
- Governor's Executive Order Order S-14-08
- AB 32 Scoping Plan. CARB, December 2008.
- Integration of Renewable Resources. CAISO, Nov. 2007.
- 2007 Integrated Energy Policy Report. CEC, Nov. 2007.
- 2009 Integrated Energy Policy Report. CEC. Nov. 2009.
- Draft Final Opinion on Greenhouse Gas Regulatory Strategies: Joint Agency Proposed Final Opinion. CPUC/CEC 2008.
- Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California. CEC (MRW and Associates). May 2009.

Based upon the above evidence and evidence as more fully discussed in the PMPD (all of which is in the existing record), we find that overriding considerations warrant the approval of the project as mitigated through the Conditions of Certification we adopt herein. We further find that the project is required for public convenience and necessity and that there are no more prudent and feasible means of achieving such public convenience and necessity.

8. Summation

On balance, the broad benefits derived from the RSEP convincingly outweigh the substantially mitigated impacts identified herein. Based upon the above evidence, we find that overriding considerations warrant the approval of the project as mitigated through the Conditions of Certification we adopt herein. We further find that the project is required for public convenience and necessity and that there are no more prudent and feasible means of achieving such public convenience and necessity. The Committee also finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the cumulative significant effects on the environment.

Thus, based on the evidence and the conclusions drawn in other sections of this Decision, we make the following findings and conclusions pertinent to this override:

1. Climate change poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.
2. There is a reasonable argument that the RSEP will have direct and cumulative significant environmental impacts to visitors of the nearby destination area (i.e., wilderness areas and Joshua Tree National Park) caused by the introduction of the

receiver tower and 360 degree luminance from the top of the receiver tower. We also find that the receiver tower could significantly affect glare perceptions of these viewers. These potential impacts cannot be mitigated to insignificant levels.

3. This Decision imposes all feasible mitigation measures to reduce the significant impacts of the project to the lowest possible, though still significant, levels.
4. The project will provide the following benefits:
 - a. Contribution of 150 MW of renewable energy power toward meeting California's Renewable Portfolio Standard and our renewable energy and GHG policy goals.
 - b. A significant reduction in greenhouse gas emissions when compared with existing fossil fuel-burning generating facilities.
 - c. Other important benefits to California's environment and economy include improving local air quality and public health, developing local energy sources, and diversifying our energy supply.
 - d. Reduction of California's dependence on fossil fuels.
 - e. RSEP will provide construction jobs. The number of construction workers would range from a minimum of 29 in the first month to a maximum of 438 in the twelfth month of construction. The project is expected to require a total of 47 permanent full-time employees.
 - f. Provide a boost to the economy from the purchase of major equipment, payroll, and supplies, increased sales tax revenue, and property taxes. Additional indirect economic benefits, such as indirect employment, and induced employment, will result from these expenditures as well.
5. The project is required for public convenience and necessity and that there are no more prudent and feasible means of achieving such public convenience and necessity.

157. Page, 30, CONCLUSIONS OF LAW, supplement as follows:

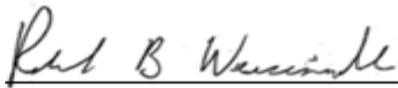
2. The above described project benefits outweigh the significant impacts identified above.
3. It is appropriate to approve the RSEP despite its remaining significant environmental impacts.
4. Therefore, this decision overrides the remaining significant unavoidable direct and cumulative impacts that may result from this project, even with the implementation of the required mitigation measures described in this Decision.

158. Page 33, Condition of Certification VIS-3, change as follows:

VIS-3 To address potential impacts to motorists on SR 62 during and after the period of project construction, all construction laydown, administration, parking and other construction-related facilities shall be setback from SR-62 a minimum of ~~250~~ 100 feet, or greater where feasible. The soil surface and vegetation of the set-back area south of the highway shall remain undisturbed to the maximum extent feasible, except to accommodate the minimum practical number of access drive-ways, or to enhance existing native vegetation. ~~All construction-related areas shall be screened from the highway by 8' tall opaque screening of tan or brown color to blend with the surrounding soil surface to the extent feasible....~~

Verification: At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised staging area site plan including a set-back from SR-62 of at least ~~250~~ 100 feet. If the CPM. ...

Dated: December 14, 2010 at Sacramento, California.



ROBERT B. WEISENMILLER
Commissioner and Presiding Member
Rice Solar AFC Committee



KAREN DOUGLAS
Chairman and Associate Member
Rice Solar AFC Committee

ATTACHMENT A

CUL-1 DESERT TRAINING CENTER CALIFORNIA-ARIZONA MANEUVER AREA CULTURAL LANDSCAPE (DTCCL) PROGRAM

The project owner shall contribute to a special fund set up by the Energy Commission and/or Western to finance the DTC/C-AMA Cultural Landscape Documentation and Possible NRHP Nomination Program (DTCCL Program) presented in the RSEP SA/DEIS.

