



# **GENESIS SOLAR ENERGY PROJECT**

## **Environmental and Construction Compliance Monitoring Program**

Genesis Solar, LLC  
Ford Dry Lake Site CACA-48880

For:

**Palm Springs South Coast Field Office**  
Palm Springs, California

October 2010

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## **Attachments**

- A: Daily Monitoring Report Cover Page Form
- B: Daily Monitoring Report Form
- C: Monthly Summary Report Form
- D: BLM Authorized Officer Weekly Report
- E: Certification of Completion of Worker Environmental Awareness Program
- F: Complaint Report/Resolution Form
- G: Key Events List
- H: Non-Conformity Report
- I: Variance Request Form
- J: Amendment to the 2007 Memorandum of Understanding
- K: Summary of California Energy Commission Conditions of Certification and Bureau of Land Management Monitoring and Mitigation

## List of Acronyms and Abbreviations

AO	Authorized Officer
BLM	United States Bureau of Land Management
CBC	California Building Code
CBO	Chief Building Officer
CDFG	California Department of Fish and Game
CEC	California Energy Commission
Corps	United States Army Corps of Engineers
CPM	Compliance Project Manager
CWA	Clean Water Act
ECCMP	Environmental and Construction Compliance Monitoring Program
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy Management Act
GSEP	Genesis Solar Energy Project
Lead EIs	Lead Environmental Inspectors
LORS	laws, ordinances, regulations, and standards
MW	Megawatt
MOU	Memorandum of Understanding
NPS	United States Department of the Interior National Park Service
NTPs	Notices to Proceed

POD	Plan of Development
ROD	Record of Decision
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SWPPP	Storm Water Pollution Prevention Plan
USFWS	United States Fish and Wildlife Service

# 1.0 Introduction

## 1.1 Purpose of This Report

This report presents the objectives of the United States Bureau of Land Management (BLM) Environmental and Construction Compliance Monitoring Program (ECCMP) for the Genesis Solar Energy Project (GSEP). This report:

- Describes the responsibilities of the contractor hired to conduct the ECCMP on behalf of the BLM (referred to in this report as the Monitoring Contractor);
- Outlines the level of effort anticipated from the Monitoring Contractor in implementing the ECCMP;
- Defines the decision-making authority of the Monitoring Contractor; and
- Describes participation by the Monitoring Contractor in Genesis Solar, LLC's (Genesis Solar) Environmental Training Program.

The BLM requires holders of right-of-way grants to prepare and fund an environmental compliance monitoring program to ensure compliance with the BLM terms, conditions, and stipulations in the right-of-way grants, the POD, and other project specific mitigation, terms, and conditions (listed in detail in Chapter 2.0, Objectives of the Environmental and Construction Compliance Monitoring Program).

This report also discusses the monitoring reporting and documentation requirements, stop work authority, and the variance process.

## 1.2 Memorandum of Understanding with the California Energy Commission

In 2007, the BLM and the California Energy Commission (CEC) formalized a Memorandum of Understanding (MOU) for the joint environmental review of solar thermal power plant projects to be located on public lands. In September 2010, that MOU was amended to ensure that the BLM and CEC "...share in construction compliance, environmental compliance, design review, plan check, and construction, maintenance, operation and termination inspection (collectively "compliance review") of solar thermal power plant projects on public lands, to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental

coordination at the state and Federal levels, to develop a more efficient compliance review process, and to meet state and Federal requirements.” The MOU amendment is provided in Attachment J, Amendment to the 2007 Memorandum of Understanding.

## **2.0 Objectives of the Environmental and Construction Compliance Monitoring Program**

The overall objective of the Environmental and Construction Compliance Monitoring Program (ECCMP) for the Genesis Solar Energy Project (GSEP) is to conduct inspections of construction activities, evaluate compliance or noncompliance with the project measures and conditions during project construction, and document that compliance or noncompliance. This ECCMP specifically focuses on the construction phase of the GSEP. A similar program with phase-specific measures and conditions would be developed and implemented during the project operation and decommissioning phases. The contractor hired to implement the ECCMP on behalf of the BLM, referred to in this report as the Monitoring Contractor, will provide a Compliance Manager and on-the-ground Compliance Monitors to meet this objective.

The environmental mitigation requirements for the GSEP comprise the following:

- Environmental mitigation measures proposed by Genesis Solar, LLC, the project applicant, throughout the environmental document and permitting phases of the GSEP
- Mitigation measures, project design features, and other measures documented in the Final Environmental Impact Statement (FEIS) and included in Attachment K of this document, Summary of California Energy Commission Conditions of Certification and Bureau of Land Management Monitoring and Mitigation Measures, and as amended by the errata.
- Terms, conditions, and stipulations in the BLM Record of Decision (ROD), right-of-way (ROW) grant, and Notices to Proceed (NTPs) for the project
- Construction procedures and mitigation measures in the approved Plan of Development (POD) for the project
- Stipulations, terms, conditions, and other measures from other authorizing Federal agencies' permits and approvals, specifically the United States Fish and Wildlife Service (USFWS) Biological Opinion.

- Stipulations, terms, conditions, and other measures from State and regional agencies' permits and approvals, including the California Energy Commission (CEC) decision on the GSEP and the California Department of Fish and Game (CDFG).

During construction of the GSEP, the Compliance Monitors will conduct inspections of construction activities and the implementation of the required mitigation measures, and will provide regular feedback on compliance issues to the BLM and the Monitoring Contractor's Environmental Inspection Team. The Monitoring Contractor will involve other agencies such as USFWS or CDFG in the monitoring and documenting of environmental compliance to the extent requested by those agencies and authorized by the BLM. Construction progress and environmental compliance will be tracked and documented in daily logs and weekly reports prepared and submitted as described in detail later in Section 4.0, Reporting and Documentation. The Compliance Monitors will report directly to the Compliance Manager. The Compliance Manager will report directly to the BLM Compliance Project Manager (CPM or Authorized Officer [AO]) and other identified Compliance Contacts, such as the CEC CPM, as directed by the BLM.

Other objectives of the ECCMP are to:

- Facilitate the timely resolution of compliance-related issues in the field
- Provide continuous information to the BLM and other agencies and parties as authorized regarding noncompliance issues and their resolution
- Review, process, and track construction-related changes to project plans (as described later in Section 5.0, Variances, the Monitoring Contractor will assist with implementation of the variance process in accordance with a predetermined level of decision-making authority granted by the BLM)
- Develop and implement a system for storing the information collected during the ECCMP in a format that will allow easy retrieval and search functions

The Monitoring Contractor shall act as the CEC delegate and Chief Building Official (CBO) for enforcement of applicable local building codes; the California Building Code (CBC); the Facility Design, Geology and Transmission System Engineering Conditions of Certification; the Storm Water Pollution Prevention Plan (SWPPP) and Erosion Control Plan (as directed by the CPM); other engineering laws, ordinances, regulations, and standards (LORS) applicable to the GSEP to ensure health and safety; and all environmental conditions of certification/mitigation measures contained in the CEC Decision. The Monitoring Contractor will also be responsible for the design review, plan check, and construction inspection of the foundation, anchorage, and

connections for those building and nonbuilding structures, process-related systems and equipment required for power and steam generation, and equipment located either inside or outside of buildings that are designated in Facility Design Condition of Certification GEN-2.

## 3.0 Environmental Compliance Monitoring and Management

### 3.1 Construction Plan

In the event the BLM approves the GSEP, a ROW grant will be issued to Genesis Solar, LLC. Genesis Solar filed an application with the BLM for a ROW grant pursuant to the Federal Land Policy and Management Act (FLPMA). Under FLPMA Title V (Rights-of-Way), the United States Secretary of Interior is authorized to grant rights-of-way for the purpose of allowing systems for generation, transmission, and distribution of electric energy.

