

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



April 22, 2011

Kevin Dunn  
Director, Construction  
47 Discovery  
Irvine, CA 92618

**DOCKET****09-AFC-8C**DATE APR 22 2011RECD. APR 22 2011

**SUBJECT: GENESIS SOLAR ENERGY PROJECT (09-AFC-8C)  
AUTHORIZATION TO MOW PROJECT SITE AND SURVEY FOR  
UNEXPLODED ORDINANCE**

The Energy Commission staff has reviewed the April 12, 2011 request from Tetra Tech to mow the Genesis Solar Energy Project (GSEP) site and then survey the site for unexploded ordinance (UXOs). Staff approves the request to begin mowing and sweeping as of April 22, 2011, as long as the biological conditions detailed in this letter, and the cultural resource conditions attached, are employed.

**CULTURAL RESOURCES**

Please note: staff requires an affirmative response prior to beginning the mowing and UXO sweep that cultural resource sites will be flagged and avoided until the project receives Energy Commission notification that staff determined that all required cultural resources data has been collected in a manner that is consistent with the GSEP cultural resources conditions of certification.

**BIOLOGICAL RESOURCES**

Biological parameters to be employed during the mowing and UXO sweeps discussed and agreed to during the April 20, 2011 conference call are as follows:

- Each known natal and active den will have a 500-foot flagged buffer around it (numbers 8, 12, 11, 10a, 7, 5, 4, 1 and 2);.
- All natal and active dens listed above will also have a 500-foot wide swath of natural vegetation left from the den to the fence;
- Two (2) bio monitors will survey the area one-half to 1 hour ahead of the mowers each morning to find and flag any potential fox burrows or dens to avoid. One monitor will keep surveying ahead, the other will fall back and monitor alongside the mowers for fox activity. The monitors can use ATVs;
- Any dens flagged while mowing will be monitored in accordance with BIO-17 for fox activity (i.e. three consecutive nights using a tracking medium and/or infrared camera stations at the entrance).
- All known natal and active dens will continue to be monitored in accordance with BIO-17 as well. If during monitoring any of the natal dens appear to be stressed or responding negatively to mowing, the mowing will cease in that area and the

mowers must move to another section to prevent early abandonment of dens. Signs of stress include: not emerging from burrows during dusk/night-time, altered foraging patterns, etc.

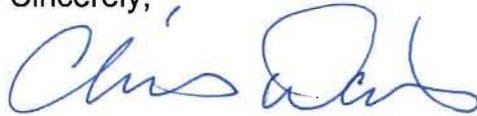
- One (1) additional bio monitor will survey in the same manner alongside the UXO equipment

Permission to begin the following activities will be considered separately. These activities are not to be started until the project receives Energy Commission approval:

- May 9- Construct site access road to well pads
- May 23- Drill the production wells
- June 6- Grade the site

If you have any questions, please call me at (916) 654-4842 or e-mail me at [CMDavis@energy.state.ca.us](mailto:CMDavis@energy.state.ca.us).

Sincerely,



Chris Davis  
Compliance Project Manager

cc: Energy Commission Docket Unit  
Kevin W Bell, Senior Staff Counsel, Energy Commission  
Scott Busa, Director of Development  
Meg Russell, Project Director, Development  
Kenneth Stein, Environmental/Permitting Manager  
Jennifer Fields, Senior Environmental Specialist  
NextEra Energy Resources

Tricia Bernhardt, Senior Environmental Planner  
April Magrane, Aquatic Ecologist  
Reid Farmer, Cultural Resource Specialist  
Jenna Farrell, Alternate Cultural Resource Specialist  
Tetra Tech

Mark Tobin, PMP  
Bureau Veritas, North America

Rob Holt, Resident Engineer  
Charles "Butch" Hull  
The Holt Group

# Memorandum

To: **Chris Davis**

Date: April 21, 2011

From: **Elizabeth A. Bagwell, PhD, RPA**  
**California Energy Commission**  
Cultural Resources Unit  
1516 Ninth Street  
Sacramento CA 95814-5512

Telephone: (505) 610-1278

Subject: Genesis Solar Energy Project (GSEP) (09-AFC-08)  
Notification of Ground Disturbance Events Beginning April 22, 2011 and  
Request for Limited Notice to Proceed (CTS Log # 2011-0837)

Staff has reviewed TetraTech's letter dated April 19, 2011 regarding the cultural resources issues to be resolved prior to the Energy Commission issuance of a limited Notice to Proceed for the mowing and UXO survey. Staff understands from reading this letter that data recovery has taken place at all archaeological sites within the plant site footprint where data recovery was required under **CUL-10**, **CUL-11**, **CUL-12**, and **CUL-17**. Staff needs to conduct a field visit to these sites in order to confirm and verify that the field methods utilized and extant field data are consistent with the GSEP cultural resources Conditions of Certification.

It may take some time before this field verification visit can take place, depending on the availability of your staff. In the meantime, staff advises the CPM to grant permission for the mowing and ordnance sweep to proceed, providing the following is done before mowing and UXO survey sweeping begins:

The boundaries of all prehistoric and historic-period archaeological sites on the Genesis plant site subject to **CUL-10**, **CUL-11**, **CUL-12**, and **CUL-17** will be outlined by flagging tape (or similar marking device) for avoidance by both the mowing vehicles and the vehicles towing the UXO survey equipment. A cultural resources monitor and a Native American monitor will observe the mowing and UXO surveying in the vicinity of all archaeological sites to ensure that the sites will not be impacted by these activities.

The project owner will confirm in writing to the CPM that the flagging and monitoring will be conducted.

These sites may not be impacted in any way until the CPM notifies the project owner in writing that staff has determined that all required cultural resources data has been collected in a manner that is consistent with the GSEP cultural resources Conditions of Certification.