The amount of the contribution shall be \$22 per acre that the project encloses or otherwise disturbs. Any additional contingency contribution is not to exceed an amount totaling 20% of the original contribution. The contribution to the special fund may be made in installments, with the approval of the Compliance Project Manager (CPM), with the first installment to constitute 1/3 of the total original contribution amount.

If a project is not certified, a project owner does not build the project, or for any reason deemed acceptable by the CPM, a project owner does not participate in funding the DTCCL Program, the other project owner(s) may consult with the CPM to adjust the scale of the DTCCL Program research activities to match available funding. A project owner that funds the DTCCL Program and then withdraws shall be able to receive a refund of their contributions on a prorated basis.

Verification: Within two weeks (14 days) of the receipt of an invoice from the Energy Commission or BLM, the project owner shall contribute the entire amount of the required contribution or the first of three installments, equal to one-third of the total contribution amount, to the established funding vehicle for the Program. The delivery dates for the remaining installments shall be determined by the CPM, based on program requirements.

The project owner shall provide a copy of the notice of successful transfer of funds for any payment or installment to the DTCCL fund to the CPM within 10 days of receipt.

CUL-2 CULTURAL RESOURCES PERSONNEL

Prior to the start of ground disturbance (includes preconstruction site mobilization 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, if alternates are needed. The CRS shall manage all monitoring, mitigation, curation, and reporting activities in accordance with the Conditions of Certification (Conditions).

The CRS may obtain the services of Cultural Resources Monitors (CRMs), as needed, to assist in monitoring, mitigation, and curation activities. The project owner shall ensure that the CRS implements the cultural resources conditions providing for data recovery from known historical resources and 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.

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. In addition, the CRS shall have the following qualifications:

1. A background in anthropology and prehistoric archaeology;
2. At least 10 years of archaeological resource mitigation and field experience, with at least 3 of those years in California; and
3. At least 3 years of experience in a decision-making capacity on cultural resources projects, with at least 1 of those years in California, and the appropriate training and experience to knowledgeably make recommendations regarding the significance of cultural resources.

The project owner shall ensure that the CRS obtains the services of a qualified historical archaeologist to conduct the research specified in **CUL-9**. The Project Historical Archaeologist's (PHA) training and background must meet the U.S. Secretary of Interior's Professional Qualifications Standards for historical archaeology, as published in Title 36, Code of Federal Regulations, part 61.

The resumes of the CRS, alternate CRS, and PHA shall include the names and telephone numbers of contacts familiar with the work of these persons on projects referenced in the resumes and demonstrate to the satisfaction of the CPM that these persons have the appropriate training and experience to undertake the required research. The project owner may name and hire the CRS, alternate CRS, and PHA prior to certification.

Field Crew Members and Cultural Resources Monitors

CRMs and field crew members, including the Special Interest Monitor (SIM)², 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.

² The SIM may observe without meeting the qualifications identified in this subsection, but recommendations for the treatment of any unanticipated finds will be considered advisory only and will need approval from the CRS or alternate CRS to be implemented. SIMs without sufficient professional qualifications cannot act as or in place of a CRM.

Verification:

1. Preferably at least 120 days, but in any event no less than 75 days prior to the start of ground disturbance, the project owner shall submit the resumes for the CRS, the alternate CRS(s) if desired, and the PHA to the CPM for review and approval.
2. At least 65 days prior to the start of data recovery on known archaeological sites, the project owner shall confirm in writing to the CPM that the approved CRS (or alternate CRS) and PHA will be available for on-site work and are prepared to implement the cultural resources conditions of certification.
3. 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 the AFC and all cultural resources documents, field notes, photographs, and other cultural resources materials generated by the project to the proposed new CRS. If no alternate CRS is available to assume the duties of the CRS, a monitor may temporarily serve in place of a CRS, for a maximum of three days, to allow ground disturbance to continue uninterrupted. If cultural resources are discovered, ground disturbance shall be halted until there is a CRS or alternate CRS to make a recommendation regarding significance.
4. At least 20 days prior to data recovery on known archaeological sites, the CRS shall provide a letter to the CPM for review and approval, naming anticipated field crew members for the project, providing resumes or other proof of qualifications, and attesting that the identified field crew members meet the minimum qualifications for cultural resources data recovery required by this Condition.
5. At least 20 days prior to ground disturbance, the CRS shall provide a letter to the CPM for review and approval, naming anticipated CRMs for the project providing resumes or other proof of qualifications, and attesting that the identified CRMs meet the minimum qualifications for cultural resources monitoring required by this Condition.
6. At least 5 days prior to additional CRMs beginning on-site duties during the project, the CRS shall provide letters to the CPM for review and approval, identifying the new CRMs, providing resumes or other proof of qualifications, and attesting to their qualifications.