The GSEP would be a solar thermal (parabolic trough), primary power-generating facility and would be constructed over three years. The GSEP would include the construction and operation of a 250-megawatt (MW) facility consisting of two 125MW units. In addition to the solar fields, the GSEP would include ancillary buildings, a generation-tie line, a gas pipeline, a distribution line, and a main access road.

### 3.2 Compliance Monitoring and Management

The Monitoring Contractor's compliance team will consist of the following personnel:

- Compliance Manager: point of contact position designated by the Monitoring Contractor for all compliance related issues; reports to the BLM Authorized Officer or the designated BLM Compliance Project Manager for all compliance related issues.
- Compliance Monitors: on the ground Monitoring Contractor personnel responsible for observing and reporting compliance with the terms and conditions of the BLM right-of-way authorization for all phases of project construction.

The BLM's compliance representatives for the GSEP are:

- BLM Authorized Officer (AO): Palm Springs Field Manager, the BLM official with the administrative authority for the right-of-way grant issuance and authority for accepting and approving project related changes
- BLM Compliance Project Manager (CPM): staff level position designated by the BLM AO as the point of contact for all compliance issues.

- Palm Springs Field Office Compliance Lead: the BLM may also identify additional persons as designated Compliance Contacts, as needed.

The Monitoring Contractor will shall enter into a contract for the project with Genesis Solar, LLC for the payment of the compliance monitoring services provided by the Monitoring Contractor. Those fees will be based on hourly rates, or as otherwise agreed to by the Monitoring Contractor and Genesis Solar. Payments to the Monitoring Contractor for work satisfactorily completed may be paid directly to the Monitoring Contractor in advance, in arrears, or from a credit account established with the Monitoring Contractor by Genesis Solar. The contract between Genesis Solar and the Monitoring Contractor will include a provision that Genesis Solar may not terminate the contract with, or payments to, the Monitoring Contractor without prior authorization of the BLM AO.

**The Monitoring Contractor works for, reports to, and takes direction from the BLM and not Genesis Solar.**

### **3.2.1 Genesis Solar Contacts**

Genesis Solar, LLC has designated the following contact persons for the construction of the GSEP:

- **Trent Heidorn**
- **John Bulich**

### **3.2.2 Compliance Manager**

The Monitoring Contractor's Compliance Manager for the GSEP will oversee management of the Environmental and Construction Compliance Monitoring Program, prepare project materials, participate in any BLM preconstruction meeting; participate in Genesis Solar's Environmental Training Program; supervise the monitoring activities, materials, and schedules; supervise the Compliance Monitors; provide guidance on and review of compliance issues; review and process variance requests; and review and distribute daily and biweekly reports.

Specific Compliance Manager responsibilities are:

- Report directly to the BLM CPM or BLM AO or other designated BLM Compliance Contacts;

- Participate in the BLM preconstruction meeting;
- Participate in Environmental Training Program/kick-off;
- Verify Genesis Solar's compliance with the project environmental requirements;
- Supervise the monitoring activities, materials, and schedules;
- Supervise the Compliance Monitors;
- Ensure that all reported noncompliances are tracked for resolution by Genesis Solar;
- Review, approve, and distribute monitoring reports, correspondence, and scope of work and schedule changes;
- Review work progress, schedules, and budgets related to compliance monitoring activities;
- Confer with the BLM CPM and Compliance Contacts on a regular basis;
- Serve as the contact between BLM and Genesis Solar for compliance issues;
- Serve as BLM's representative to permitting agencies, private landowners, and special interest groups regarding the environmental mitigation efforts on the project; and
- Coordinate with the BLM and other agencies, as determined necessary, on reviewing and approving variance requests.

### **3.2.3 Compliance Monitors**

Based on discussions with the BLM CPM and the California Energy Commission (CEC) CPM, the Monitoring Contractor will provide sufficient full-time on-the-ground Compliance Monitors during construction of all phases of the project. The number of Compliance Monitors will be determined based on the specific activities during each construction phase. Specifically, the need for the full-time Compliance Monitors may be reevaluated throughout the construction phase and a schedule adjusted, as necessary, as conditions demand. As appropriate, the Designated Resources Specialists (e.g., Designated Biologist, Designated Cultural Resources Specialist, etc.) approved by the CEC and BLM in accordance with relevant CEC Conditions of Certification, and the monitors working under them, may serve as Compliance Monitors.

During construction, many factors may affect the specific deployment of the Compliance Monitors. These include the activity occurring at specific times of inspection, any noncompliance or problem areas documented during previous inspections by the Compliance Monitors, site-specific conditions at the time of construction, skill levels and attitudes of the contractor crews and foremen, and the number of inspection team members.

The Monitoring Contractor's planned monitoring coverage assumes that the construction contractors will demonstrate a high level of environmental compliance, and that Genesis Solar's environmental inspectors and biological monitors will be qualified and experienced.

The Compliance Manager will regularly evaluate the effectiveness of the environmental compliance monitoring in consultation with the BLM and CEC CPM and Compliance Contacts to ensure adequate staffing. If determined necessary, the Monitoring Contractor will provide additional, adequately trained support staff to act as Compliance Monitors on an as-needed basis.

The primary responsibility of the Compliance Monitors will be to monitor and document Genesis Solar's construction, compliance, and/or noncompliance with the project building, engineering, installation, and environmental requirements. The Compliance Monitors will also review and approve variance requests, as appropriate to their authority level, for implementation of limited variations from mitigation measures previously agreed to by Genesis Solar or stipulated by other agencies (refer to Section 5.0, Variances).

Prior to the start of construction, the Compliance Monitors will become familiar with the Genesis Solar environmental compliance management program, participate in the BLM preconstruction meeting, participate in the Genesis Solar Worker Environmental Awareness Program (WEAP), and receive additional training as needed from the Monitoring Contractor. The Compliance Monitors will become familiar with the roles and responsibilities of the Genesis Solar field team and biological monitors, the organizational structure of the construction methods, the required building codes, fire codes, construction documents, other relevant building standards, environmental reporting responsibilities, and the chain of communication. It is assumed that Genesis Solar will provide the Compliance Monitors and the Compliance Manager with copies of all permit requirements for the project prior to initiation of construction.

At a minimum, the Compliance Monitors will maintain daily contact with the Genesis Solar environmental inspection team. Construction activities will be inspected on a daily basis by the Compliance Monitors, and environmentally sensitive areas will be regularly inspected to ensure protection of the identified resources.

The Compliance Monitors will communicate with the Genesis Solar Inspectors on a regular basis. This approach will allow the Inspectors and the Compliance Monitors to exchange information on the status of construction and to discuss any significant construction events scheduled over the next 2 or 3 days. The Compliance Monitors may inspect all activities either with the Genesis Solar inspectors or independently. The Compliance Monitors will have the authority to order the halt of a specific noncompliance activity that is damaging, has the potential to damage a sensitive environmental resource, or is not being performed according to building and construction standards.

The Compliance Monitors will record daily observations, including digital photodocumentation at each location visited. This process will ensure consistent and accurate reporting of site conditions at the time of inspection. Each activity monitored will be assigned a compliance level and documented in a weekly report (refer to Section 4.1, Weekly Reports).

## 4.0 Reporting and Documentation

The Monitoring Contractor and all compliance monitoring personnel will use a comprehensive weekly summary database reporting system that is posted on an GSEP website and available for review to other jurisdictional agencies. Under this program, each entire weekly report, consisting of all compliance levels and photographic documentation from daily logs, will be available each week and will provide the BLM project personnel, Genesis Solar, and applicable agencies with a readily accessible record of construction progress, photographic documentation, and documentation of compliance with the project environmental requirements. The specifics of the reporting and documentation to be used for the GSEP are described in the following sections.