CUL-3 PROJECT DOCUMENTATION FOR CULTURAL RESOURCES PERSONNEL

Prior to the start of ground disturbance, the project owner shall provide the CRS and PHA with copies of the AFC, data responses, confidential cultural resources documents, Staff Assessment (SA), and any subsequent revised or supplemental SA. The project owner shall also provide the CRS, PHA, and 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 maps 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.

If construction of the project would proceed in phases, maps and drawings not

previously provided shall be provided to the CRS, PHA, 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.

Until ground disturbance is completed, the project construction manager shall provide the CRS and CPM with a schedule of project activities for the following week, including the identification of area(s) where ground disturbance will occur. The project owner shall notify the CRS and CPM of any changes to the schedule of construction phases.

Verification:

1. Preferably at least 115 days, but in any event no less than 60 days prior to the start of ground disturbance, the project owner shall provide the CRS, PHA, and CPM with copies of the AFC, data responses, confidential cultural resources documents, the Staff Assessment (SA), and any revised or supplemental SAs. The project owner shall also provide the CRS, PHA, and CPM with the subject maps and drawings. Staff, in consultation with the CRS, and PHA, will review and approve maps and drawings as suitable for cultural resources monitoring and data recovery 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, PHA, 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, PHA, and CPM.
4. Weekly, during ground disturbance, a schedule of anticipated following week's 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-4 CULTURAL RESOURCES MONITORING AND MITIGATION PLAN

Prior to the start of ground disturbance, the project owner shall submit the Cultural Resources Monitoring and Mitigation Plan (CRMMP), as prepared by or under the direction of the CRS, with the contributions of the PHA, to the CPM for review and approval. The authors' name(s) shall appear on the title page of the CRMMP. The CRMMP shall specify the impact mitigation protocols for all known cultural resources and identify general and specific measures to minimize potential impacts to all other cultural resources, including those discovered during construction. 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, PHA, 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. Prior to certification, the project owner may have the CRS, alternate CRS, and PHA complete and submit the CRMMP to the CPM for review and approval, except for those portions to be contributed by the DTCCL programs.

The CRMMP shall include, but is not limited to, the elements and measures listed below.

1. The following statement shall be 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. The duties of the CRS shall be fully discussed, including coordination duties with respect to the completion of the Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCL) documentation and possible NRHP nomination oversight/management duties with respect to site evaluation, data collection, monitoring, and reporting at both known prehistoric and historic-period archaeological sites and any CRHR-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction.
3. A general research design shall be developed that:
 - a. Charts a timeline of all research activities, including those coordinated under the DTCCL documentation and possible NRHP nomination program;
 - b. Recapitulates the existing historic contexts developed in the DTCCL historic context and adds to these the additional context of the non-military, historic-period occupation and use of the Rice Valley, to create a comprehensive historic context for the RSEP vicinity;
 - c. Poses archaeological research questions and testable hypotheses specifically applicable to the archaeological resource types known for Rice Valley, based on the research questions developed under the DTCCL research and on the archaeological and historical literature pertinent to Rice Valley; and
 - d. Clearly articulates why it is in the public interest to address the research questions that it poses.
4. Protocols, consistent with the guidance provided in **CUL-9**, shall be specified for the treatment of known and newly discovered prehistoric and historic-period archaeological resource types.
5. Artifact collection, retention/disposal, and curation policies shall be discussed, as related to the research questions formulated in the research design. These policies shall apply to cultural resources materials and documentation resulting from evaluation and data recovery at both known prehistoric and historic-period archaeological sites and any CRHR- or NRHP-eligible (as determined by the CPM) prehistoric and historic-period archaeological sites discovered during construction. A prescriptive treatment plan may be included in the CRMMP for limited data types.
6. The implementation sequence and the estimated time frames needed to accomplish all project-related tasks prior to and during the ground-disturbance and post-ground-disturbance analysis phases of the project shall be specified, taking into consideration any pre-construction ground disturbances that may require biological monitoring.

7. 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 shall be identified.
- ~~8. The manner in which Native American observers or monitors will be included, the procedures to be used to select them; and their roles and responsibilities shall be described.~~
- ~~9.~~ 8. All impact-avoidance measures (such a 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 shall be described. Any areas where these measures are to be implemented shall be identified. 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 impacts.
- ~~40.~~ 9. The commitment to record on Department of Parks and Recreation (DPR) 523 forms, to map, and to photograph all encountered cultural resources over 50 years of age shall be stated. In addition, the commitment to curate all archaeological materials retained as a result of the archaeological investigations (survey, testing, data recovery), 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 shall be stated.
- ~~44.~~ 10. The commitment of the project owner to pay all curation fees for artifacts recovered and for related documentation produced during cultural resources investigations conducted for the project shall be stated. The project owner shall identify a curation facility that could accept cultural resources materials resulting from RSEP cultural resources investigations.
- ~~42.~~ 11. The CRS shall attest to having access to equipment and supplies necessary for site mapping, photography, and recovery of all cultural resource materials (that cannot be treated prescriptively) from known CRHR-eligible archaeological sites and from CRHR-eligible sites that are encountered during ground disturbance .
- ~~43.~~ 12. The contents, format, and review and approval process of the final Cultural Resource Report (CRR) shall be described.