### 4.1 Daily and Weekly Reports

Each Compliance Monitor will compile his/her daily activity logs and contact information documents into a weekly report on the required cover and form provided in Attachments A and B, respectively. A separate weekly report will be maintained for each ROW grant issued to Genesis Solar for the GSEP. The Compliance Monitor will document the construction level as a percent complete or other identifying method as agreed to by the BLM; the presence of sensitive species or habitat and culturally sensitive sites; and provide a brief description of the construction activities observed (such as road grading, foundation installation, erosion control, etc.). When appropriate, relevant digital photographs will be taken and included in the weekly report.

Each separate activity monitored and documented in a daily log will be assigned a compliance level. The compliance levels that will be used for the GSEP are:

- Communication;
- Acceptable;
- Problem Area;
- Noncompliance; and
- Serious Violation.

### 4.1.1 Communication

A communication report will be prepared when necessary to document and track relevant meetings or discussions between the Compliance Monitor and agencies, Genesis Solar representatives, monitors, inspectors, or other contractor personnel.

### 4.1.2 Acceptable

An acceptable report will be prepared when a Compliance Monitor determines that an inspected area or activity is in compliance with the project specifications and all mitigation measures have been adequately implemented.

### 4.1.3 Problem Area

The Compliance Monitor will prepare a problem area report to record an observation that a location or activity does not meet the definition of acceptable but is not considered a noncompliance. The problem area category will be used to report a range of events and observations including:

- An incident that is accidental or unforeseeable but is not out of compliance with the project specifications, and Genesis Solar's response is appropriate and timely. An example would be a fuel leak where project personnel respond properly by stopping, containing, and cleaning up the spill in accordance with the project specifications.
- A location where the project is not out of compliance with the specifications but, in the judgment of the Compliance Monitor, damage to resources could occur if corrective actions are not taken. Some examples are:
  - A topsoil pile located on the bank of a drainage; or
  - An improperly constructed/located erosion control structure.
- An activity that the Compliance Monitor determines is an unintentional and isolated departure from the project specifications, with no damage to resources. An example would be a small amount of blading or mowing outside the access pathway that has no effect on sensitive resources such as sensitive plant habitat or a water body.

If a problem area is resolved in a timely manner, it will not be considered a noncompliance. If a problem area is found to be a repeat situation or multiple instances of a similar nature occur, is not corrected within the established time frame, or results in resource damage because timely

corrective action failed to occur, the Compliance Monitor may document the problem area as a noncompliance as described in the following section.

#### **4.1.4 Noncompliance**

A noncompliance report will be issued when a Compliance Monitor observes an activity that violates (defined as not in compliance with) the project specifications, building codes, or other requirements; results in damage to resources; or places sensitive resources, personal safety or worker safety at unnecessary risk. Some examples of noncompliance activities are:

- Failure to install or maintain required erosion control devices;
- Ground-disturbing activities conducted outside the approved ROW and disturbance limits; or
- Surface-disturbing activities conducted without an appropriate biological or cultural resources monitor present.

The Compliance Monitor will notify Genesis Solar's inspector or monitor about a noncompliance before issuing a noncompliance report. The noncompliance report will include the name of the inspector or monitor and the time of notification. Where practicable and where the nature of the noncompliance activity warrants, the inspector or monitor will work closely and collaboratively with the Compliance Monitor to determine the appropriate corrective action.

Resolution of noncompliance activities will involve close coordination with the Genesis Solar inspectors, the Compliance Building Officer (CBO), the BLM Compliance Project Manager (CPM), and contractor construction supervisory personnel to ensure that the corrective measures are properly understood and implemented. It is the responsibility of the Genesis Solar environmental inspection team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the Compliance Manager. Once Genesis Solar documents the resolution of a noncompliance, the applicable Compliance Monitor will inspect the area and verify and document that the noncompliance has been adequately resolved.

#### **4.1.5 Serious Violation**

A serious violation report will be issued by a Compliance Monitor immediately on observing an activity that is not in compliance with the project specifications and causes substantial harm to resources or poses a serious threat to sensitive resources or worker/public safety. Examples of

serious violations include deliberately conducting an activity that results in disturbance within an exclusion zone for a sensitive resource, repeated or cumulative noncompliance activities that could lead to a substantial impact on resources, and failure to correct previously identified noncompliance activities in an established time frame.

A serious violation report requires that the Compliance Manager and the BLM CPM participate in a conference call or meeting with the Genesis Solar Environmental Lead for the project and Environmental Inspection Manager to discuss the violation, the proper corrective actions, and possible follow-up enforcement actions that could be imposed. It will be the responsibility of the Genesis Solar environmental inspection team to provide follow-up documentation to the BLM and other agencies with appropriate jurisdiction over the issue as well as to the Compliance Manager. Once Genesis Solar documents the resolution of a serious violation, the Compliance Monitor will inspect the area and verify that the issue has been adequately resolved.

Daily inspections and relevant photodocumentation completed by each Compliance Monitor will be sent electronically to the Monitoring Contractor's database server at the end of each work week. The following morning, the separate reports will be compiled into one Weekly Monitoring Report, reviewed by the Compliance Manager, and posted on the non-public password-protected project website (refer to Section 4.3, Non-Public Project Website). A flow diagram of the electronic web-based reporting system is shown on Figure 1. When the reports are posted, the Compliance Manager will send an email to the authorized distribution stating that the reports are available. The email will summarize the compliance levels for the reports issued each day and include the link to the website. The BLM, Monitoring Contractor, and authorized Genesis Solar representatives will be included in the distribution for all reports.

## **4.2 Monthly Summary Reports**

Monthly summary reports will be issued that briefly describe construction activities during the reporting period and summarize by compliance level the number of reports completed by the Compliance Monitors during that reporting period and cumulatively for the construction period for that project phase. The monthly summary report will also include a table of problem area and noncompliance reports issued by the Compliance Monitors during the reporting period and the Level 1, 2, and 3 variance requests approved by the Compliance Monitors and the Compliance Manager during the reporting period. The monthly summary report will also include a table summarizing the net acreage of land affected by approved variances on federal land and, for the Archeological Resources Protection Act and Endangered Species Act, nonfederal land for the reporting period as well as cumulatively. The Monitoring Contractor's baseline electronic database reporting system will be designed to generate all the information in the tables of the monthly summary report.

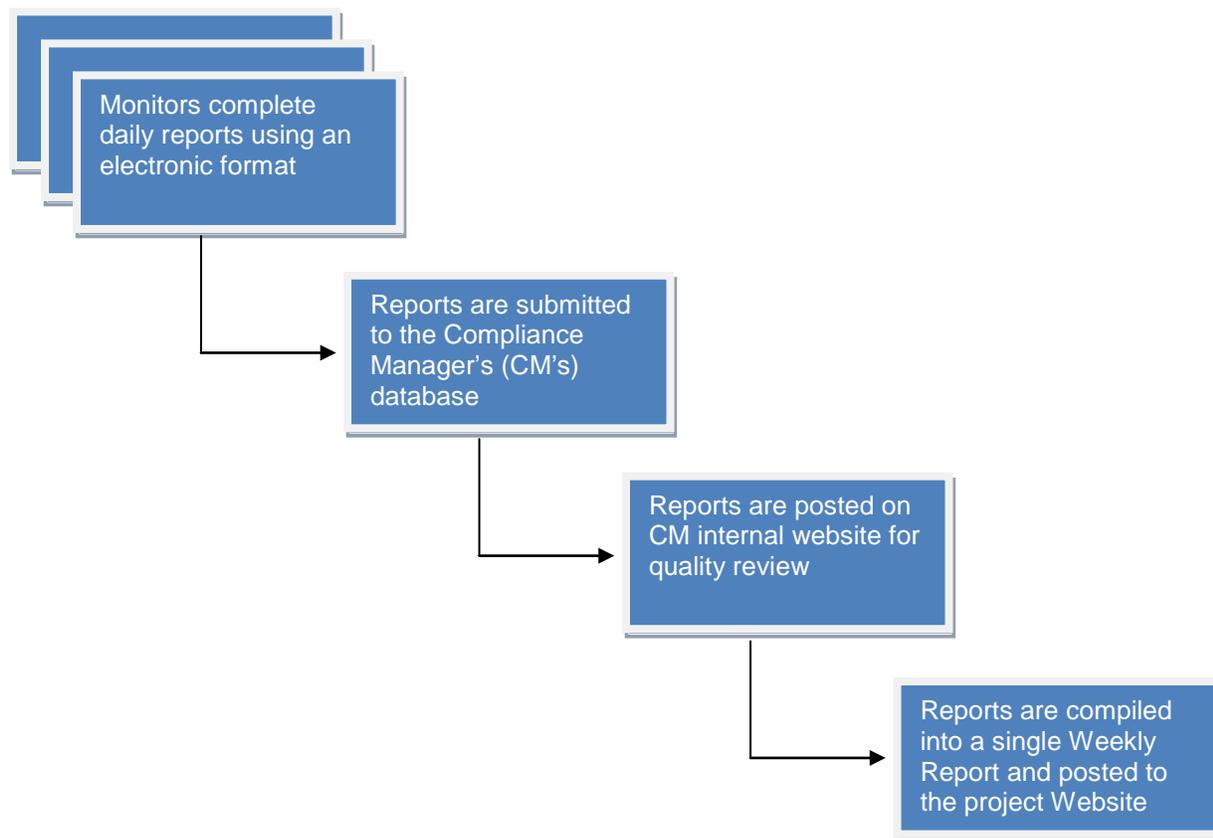


Figure 1: Electronic Web-Based Reporting System

The monthly summary reports will be posted on the non-public project website (refer to Section 4.3). When the monthly summary report is posted, the Compliance Manager will send an email to the authorized distribution that it is available. The email will include the link to the website. The BLM, Monitoring Contractor, and Genesis Solar representatives will be included in the distribution for the monthly summary report. A sample monthly summary report is provided in Attachment C.

### 4.3 Non-Public Project Website

The Monitoring Contractor will establish and maintain a non-public, password-protected project website to display the weekly and monthly monitoring reports and the approved Level 1, 2, and 3 variances (refer to Section 5.0, Variances). The GSEP website may also be used to post

meeting minutes, notes from conference calls, and guidance from agencies regarding interpretation of environmental requirements. The BLM and Monitoring Contractor representatives will have access to the entire website. The Genesis Solar representatives will have access to parts of the website as authorized by the BLM CPM and Information Technology.

## 5.0 Variances

During construction of the GSEP, unforeseen or unavoidable site conditions could result in the need for changes from the approved mitigation measures and construction procedures. Additionally, the need for route realignments, extra workspace, or changes to previously approved construction work areas may arise. Changes to previously approved mitigation measures, construction procedures, and construction work areas will be handled in the form of variance requests to be submitted by Genesis Solar and reviewed and approved or denied by the BLM, with the delegation of some authority for variances to the Monitoring Contractor. The variance process will also be a good mechanism to clarify discrepancies or inconsistencies discovered in project materials and/or to distribute information to the entire project team.

A system of three variance levels (Levels 1, 2, and 3) will be used to categorize and process variance requests. The three variance levels, the review and distribution process, and the decision-making authority proposed for each level are discussed in the following sections. A sample variance request form is provided in Attachment I.

### 5.1 Level 1 Variances (Field Decisions)

Level 1 variances are site-specific, minor, performance-based changes to project specifications, construction methods, or mitigation measures that provide equal or better protection to environmental resources or better constructability. These minor variance requests can be reviewed and either approved or denied by the Compliance Monitors in the field during normal construction operations.

Examples of Level 1 variance requests include:

- Allowing rubber-tired vehicles to use additional access roads that would not require any improvement to the road or repairs after construction (“like use”);
- Modifications to erosion control structure locations to minimize erosion potential;
- Minor variations in site-specific plans that reflect differences in site conditions from those that were expected when the plan was developed (e.g., relocation of a spoil storage area within previously approved work areas); and
- Minor changes to the project design that are required due to site-specific restrictions.

Level 1 variances may also be used to document and disseminate agency-directed changes to mitigation measures.

To initiate a Level 1 variance request, Genesis Solar's representative will fill out a variance request form using the form in Attachment H and obtain the appropriate signatures. Genesis Solar's representative will then contact a Compliance Monitor to review the proposed change. Genesis Solar's representative and the Compliance Monitor will work together to evaluate the site-specific situation and determine if the variance request is appropriate.

The Compliance Monitor may approve a Level 1 variance request if the results of implementing the change will provide equal or better protection for the resource than the original mitigation measure or if the original mitigation measure is not applicable to that specific site. If a Level 1 variance request is approved in the field, the Compliance Monitor will sign the variance request form. A Level 1 variance request can be implemented in the field as soon as it is approved by the Compliance Monitor.

The Compliance Monitor will document the variance approval in his/her daily log and will include the variance in the weekly report (refer to Section 4.1, Weekly Reports) and will transmit the approved form to the Compliance Manager for posting on the project website (refer to Section 4.3, Non-Public Website).

If the requested variance exceeds the Compliance Monitor's authority level, the Compliance Monitor will inform Genesis Solar's representative that a Level 2 or Level 3 variance request is required.

## 5.2 Level 2 Variances

A Level 2 variance request exceeds the field decision authority of the Compliance Monitor and requires processing by the Compliance Manager. Before the Compliance Manager can issue approval of a Level 2 variance request on federal land, the BLM Compliance Project Manager (CPM) must approve the request. Level 2 variance requests generally involve project changes that would affect an area outside the previously approved work area, but within the areas previously surveyed for cultural resources, sensitive species, and biological resources. Level 2 variance requests typically require the review of supplemental documents, correspondence, and records.

Examples of Level 2 variance requests include:

- The use of extra workspace outside the previously approved work area but within previously surveyed areas;

- The use of existing access roads that have not been previously approved if the use would not be considered “like use” that could be approved as a Level 1 variance (refer to Section 5.1, Level 1 Variances);
- Modifying a previously approved erosion control structure in ways not previously identified; and
- Modifications to the plans that are specifically different than those in the approved Plan of Development (POD).

To initiate a Level 2 variance request, Genesis Solar’s representative or other designated representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

A Genesis Solar representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM CPM with a copy to the Compliance Manager. Once the approval of the BLM CPM is obtained, the Compliance Manager will process the request.

If the Level 2 variance request is approved, the Compliance Manager will sign the variance request and e-mail the approved form (scanned copy) to the designated Genesis Solar representatives, the Compliance Monitors, and the BLM CPM and Compliance Contacts. The variance may be implemented in the field as soon as the approved variance is received. Verbal approval for Level 2 variance requests will not be granted. The Compliance Manager will document the variance approval in the daily log and will include it in the weekly report (refer to Section 4.1) and post the approved variance request form on the project website (refer to Section 4.3).

### **5.3 Level 3 Variances**

Level 3 variance requests generally involve project changes that would affect an area outside the previously approved work area that are outside the areas previously surveyed for cultural resources, sensitive species, and biological resources, or one that would change the function, structure, technology required, or other part of the project previously approved in the POD. Level 3 variances may need to be implemented through an amendment to the right-of-way (ROW) grant.

To initiate a Level 3 variance request, Genesis Solar’s representative or other designated representative will fill out a variance request form, prepare the appropriate supporting documentation, and obtain the required signatures.

The designated Genesis Solar representative will complete and submit the variance request form and supporting documentation by e-mail (scanned copy) or fax to the applicable BLM CPM and the Compliance Manager. Once the approval of the BLM CPM is obtained, the Compliance Manager will process the request.