Verification:

1. Preferably at least 90 days, but in any event no less than 30 days prior to the start of site mobilization, the project owner shall submit the CRMMP to the CPM for review and approval.
2. At least 20 days prior to the start of site mobilization, 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).
3. At least 30 days prior to the initiation of site mobilization, the project owner shall provide to the CPM a copy of a letter from a curation facility that meets the standards stated in the California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections, stating the facility's willingness and ability to receive the materials

generated by RSEP cultural resources activities and requiring curation. Any agreements concerning curation will be retained and available for audit for the life of the project.

CUL-5 CULTURAL RESOURCES REPORT (CRR)

The project owner shall submit the final Cultural Resources Report (CRR) to the CPM for review and approval and to Western's archaeologist for review and comment. The final CRR shall be written by or under the direction of the CRS. The final CRR shall report on all field activities including dates, times and locations, results, samplings, and analyses. All survey reports, revised and final Department of Parks and Recreation (DPR) 523 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, BLM Palm Springs archaeologist, and ~~and to~~ Western's archaeologist 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 180 days after completion of ground disturbance (including landscaping), the project owner shall submit the final CRR to the CPM for review and approval and to the BLM Palm Springs archaeologist and Western's archaeologist for review and comment. 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 the CPM, BLM's archaeologist, and Western's archaeologist approve 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-6 WORKER ENVIRONMENTAL AWARENESS PROGRAM (WEAP)

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 hardhats indicating that environmental training has been completed.
10. 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 the project owner with 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-7 CONSTRUCTION MONITORING PROGRAM

The project owner shall ensure that the CRS, alternate CRS, or CRMs shall monitor, full time, all ground disturbance, to prevent construction impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner.

Consistent with the recommendations of the County of Riverside, a Special Interest Monitor (SIM), designated by the General Patton Memorial Museum, shall be allowed to monitor all ground disturbance, consistent with the actions of a CRM. Any recommendations offered by the SIM shall be treated as advisory only and must be approved by the CRS or alternate CRS.

Full-time archaeological monitoring for this project shall include the archaeological monitoring of ground-disturbing activities by approved CRS or CPM in the areas specified, for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than fifty feet 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 fifty feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material. 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 noncompliance 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 of certification.

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 shall 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. 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 within 15 days of receipt.

CUL-8 AUTHORITY TO HALT CONSTRUCTION; TREATMENT OF DISCOVERIES

The project owner shall grant authority to halt ground disturbance to the CRS, alternate CRS, PHA, and the CRM's 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.

If human remains are found, the project owner shall follow the requirements of the State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98(b). The Riverside County Coroner shall be notified and remains shall be left in place and free from disturbance until the final decision as to the treatment and their disposition has been made. If the remains are determined to be Native American, the Native American Heritage Commission (NAHC) shall be contacted within the period specified by law.

Subsequently, the NAHC shall identify the “Most Likely Descendant.” The Most Likely Descendant shall then make recommendations and engage in consultation concerning the treatment of the remains. Human remains from other ethnic/cultural groups with recognized historical associations to the project area shall also be subject to consultation among appropriate interested parties, CPM, Riverside County, and federal agency representatives (if the find occurs on federal public lands).

For unanticipated finds, excluding human remains, if 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 within a minimum of 100 feet of the find 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 plan, 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, PHA, 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.
3. 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-9 DATA RECOVERY FOR RICE ARMY AIR FIELD AND CAMP RICE FEATURES

Prior to the start of ground disturbance, the project owner shall ensure that feature forms for all historic-period features at the Rice Army Airfield and Camp Rice are completed to the satisfaction of the CPM. The focus of the recordation is to recover any additional data associated with these features before they are destroyed during construction. A plan shall specify in detail the location recordation equipment and methods to be used and describe any anticipated post-processing of the data. The project owner shall then ensure that the CRS, the PHA, and/or archaeological team members implement the plan, if allowed by the CPM, which shall include, but is not limited to the following tasks:

1. The project owner shall hire a PHA with the qualifications described in **CUL-2** to supervise the fieldwork.
2. The project owner shall ensure that, prior to beginning the fieldwork, the PHA and all field crew members are trained by the DTCCCL Historical Archaeologist, or equivalent qualified person approved by the CPM and hired by the project owner should the DTCCCL Historical Archaeologist not be available.
3. The project owner shall ensure that, prior to beginning the fieldwork, the field crew members are also trained in the consistent and accurate identification of the full range of late nineteenth and early-to-mid-twentieth-century can, bottle, and ceramic diagnostic traits.
4. The project owner shall ensure that the original site map shall be updated to include at minimum: landform features such as small drainages, any man-made features, the limits of any artifact concentrations and features (previously known and newly found in the geophysical survey), using geographic positioning system recordation equipment with sub-meter accuracy capable of recording locational data in a standard geo-reference grid coordinate system (such as UTM 11 North or California Teale Albers).
5. The project owner shall ensure that a detailed in-field analysis of a representative sample of diagnostic artifacts shall be completed, documenting the measurements and the types of seams and closures for each bottle, and the measurements, seams, closure, and opening method for all cans. Photographs shall be taken of maker's marks on bottles, any text or designs on bottles and cans, and of decorative patterns and maker's marks on ceramics. Artifacts shall not be collected.
6. The project owner shall ensure a systematic geophysical survey of portions of the airfield is completed with inclusive coverage of the northern end of the site, where most of the military activities occurred, to identify and map the distribution of near-surface and buried

materials/features. This survey shall be conducted with a mobile electromagnetic instrument and high-resolution GPS unit, measuring both conductivity and magnetic susceptibility (metal detection).

7. The project owner shall ensure that features having subsurface elements, including those identified in the geophysical survey, are excavated by a qualified historical archaeologist. All features and contents must be mapped, measured, photographed, and fully described in writing.
8. The project owner shall ensure that the details of what is found at each Rice Army Airfield/Camp Rice feature or new site shall be presented in a letter report from the CRS or PHA which shall serve as a preliminary report, that details what was found at each feature, as follows:
 - a. Letter reports may address one feature or multiple features depending on the needs of the CRS; and
 - b. The letter report shall be a concise document that provides a description of the schedule and methods used in the field effort, a preliminary tally of the numbers and types of features and deposits that were found, a discussion of the potential range of error for that tally, and a map showing the location of collection and/or excavation units, including topographic contours and the feature landforms.
 - c. The letter report shall make a recommendation on whether each feature is a contributor to the DTCCCL.
9. The project owner shall ensure that the data collected from the fieldwork shall be provided to the DTCCCL Historical Archaeologist to assist in the determination of which, if any, of the historic-period sites are contributing elements to the DTCCCL.
10. The project owner shall ensure that the PHA analyzes all recovered data and writes or supervises the writing of a comprehensive final report. This report shall be included in the CRR (**CUL-5**). Relevant portions of the information gathered may be included in the possible NRHP nomination for the DTCCCL (funded by **CUL-1**).

Verification:

1. At least 90 days prior to ground disturbance, the project owner shall notify the CPM that mapping and upgraded in-field artifact analysis has ensued.
2. At least 60 days prior to ground disturbance, the project owner shall submit to the CPM for review and approval feature records and a letter report written by the CRS, evidencing that the field portion of data recovery at each particular feature has been completed, evaluating whether the feature contributes to the overall eligibility of the property consistent with the requirements of the CRMMP. When the CPM approves the letter report, ground disturbance may begin at the feature location(s) that are the subject of the letter report.

CUL-10 COMPLIANCE COORDINATION WITH FEDERAL SECTION 106 MOA

If stipulations in the RSEP Section 106 Memorandum of Agreement (MOA), should such a document be prepared and executed, conflict in a mutually exclusive manner with or precisely duplicate the conditions of certification in the Energy Commission Decision, the

MOA provisions shall take precedence. Where provisions for the implementation of historic preservation treatments in the conditions of certification are in addition to or exceed such provisions in the MOA, the applicant shall implement treatment in a manner that fulfills both the provisions of the MOA and the conditions of certification. Where the applicant believes that a mutually exclusive conflict exists between these conditions and the provisions in the MOA, or that the said conditions and provisions appear to require a precisely duplicative effort, the applicant shall submit, for the review and approval of the CPM, formal correspondence that states the applicant's determination that such a conflict or effort exists and provides evidentiary support for that determination. Where provisions in the conditions of compliance appear to augment or exceed the provisions in the MOA, the project owner shall coordinate historic preservation treatment with the CPM. Such coordination may, at the discretion of the project owner, be on a formal or informal basis. However, the CPM shall make the final determination of the consistency of project activities with Energy Commission conditions of compliance.

Verification:

Prior to the implementation of any historic preservation treatments in these conditions that may conflict in a mutually exclusive manner with any analogous treatments that a Federal MOA may provide or that may precisely duplicate such analogous treatments, the project owner shall consult with the CPM concerning any such conflicts and provide, for the review and approval of the CPM, formal correspondence that relates the outcome of said consultation, states the project owner's determination that a mutually exclusive conflict or precisely duplicative effort exists, and provides evidentiary support for that determination. The project owner shall not proceed with the implementation of any historic preservation treatments that are subject to consultation under this condition until the CPM approves the applicant's determination thereon.

CUL-11 HISTORIC INTERPRETIVE ROADSIDE STOP

Prior to the start of construction, the project owner shall provide conceptual plans for the Historic Interpretive Roadside Stop (HIRS or Roadside Stop) to the CPM for review and approval. Prior to commercial operation of RSEP, the project owner shall provide the final plans for the Roadside Stop to Western, BLM, and Riverside County for review and comment, and to the CPM for review and approval. Construction of the Roadside Stop shall be completed prior to the start of commercial operations. The project owner's plans for the Roadside Stop shall be coordinated with Caltrans and Riverside County, and shall be developed in a manner that does not compromise site or public safety or security.

The Roadside Stop shall include and make accessible to the public the following features:

1. An encroachment off SR 62 to the Roadside Stop and vehicle parking area, consistent with Caltrans, Riverside County, and the Americans with Disabilities Act (ADA) access and parking requirements. The vehicle parking area shall include:
 - a. Four (4) parking spaces, including one van-accessible ADA-compliant parking space.
 - b. The parking spaces and encroachment shall provide a level, all-weather surface, preferably of compacted rock, decomposed granite, or similar

- permeable material, or as required by Caltrans.
2. An interpretive kiosk, protected by a shade structure, that displays a minimum of five (5) panels of text and graphics that illustrate and interpret Rice AAF and Camp Rice as individual historic features and as components of the larger DTC/C-AMA. Access to the kiosk shall be handicap-accessible, over a level, all-weather surface, preferably of compacted rock, decomposed granite, or similar permeable material, or paved with asphalt concrete, consistent with Riverside County paving requirements and Caltrans encroachment requirements.
 3. Self-closing, wildlife-resistant trash cans.

Verification:

1. At least 30 days prior to the start of construction, the project owner shall submit conceptual plans for the Roadside Stop to Western, BLM, and Riverside County for review and comment, and to the CPM for review and approval.
2. No later than one year following start of construction, the project owner shall submit final plans for the Roadside Stop to Western, BLM, and Riverside County for review and comment, and to the CPM for review and approval.
3. At least 30 days prior to the start of commercial operation, the project owner shall complete construction of the Roadside Stop and submit photographic proof of completion to the CPM for review and approval. The Roadside Stop shall be made accessible to the public within 10 days from the start of commercial operations and shall be maintained by the project owner for the life of the project.
4. In each Annual Compliance Report, the project owner shall provide a summary of the following:
 - a. Estimated public visitation to the Roadside Stop;
 - b. Any issues associated with operating and maintenance;
 - c. Proposed maintenance and improvements, and a schedule for completion;
 - d. A log of all completed maintenance and improvements to the Roadside Stop from the start of RSEP commercial operation to the present day.

CUL-12 FLAG AND AVOID

Resources just outside the northwestern portion of the main facility circular footprint would be preserved through avoidance. Previously recorded resources along Western's Parker Dam-Blythe Transmission Line No. 2, subject to possible project impacts associated with installation of the fiber optical cable (if this telecommunication option is implemented), shall be revisited prior to construction. In the event that new resources are discovered during construction or previously recorded resources would be additionally affected, where impacts can be reduced or avoided, the project owner shall:

1. Ensure that a CRS, alternate CRS or CRM re-establish the boundary of each site, add a 10-meter-wide buffer around the periphery of each site boundary, and flag the

- resulting space in a conspicuous manner;
2. Ensure that a CRM enforces avoidance of the flagged areas during RSEP construction; and
 3. Ensure, after completion of construction, boundary markings around each site and buffer are removed so as not to attract vandals.
 4. Site records for previously documented resources shall be updated.

Verification:

Within 90 days of transmission line construction, the project owner shall submit for CPM review and approval, site record updates of resources subject to possible impacts. Within 90 days of the completion of plant construction, the project owner shall submit for CPM review and approval a letter, with photograph and maps, evidencing the removal of boundary markings.

CUL-13 HISTORIC INTERPRETIVE DOCUMENTARY

The project owner shall produce a high-definition, broadcast quality documentary of the Rice Army Airfield (Rice AAF), Camp Rice, and the surrounding DTC/C-AMA cultural landscape, focusing on the integration and contributions of the Rice AAF and Camp Rice, to the DTC/C-AMA WWII military training mission, from an aviation perspective. Costs for the documentary (including pre- and post-production costs) shall not be required to exceed the industry average of \$4,500 per minute. The final edited documentary shall be at least 26 minutes in length, excluding titles and credits. An approximately 10-minute abbreviated version of the documentary shall also be produced using primarily material from the 26-minute documentary.