Level 3 variance request approvals must be signed by the BLM CPM or the BLM Authorized Officer (AO) in the case of a ROW grant amendment. The variance may be implemented in the field as soon as the approved variance is received. The Compliance Manager will document the variance approval in the daily log and weekly report (refer to Section 4.1) and post the approved variance request form on the project website (refer to Section 4.3).

## **6.0 Stop Work Authority**

The BLM has the authority to stop construction of the GSEP if an activity is determined to be a deviation from the project environmental and cultural resource protection requirements or approved construction plans authorized by the BLM ROW grant. This authority may be delegated to the Monitoring Contractor, the Compliance Manager, and/or the Compliance Monitors, as determined appropriate by the BLM. Any order to stop an activity will be followed by a formal written immediate temporary suspension from the BLM Construction Project Manager (CPM) or the BLM Authorized Officer (AO).

## **7.0 Training and Preconstruction Meeting**

The Monitoring Contractor will ensure that Genesis Solar prepares and conducts an Environmental Training Program for the Environmental Inspection Team and construction contractor personnel prior to the start of construction. The BLM Project Manager and Compliance Contacts, and the Monitoring Contractor's Compliance Manager, Assistant Compliance Manager, and Compliance Monitors will participate in the Environmental Training Program to present an overview of the Environmental and Construction Compliance Monitoring Program (ECCMP) and to become familiar with Genesis Solar's environmental inspection program and personnel. The Monitoring Contractor's Compliance Manager or the BLM Compliance Project Manager (CPM) will explain the various components of the ECCMP, emphasizing the objectives of the ECCMP. The discussion will focus on the daily activities of the Compliance Monitors and their interactions with Genesis Solar's inspection and construction personnel.

The monitoring and documentation of compliance issues and construction progress will be described. A clear and concise explanation will be presented with respect to the variance request decision authority that the Compliance Monitors will have in the field. Procedures that may be required to address variance requests will also be presented, as well as the time frame required for decisions to be made prior to implementation.

Before the Genesis Solar training, the Monitoring Contractor will ensure that BLM holds a preconstruction meeting, which is required prior to issuance of any Notices to Proceed (NTPs). At that meeting, the BLM CPM will discuss the requirements of the Record of Decision (ROD), the additional stipulations, and the right-of-way (ROW) grant as well as those of the Plan of Development (POD). The Mitigation Monitoring Contractor's Compliance Manager and one Compliance Monitor will participate in this preconstruction meeting.

In addition to participation in the Genesis Solar Environmental Training Program and the BLM preconstruction meeting, the Monitoring Contractor will train the Compliance Monitors in all project-specific procedures, duties, responsibilities, reporting requirements, and authorities, which includes the authority to grant variances, to complete their assigned tasks during monitoring of the GSEP construction activities.

## 8.0 Equipment

Personnel responsible for monitoring and documenting compliance with the measures in the Environmental and Construction Compliance Monitoring Program (ECCMP) will require field support equipment. Specifically, the Monitoring Contractor's Compliance Manager, Assistant Compliance Manager, and each Compliance Monitor will be equipped with the following:

- Notebook computer and appropriate software to facilitate the compilation, transfer, and storage of data
- Digital camera
- Cellular phone (smart phone) and vehicle adapter for power charge
- Four-wheel drive vehicle

Additional equipment such as binoculars may also be needed, but would be provided on an as-needed basis.

# **Attachment A**

## **Daily Monitoring Report Cover Page Form**

**PROJECT: GENESIS SOLAR ENERGY PROJECT**

**COMPLIANCE MONITORING PROGRAM DAILY**

**MONITORING REPORT COVER PAGE**

**SAMPLE DAILY MONITORING REPORT (COVER PAGE)**

The following report is a compilation of the daily monitoring reports issued by the Compliance Monitors and/or Compliance Manager for activities conducted on [Month] [Day], 20[XX]. Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

**Communication**

**Acceptable**

**Problem Area**

**Noncompliance**

**Serious Violation**

**Approved Level 1 Variance**

**Approved Level 2 Variance pp**

**Approved Level 3 Variance**

**Compliance Level**

---

**Total Reports**

# **Attachment B**

## **Daily Monitoring Report Form**

**PROJECT: GENESIS SOLAR ENERGY PROJECT**

**ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM**

**DAILY MONITORING REPORT**

Report Number: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Compliance Monitor: \_\_\_\_\_ Compliance Level: \_\_\_\_\_

Environmental Inspector: \_\_\_\_\_ Construction Method: \_\_\_\_\_

**Location**

Construction Spread: \_\_\_\_\_ Tract #: \_\_\_\_\_ Tract #: \_\_\_\_\_ Tract #: \_\_\_\_\_

Begin Milepost: \_\_\_\_\_ End Milepost: \_\_\_\_\_

Begin Station: \_\_\_\_\_ End Station: \_\_\_\_\_

Inspection Notes:

Photos:

# **Attachment C**

## **Monthly Summary Report Form**

**DEVELOPER: GENESIS SOLAR**

**PROJECT: GENESIS SOLAR ENERGY PROJECT**

**Environmental Compliance Monitoring Program  
Summary Report for the Period: XX-XX, 20XX**

The following is a summary of the reports issued by the Compliance Monitors and Compliance Manager for activities conducted between XX-XX, 20XX. This report also summarizes Level 1, 2, and 3 variance requests approved during the same period. The environmental compliance monitoring program for the \_\_\_\_\_ Project is being implemented under the direction of the Bureau of Land Management (BLM). Copies of the daily monitoring reports and approved Level 1, 2, and 3 variance requests are posted and available for review on the environmental compliance monitoring program website.

Should you have any questions regarding the information contained in this report, please contact MONITOR at (XXX) XXX-XXXX (office) or (XXX) XXX-XXXX (cell phone).

## SUMMARY OF ACTIVITIES

Between XX-XX, 20XX, the Compliance Monitors and Compliance Manager issued eight daily monitoring reports. A tabular summary of the reports by compliance level is presented below.

**PROJECT: Genesis Solar Energy Project**

### ENVIRONMENTAL COMPLIANCE MONITORING PROGRAM Summary of Daily Monitoring Reports for the Period: XX-XX, 20XX

Compliance Level	Compliance Reports for the Period	Cumulative Compliance Reports for the Project
Communication	X	X
Acceptable	X	X
Problem Area	X	X
Noncompliance	X	X
Serious Violation	X	X
Approved Level 1 Variance	X	X
Approved Level 2 Variance	X	X
Approved Level 3 Variance	X	X
<b>Total Reports</b>	<b>X</b>	<b>X</b>

During this period, three full-time Compliance Monitors conducted daily inspections of project-related activities and documented \_\_\_\_\_'s compliance with the project documents and permits. The Compliance Monitors continued to coordinate with the Lead Environmental Inspectors (Lead EIs) and other EIs to inspect and discuss areas of concern prior to construction, review areas potentially subject to variance requests, assist with resolution of landowner complaints, and clarify interpretations of the project requirements. The activities of the three Compliance Monitors were directed by the Compliance Manager who continued to coordinate with the BLM as well as with \_\_\_\_\_'s field management and support staff.

A brief summary of the activities conducted during the reporting period is presented below. Copies of the detailed daily monitoring reports that were used to prepare this summary are posted and available for review on the environmental compliance monitoring program website.

Summary of Activities
<p>A brief text summary of activities that occurred by spread during the reporting period will be provided here</p>

## PROBLEM AREAS AND NONCOMPLIANCES

One problem area report and no noncompliance reports were issued by the Compliance Monitors between XX-XX, 200X as shown in the table below. The Compliance Monitors were notified of one noncompliance report issued by \_\_\_\_\_'s EIs.