1. Prior to the start of filming, the project owner shall provide the qualifications of the proposed production company to the Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval. The production company shall have experience in the creation of historic documentary-style videos and shall provide evidence of the successful completion of at least three videos of similar quality from project development to release. A copy of any scope of work related to the production of the documentary shall be submitted to the CPM within 10 days of execution.
2. Prior to the start of filming, the project owner shall also submit the resume of a proposed production advisor to the CPM for review and approval. The production advisor, shall be a qualified historian, with training and experience consistent with the requirements of the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the advisor must have experience researching and documenting historic military resources, preferably within the DTC/C-AMA. The production advisor shall provide direction during production and post-production to ensure historical accuracy and to provide assistance obtaining historic WWII documentation (e.g., military film and training footage, news clips, still photos, audio and written transcripts of interviews) and the most recent information on Camp Rice and the Rice AAF in particular, and the DTC/C-AMA in general.

3. Prior to the start of site mobilization, the production company shall take the initial aerial footage of the remains of the Rice AAF and Camp Rice facilities along with representative features and training fields surrounding the project area, as necessary to convey the context of the Rice AAF and Camp Rice within the DTC/C-AMA. Aerial footage may also document the remains of other facilities and features in the project vicinity that are integral or contributing to the DTC/C-AMA cultural landscape, including airfields, camps, bombing ranges, and the King's Throne (where Patton sat to observe maneuvers). Historic film; still photos; re-creations; interview footage and audio tracks; and compatible, high-quality video footage of the subject areas taken prior to current filming may also be integrated into the final product. The original acquisition format shall be high definition, 16X9, 1080p digital format, using broadcast-level cameras and lenses. The aerial documentation shall be photographed using a television motion picture, industry-accepted camera stabilization system, mounted to a helicopter.
4. Prior to the start of production editing, the project owner shall submit a first draft script, storyboard, and description of other related project elements, including proposed finished length of the documentary (a minimum of 26 minutes of edited footage for the full-length version and 10 minutes for the abbreviated (excerpt) version), to the DTCCCL PI-Historian, production advisor, and Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.
5. Prior to the start of commercial plant operations, the project owner shall submit the final cut, with voice-over and background music track, along with packaging proofs, including sample cover, disk label, and packaging materials, to the DTCCCL PI-Historian, production advisor, and Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.
6. Concurrent with the start of commercial plant operations, the project owner shall provide the final approved full-length documentary to the General Patton Memorial Museum in a high definition format, suitable for mass market duplication, along with 500 DVD copies and 100 BluRay copies of the full-length packaged documentary, suitable for resale. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the BLM Palm Springs-South Coast Field Office, Western, and the CPM. The 10-minute excerpt shall be provided to all parties in a digital format compatible with display requirements of the Museum and webcasting requirements of BLM, Western, and the Energy Commission.
7. In conjunction with delivery of the final approved documentary in the designated format, the project owner shall provide a letter to the General Patton Memorial Museum confirming that the Museum is assigned and shall exclusively retain all DVD, BluRay, and video reproduction and sales rights, and broadcast television distribution rights of the production, both foreign and domestic, excepting use of excerpts from the documentary [including the 10-minute abbreviated documentary on any Bureau of Land Management, Western, or Energy Commission website related to DTC/C-AMA, southern California Desert history, or renewable energy projects within former DTC/C-AMA areas. The letter shall also confirm that the production company may retain copies of the production specifically for promotional and demonstration purposes only. Copies of the letter shall be sent to the CPM, BLM, Western, and the production company representative.

8. The project owner shall ensure that all raw footage acquired during the production of the documentary is submitted to the DTCCL PI-Historian for use in the DTCCL study. Use of the footage for research purposes shall not be restricted. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the DTCCL PI-Historian.

Verification:

1. At least 15 days prior to the start of filming, the project owner shall provide the qualifications of the proposed production company to the Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval. A copy of the scope of work associated with any contract related to the production of the documentary shall be submitted to the CPM within 10 days of execution.
2. At least 15 days prior to the start of filming, the project owner shall also submit the resume of a proposed production advisor to the CPM for review and approval. The production advisor, shall be a qualified historian, with training and experience consistent with the requirements of the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the advisor must have experience researching and documenting historic military resources, preferably within the DTC/C-AMA.
3. Prior to the start of site mobilization, the production company shall take the initial aerial footage of the remains of the Rice AAF and Camp Rice facilities along with representative features and training fields surrounding the project area, as necessary to convey the context of the Rice AAF and Camp Rice within the DTC/C-AMA. The original acquisition format shall be high definition, 16X9, 1080p digital format, using broadcast-level cameras and lenses. The aerial documentation shall be photographed using a television motion picture, industry-accepted camera stabilization system, mounted to a helicopter.
4. At least 30 days prior to the start of production editing, the project owner shall submit a first draft script, storyboard, and description of other related project elements, including proposed finished length of the documentary (a minimum of 26 minutes of edited footage), to the DTCCL PI-Historian, production advisor, and Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.
5. At least 90 days prior to the start of commercial plant operations, the project owner shall submit the final cut, with voice-over and background music track, along with packaging proofs, including sample cover, disk label, and packaging materials, to the DTCCL PI-Historian, production advisor, and Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.
6. Concurrent with the start of commercial plant operations, the project owner shall provide the final approved documentary to the General Patton Memorial Museum in a high definition format, suitable for mass market duplication, along with 500 DVD copies and 100 BluRay copies of the full-length packaged documentary, suitable for resale. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the BLM Palm Springs-South Coast Field Office, Western, and the CPM.