### SUMMARY OF PROBLEM AREA AND NONCOMPLIANCE REPORTS

Compliance Level/Report Number	Date Issued	Location (Spread/Milepost)	Description	Corrective Action
Problem Area				
-None-				
Daily Monitoring Report #XX	X/X/200X	Spread X – X.X	A construction vehicle was parked outside of the approved right-of-way.	The Lead EI was notified and contacted the foreman to have the vehicle moved back onto the approved workspace.
Noncompliance				
-None-				
It was reported to the Compliance Monitors that the _____ EIs issued one noncompliance report. This noncompliance occurred on Spread X on XX, 200X and was issued to the trenching crew for partially burying the windrowed seedbank with trench spoil for approximately 1,000 feet.				

## VARIANCES

One Level 1 variance request was approved during the period. No Level 2 and no Level 3 variance requests were approved between XX-XX, 200X as shown in the table below. A summary of the acreage of land affected by the approved variance requests is also provided below.

### SUMMARY OF APPROVED LEVEL 1, 2, AND 3 VARIANCES

Variance Number	Date Issued	Location (Spread/Milepost)	Brief Description	Net Acreage Affected – Federal Land	Net Acreage Affected – Non-Federal Land
<b>LEVEL 1</b>					
XX-XX-001	X/X/200X	Spread X - X.X	Approved the like-use of an existing gravel road. This road is needed to allow travel around and 8-inch-diameter aboveground waterline that crosses the right-of-way.	X.X	X.X
<b>LEVEL 2</b>					
-None-					
<b>LEVEL 3</b>					
-None-					

### SUMMARY OF ACREAGE AFFECTED BY VARIANCES

	Acreage Affected This Reporting Period	Cumulative Acreage Affected
Federal Land	X.X	X.X
Non-Federal Land with some Federal Jurisdiction	X.X	X.X
<b>Total</b>	<b>X.X</b>	<b>X.X</b>
Includes variances on non-Federal land that are within 300 feet of previously identified cultural resources or listed species or their habitat.		

# **Attachment D**

## **BLM Authorized Officer Weekly Report**



## BLM Authorized Officer Weekly Report

---

Address:

City, State Zip

Phone:

Fax:

Website:

---

**Project: Genesis Solar Energy Project**

**Weekly Project Update**

**Project:**

**Week Ending:**

**Prepared By:**

### **1. Executive Summary of Current Issues**

**The following construction activities were observed onsite:**

**General:**

**Civil:**

**STG:**

**BOP Equipment:**

**Concrete Placement:**

**BLM Authorized Officer NOTE:**

## Plan Review Submittal Items

Submittal Type	Description
Received, Review Pending	
Reviewed and Approved / Conditionally Approved	
Reviewed and Correction List Issues	

Inspection:

### **2. General Activities Occurring at the Project Site**

### **3. Completion Percentage of Overall Construction**

WEEK	PERIOD OF PROJECTION	% COMPLETE (PROJECTED)	% COMPLETE (UPDATED)

*Table Note 1:* The percentage complete is an estimate only and is not derived directly from the project schedule.

*Table Note 2:* Number of weeks from project CEC Notice to Proceed/Start Date.

### **4. Compliance Issues with Applicable LORS and Applicable Conditions of Certification (e.g., areas out of compliance, interpretational disagreements, etc.)**

### **5. Issues of Concern with or by the Applicant**

**6. Status of Interconnections (e.g., Fuel Gas, Water Connections, Electricity to Grid, etc.)**

**7. Scheduled Activities for Next Week**

**8. Potential Delays to the Online Date of the Project**

**9. Project Photographs from Week**

# **Attachment E**

## **Certification of Completion of Worker Environmental Awareness Program**

## Certification of Completion Worker Environmental Awareness Program

This is to certify these individuals have completed a mandatory Bureau of Land Management-approved Worker Environmental Awareness Program (WEAP). The WEAP includes pertinent information on cultural, paleontological, and biological resources for all personnel (that is, construction supervisors, crews, and plant operators) working on site or at related facilities. By signing below, the participant indicates that he/she understands and shall abide by the guidelines set forth in the program materials. Include this completed form in the Monthly Compliance Report.

No.	Employee Name	Title/Company	Signature
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			
23.			
24.			
25.			

Cultural Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_  
 Paleo Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_  
 Biological Trainer: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

# **Attachment F**

## **Complaint Report/Resolution Form**

## COMPLAINT REPORT/RESOLUTION FORM

PROJECT NAME: AFC Number:
<b>COMPLAINT LOG NUMBER</b> _____ Complainant's name and address:   Phone number: _____
Date and time complaint received:  Indicate if by telephone or in writing (attach copy if written)  Date of first occurrence:
Description of complaint (including dates, frequency, and duration):
Findings of investigation by project personnel:  Indicate if complaint relates to violation of the ROW Grant. Indicate if complaint relates to violation of a BLM requirement.  Date complainant contacted to discuss findings: _____
Description of corrective measures taken or other complaint resolution:  Indicate if complainant agrees with proposed resolution. If not, explain:  Other relevant information:
If corrective action necessary, date completed: _____ Date first letter sent to complainant: _____ (copy attached) Date final letter sent to complainant: _____ (copy attached)
This information is certified to be correct.  Project: _____  Manager's Signature: _____ Date: _____

(Attach additional pages and supporting documentation, as required.)

# **Attachment G**

## **Key Events List**

## KEY EVENTS LIST

PROJECT: Genesis Solar Energy Project      DOCKET #: \_\_\_\_\_

BLM'S AUTHORIZED OFFICER: \_\_\_\_\_

COMPLIANCE PROJECT MANAGER: Mr. Chris Davis

EVENT DESCRIPTION	DATE
Certification Date	
Obtain Site Control	
Online Date	
<b>GROUNDWATER WELL ACTIVITIES (phase 1)</b>	
Pre-Construction Groundwater Monitoring	November 1, 2010
Mobilization to Existing Well near I-10	December 1, 2010
Conversion of Test Well	December 5, 2010
<b>ACCESS ROAD ACTIVITIES (phase 1)</b>	
Start Site Mobilization for Access Road	December 15, 2010
Start Ground Disturbance (Grading)	December 27, 2010
Paving	February 28, 2011
<b>PRE-CONSTRUCTION CLEARANCE SURVEYS: BIO &amp; CUL (phase 1)</b>	
Mobilize Desert Tortoise Fence Contractor at Plant Site (phase 1)	January 3, 2011
Erect Desert Tortoise Fence	January 5, 2011
Conduct Desert Tortoise Clearance Surveys	March 1, 2011
<b>POWER PLANT SITE ACTIVITIES (phase 2)</b>	
Start Site Mobilization for Plant Site	May 1, 2011
Start Grading and Ground Disturbance	May 27, 2011
Start Construction	May 27, 2011
Begin Pouring Major Foundation Concrete	July 26, 2011
Begin Installation of Major Equipment	July 1, 2011
Completion of Installation of Major Equipment (Unit 1)	November 1, 2012
Completion of Installation of Major Equipment (Unit 2)	December 23, 2013
Obtain Building Occupation Permit	
Start Commercial Operation (Unit 1)	May 1, 2013
Start Commercial Operation (Unit 2)	April 1, 2014
Complete All Construction	July 1, 2014
<b>TRANSMISSION LINE ACTIVITIES</b>	
Start T/L Construction	July 25, 2012
Synchronization with Grid Interconnection	January 2, 2013
Complete T/L Construction	December 31, 2012
<b>FUEL SUPPLY LINE ACTIVITIES</b>	
Start Gas Pipeline Construction and Interconnection	July 5, 2011
Complete Gas Pipeline Construction	September 5, 2011

**NOTE: Dates are approximate and are subject to change as the detailed schedule continues to be developed.**



# **Attachment H**

## **Non-Conformity Report**



# NON-CONFORMITY REPORT

**Company Name**

Address:  
City, State Zip

Phone:  
Fax:

Website:

<b>Inspection Agency:</b>	<b>Date:</b>
<b>Building:</b>	<b>Reference:</b>
<b>Type of Inspection:</b>	<b>Inspected By:</b>

**DATE, LOCATION AND ITEMS INSPECTED:**

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**DATE, LOCATION & TESTS PERFORMED:**

---



---

**LIST NON-CONFORMING ITEMS *WITH* CORRECTIONS:**

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**LIST NON-CONFORMING ITEMS *WITHOUT* CORRECTIONS:**

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**LIST AUTHORIZED CHANGES TO THE APPROVED PLAN – *INCLUDE R.F.I. NUMBER***

R.F.I. #	

# **Attachment I**

## **Variance Request Form**

<b>Variance Request Form</b>			
<div style="border: 1px solid black; width: 80px; height: 80px; margin: 0 auto;"></div> <p style="text-align: center; margin: 0;">LOGO</p>	COMPANY ADDRESS CITY, STATE ZIP PHONE	Variance: _____ Request No.: _____ Date Submit: _____ Date Approval Needed: _____ Date Agency Received: _____ Agency Approval Reference No.: _____	
Request Prepared by: Spread/ Location (Milepost): Alignment Sheet / Sta. No.: Landowner: Current Land Use/ Vegetative Cover: Nearby Features (Water body, T&E Habitat, Wetland, Noxious Weed Area, Residence, Cultural Resource Site (distance, etc.): Variance Level: <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3		Net acreage affected: Tract No: In or within 50 feet of a wetland: <input type="checkbox"/> Yes <input type="checkbox"/> No Within 50 feet of a water body: <input type="checkbox"/> Yes <input type="checkbox"/> No (To Be Assigned by Designated Representative) Variance From: <input type="checkbox"/> Permit <input type="checkbox"/> Plan/Procedure <input type="checkbox"/> Specification <input type="checkbox"/> Drawing <input type="checkbox"/> Mitigation Measure <input type="checkbox"/> Other:	
Detailed Description of Variance: Attachments? <input type="checkbox"/> Yes <input type="checkbox"/> No Photos? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Variance Justification:			
<b>For (Company Name) Use Only</b>			
Additional Surveys Required	Surveyed Corridor Description	Additional Surveys Completed	
Cultural Survey <input type="checkbox"/> Yes <input type="checkbox"/> No T & E Survey <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
Report Documenting Survey:			
Sign-off (as appropriate)	Name (print)	Approval Signature	Conditions (See Attached)
Contractor Sup't. or Env. Coordinator Lead Environmental Inspector Spread Supervisor Environmental Field Manager ROW Agent			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>For BLM Project Manager or Compliance Contact Use Only</b>			
Variance Approved: <input type="checkbox"/> Signature:		Variance Denied: <input type="checkbox"/> Date:	
<b>For Compliance Manager and Monitor Use Only</b>			
Variance Approved: Signature:		Variance Denied: Date:	
Stipulations:			

Spread:	OPPC Variance Request No.:	
<b>VARIANCE CONDITIONS</b>		
Name:	Title:	Organization:
Conditions:		
Name:	Title:	Organization:
Conditions:		
Name:	Title:	Organization:
Conditions:		

# **Attachment J**

## **Amendment to the 2007 Memorandum of Understanding**

**AMENDMENT TO THE 2007 MEMORANDUM OF  
UNDERSTANDING  
BETWEEN THE BUREAU OF LAND MANAGEMENT and  
THE CALIFORNIA ENERGY COMMISSION**

**CONCERNING CONSTRUCTION COMPLIANCE, ENVIRONMENTAL COMPLIANCE,  
DESIGN REVIEW, PLAN CHECK, AND CONSTRUCTION INSPECTION OF SOLAR  
THERMAL POWER PLANT PROJECTS ON PUBLIC LANDS**

**I. BACKGROUND**

On August 8, 2007, the Bureau of Land Management (“BLM”) and the California Energy Commission (“Commission”) formalized a Memorandum of Understanding (“2007 MOU”) for joint environmental review of solar thermal power plant projects to be located on public lands. It is in the interest of the Parties to share in construction compliance, environmental compliance, design review, plan check, and construction, maintenance, operation and termination inspection (collectively “compliance review”) of solar thermal power plant projects on public lands, to avoid duplication of staff efforts, to share staff expertise and information, to promote intergovernmental coordination at the state and Federal levels, to develop a more efficient compliance review process, and to meet state and Federal requirements.

**II. PURPOSE**

The purpose of this Amendment to the 2007 MOU is to ensure that jointly reviewed and approved solar thermal power plant projects, located on public lands, are constructed, operated, maintained, and terminated in conformity with the decisions issued by the BLM and the Commission.

**III. ROLES AND RESPONSIBILITIES**

Under California State law, the Commission has permitting authority for solar thermal power plants designed to generate over 50 megawatts in California under the California Public Resources Code 25500 et seq. If approved, the Commission’s Decision will contain Conditions of Certification for preconstruction, construction, and operation for the life of the project.

Under Federal law, the BLM has authority to grant rights-of-way over the public lands for generation, transmission, and distribution of electric energy systems under Title V of FLPMA, 43 U.S.C. sec. 1761 et seq. If approved, the BLM will issue a Record of Decision and an accompanying right-of-way grant containing terms and conditions to minimize damage and otherwise protect the environment, require compliance with applicable air and water quality standards, require compliance with state standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of rights-of-way if those state standards are more stringent than applicable Federal standards, and other requirements. The BLM will grant rights-of-way over the public lands in a manner that protects the natural resources associated with the public lands and adjacent lands, prevents unnecessary or undue degradation to public lands, promotes common use, and coordinates to the fullest extent possible with state government and others. The right-of-way grant will ensure the protection of public health and

safety, preclude unnecessary damage to the environment, and prevent the unnecessary or undue degradation of the public lands. The right-of-way holder (“Holder”) must comply with Title 43 of the Code of Federal Regulations (CFR) Part 2800, and by accepting the grant, is bound to the terms and conditions of the grant.

Under the terms of this Amendment to the 2007 MOU, the Commission will provide primary oversight for the Holder’s compliance with the California Building Standards Code (CBSC), and other applicable state laws, ordinances, regulations, and standards (LORS) to ensure health and safety of the public, and protection of the environment. The BLM will provide primary compliance oversight for the right-of-way terms and conditions that are required by the BLM, and that are separate and apart from those for which the primary oversight is being administered by the Commission.

Both the BLM and Energy Commission agree to communicate and cooperate in a manner in order to avoid duplication of efforts and to assist each other in effective implementation of compliance efforts.

Under the terms of this Amendment to the 2007 MOU, the Commission will provide the BLM with access to all relevant documents and records applicable to the Holder’s compliance with State Laws and standards for the construction, operation, maintenance and termination of approved solar thermal power plant projects, if appropriate. Should the Commission seek assistance from the BLM with enforcement of state requirements, requests for assistance will be directed to the BLM’s authorized officer.

Under the terms of this Amendment to the 2007 MOU, the BLM will provide the Commission with access to all relevant documents and records applicable to the Holder’s compliance with requirements of the right-of-way grant for the construction, operation, maintenance and termination of approved solar thermal power plant projects, if appropriate. Should the BLM seek assistance from the Commission with enforcement of federal requirements, requests for assistance will be directed to the Commission’s Certified Building Official.

Under the terms of this Amendment to the 2007 MOU, the respective staff of the BLM and the Commission, working cooperatively on compliance efforts, are encouraged to enter into local operating agreements. These local operating agreements will reflect the principles outlined in this Amendment and further describe the processes and protocols that will be established for communication and cooperation between the BLM and the Commission in conducting compliance review operations.