7. In conjunction with delivery of the final approved documentary in the designated format, the project owner shall provide a letter to the Executive Director of the General Patton Memorial Museum confirming that the Museum is assigned and shall exclusively retain all DVD, BluRay, and video reproduction and sales rights, and broadcast television distribution rights of the production, both foreign and domestic, excepting use of excerpts from the documentary (including the 10- minute abbreviated documentary referenced in **CUL-14**) on any Bureau of Land Management, Western, or Energy Commission website related to DTC/C-AMA, military history, or energy projects in the southern California desert. The letter shall also confirm that the production company may retain copies of the production specifically for promotional and demonstration purposes only. Copies of the letter shall be sent to the CPM, BLM, Western, and the production company representative.
8. Within 30 days from the start of construction, the project owner shall ensure that all raw aerial footage acquired during the production of the documentary is submitted to the DTCCCL PI-Historian for use in the DTCCCL study. Use of the footage for research purposes shall not be restricted. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the DTCCCL PI-Historian.

CUL-14 INTERPRETIVE MATERIALS

1. The project owner shall provide the design of at least one single page, double-sided tri-fold brochure and an initial production run of at least 1,000 copies to the General Patton Memorial Museum for public distribution, interpreting the significance of Rice AAF and Camp Rice as individual historical features and as contributing features within the DTC/C-AMA cultural landscape.

Prior to the final phase of plant construction, the project owner shall submit draft design proofs of the brochure to the Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.

Prior to the start of commercial plant operations, the project owner shall submit final design proofs of the brochure to the Executive Director of the General Patton Memorial Museum for review and comment, and to the CPM for review and approval.

Prior to, or concurrent with the start of commercial plant operations, the project owner shall submit a digital/electronic template of the brochure design, along with 1,000 copies , suitable for public distribution, to the Executive Director of the General Patton Memorial Museum. The project owner shall also submit the final digital/electronic template of the brochure to the CPM, BLM Palm Springs-South Coast Field Office, and Western. The project owner, Museum, Energy Commission, BLM, and Western shall have authorized use of the initial (and any revised) templates for future production runs for distribution to the public or display on any of the parties' informational websites.

2. Prior to the start of commercial plant operations, the project owner shall provide a donation in the amount of \$25,000 to the General Patton Memorial Museum. The funds from this donation shall be earmarked for development and installation of displays and signage interpreting contributions of the Rice AAF and Camp Rice to the mission of the DTC/C-AMA at the General Patton Memorial Museum. The resulting interpretive display shall also incorporate a way for the public to view the 10-minute abbreviated documentary excerpt identified in **CUL-13** above. Historical information acquired during the DTC Cultural

Landscape study, identified in **CUL-1** above, shall also be made available to the Museum as a basis for development of the Rice AAF/Camp Rice displays.

Verification:

1. At least 90 days prior to the completion of construction, the project owner shall submit draft design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.
 - (a) At least 30 days prior to the start of commercial plant operations, the project owner shall submit final design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.
 - (b) Within 30 days from the start of commercial plant operations, the project owner shall submit the final digital/electronic template of the brochure design, along with 1,000 copies, suitable for public distribution, to the Executive Director of the Museum. The project owner shall also submit the final digital/electronic template of the brochure to the CPM, BLM Palm Springs-South Coast Field Office, and Western.
2. Prior to the start of commercial plant operations, the project owner shall provide historic materials and funding in the amount of \$25,000 to the General Patton Memorial Museum for development of an interpretive display related to the Rice AAF, Camp Rice, and the DTC/C-AMA, at the General Patton Memorial Museum.



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 RICE SOLAR ENERGY POWER
PLANT PROJECT**

Docket No. 09-AFC-10

**PROOF OF SERVICE
(Revised 8/5/2010)**

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DECLARATION OF SERVICE

I, Maggie Read, declare that on December 14, 2010, I served by electronic mail the Errata to the Presiding Member's Proposed Decision. 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: [<http://www.energy.ca.gov/sitingcases/ricesolar>].

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. 09-AFC-10
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:
Maggie Read
Hearing Adviser's Office