#### **IV. IMPLEMENTATION AND AMENDMENT**

This Amendment to the 2007 MOU becomes effective upon signature by the BLM California State Director and the California Energy Commission Executive Director, and may be subsequently amended or modified through the written agreement of both directors.

#### **V. RESOLVING DISAGREEMENT**

If there is disagreement between the Commission staff and the BLM staff regarding the provisions of this Amendment, representatives of each staff will meet to discuss the issue(s) in dispute and shall work in good faith towards resolution of the issue(s). If agreement is not reached within 21 days of this initial meeting, the signatories of this Amendment to the 2007 MOU, or delegate, shall confer to resolve the

disagreement. If resolution is not achieved, the BLM and the Commission may agree to disagree and to resolve the issue under respective principles of Federal or state law.

**VI. TERMINATION**

This Amendment to the 2007 MOU will remain in effect until satisfied or terminated, or until the 2007 MOU is satisfied or terminated. This Amendment to the 2007 MOU may be terminated in writing by either the BLM or the Commission by providing 30 days written notice of termination to the other.

**VII. SIGNATURES AND EFFECTIVE DATE**

The BLM and the Commission have executed, and this Amendment to the 2007 MOU becomes effective as of the date of the last signature shown below.

**CALIFORNIA ENERGY COMMISSION**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Melissa Jones, Executive Director  
California Energy Commission

**BUREAU OF LAND MANAGMENT**

DATED: \_\_\_\_\_

\_\_\_\_\_  
James W. Abbott, Acting State Director  
California Bureau of Land Management

# **Attachment K**

## **Summary of California Energy Commission Conditions of Certification and Bureau of Land Management Monitoring and Mitigation Measures**

## Summary of California Energy Commission Conditions of Certification and Bureau of Land Management Monitoring and Mitigation Measures

\*The complete language of the California Energy Commission (CEC) Conditions of Certifications applicable to the Genesis Solar Energy Project can be found in the CEC Final Decision Dated **September 29, 2010**. The complete language of the Bureau of Land Management (BLM) Monitoring and Mitigation Measures can be found in the BLM's Plan Amendment/Final Environmental Impact Statement (PA/FEIS) dated August 2010, as amended by the errata contained in the Record of Decision. This table is intended to list all monitoring and mitigation measures that apply to the Project. If there is any discrepancy between the PA/FEIS and the list of conditions in this table, this table shall prevail.

Condition	Summary	CEC	BLM	Comment
<b>Air Quality</b>				
AQ-SC1	Designate an Air Quality Construction Mitigation Manager	x		
AQ-SC2	Develop an Air Quality Construction Mitigation Plan	x		
AQ-SC3	Fugitive Dust Control for Construction	x		
AQ-SC4	Monitoring and response to dust plumes	x		
AQ-SC5	Diesel-fueled engine control	x		
AQ-SC6	New model year vehicles for maintenance and mirror washing	x		
AQ-SC7	Fugitive Dust Control Plan for Operations	x		
AQ-SC8	Provide copies of ATC and PTO	x		
AQ-1-51	MDAQMD Conditions	x		

Condition	Summary	CEC	BLM	Comment
<b>Biological Resources</b>				
BIO-1	Designated Biologist Selection and Qualifications	x		
BIO-2	Designated Biologist Duties	x		
BIO-3	Biological Monitor Selection and Qualifications	x		
BIO-4	Biological Monitor Duties	x		
BIO-5	Designated Biologist and Biological Monitor authority	x		
BIO-6	Worker Environmental Awareness Program	x		
BIO-7 BLM BIO 7A	Biological Resources Mitigation Implementation and Monitoring Plan Use Available Climatological Data	x	x	
BIO-8	General Biological Impact Avoidance and Mitigation Measures	x		
BIO-9	Desert Tortoise Clearance Surveys and Fencing	x		
BIO-10	Desert Tortoise Translocation Plan	x		
BIO-11	Desert Tortoise Compliance Verification	x		
BIO-12	Desert Tortoise Compensatory Mitigation	x		
BIO-13	Raven Management Plan	x		
BIO-14	Weed Management Plan	x		
BIO-15	Pre-construction Nest Surveys and Avoidance Measures	x		
BIO-16	Avian Protection Plan	x		
BIO-17	American Badger and Desert Kit Fox Impact Avoidance and Minimization Measures	x		

Condition	Summary	CEC	BLM	Comment
BIO-18	Burrowing Owl Impact Avoidance, Minimization, and Compensation Measures	x		
BIO-19	Special-status Plant Avoidance, Minimization, and Compensation Measures	x		
BIO-20	Sand Dunes/Mojave Fringe-toed Lizard Mitigation	x		
BIO-21	Evaporation Pond Netting and Monitoring	x		
BIO-22	Mitigation for Impacts to State Waters	x		
BIO-23	Decommissioning and Closure Plan	x		
BIO-24	Revegetation of Temporarily Disturbed Areas	x		
BIO-25	Deleted	-		
BIO-26	Deleted	-		
BIO-27	Couch's Spadefoot Toad Avoidance and Minimization Measures	x		
BIO-28	Golden Eagle Inventory and Management	x		
BIO-29	In-Lieu Fee Mitigation Option	x		
<b>Cultural and Paleontological Resources</b>				
CUL-1 BLM CUL 1	Prehistoric Trails Network Cultural Landscape (PTNCL) Documentation And Possible NRHP Nomination	x	x	
CUL-2 BLM CUL 1	Desert Training Center California-Arizona Maneuver Area Cultural Landscape (DTCCL) Documentation And Possible NRHP Nomination	x		
CUL-3 BLM CUL 2 BLM CUL 3	Cultural Resources Personnel Prepare HPTP	x	x	

Condition	Summary	CEC	BLM	Comment
CUL-4	Project Documents For Cultural Resources Personnel	x		
CUL-5 BLM CUL 5 BLM CUL 2 BLM CUL 7	Cultural Resources Monitoring And Mitigation Plan Data Recovery Plan Curation Requirements	x	x	
CUL-6 BLM CUL 4 BLM CUL 6	Cultural Resources Report Document filing procedures	x	x	
CUL-7 BLM CUL 9 BLM CUL 3	Worker Environmental Awareness Program (WEAP)	x	x	
CUL-8 BLM CUL 3	Construction Monitoring Program	x	x	
CUL-9 BLM CUL 3 BLM CUL 4 BLM CUL 8	Authority To Halt Construction; Treatment Of Discoveries	x	x	
CUL-10	Data Recovery For Small Sites	x		
CUL-11	Data Recovery For Large Sites	x		
CUL-12	Surface Collection With Sampling For Site Ca-Riv-9072	x		
CUL-13	Flag And Avoid	x		
CUL-14	Deleted			
CUL-15	Deleted			

Condition	Summary	CEC	BLM	Comment
CUL-16	Native American Assessment Of Impacts And Mitigation Recommendations For Ethnographic Resources	x		
CUL-17	Historic-Period Site Mapping And In-Field Artifact Analysis	x		
CUL-18	Compliance With BLM Programmatic Agreement	x		
PAL-1	Designate PRS and Monitors	x		
PAL-2	Provide maps and drawings to the PRS	x		
PAL-3	Develop PRMMP if directed by PRS	x		
PAL-4	Worker Environmental Awareness Program, and conduct weekly training, if required by PRS	x		
PAL-5	Monitor in areas on grading, excavation, trenching, and augering	x		
PAL-6	Collect fossil materials in accordance with the PRMMP	x		
PAL-7	Develop Final Paleontological Resources Report	x		
<b>Facility Design</b>				
GEN-1	Design, construct, and inspect the project in accordance with the 2007 California Building Standards Code	x		
GEN-2	Submit Schedule, Designs, Drawing and Specification List	x		

Condition	Summary	CEC	BLM	Comment
GEN-3	Payments to the CBO	x		
GEN-4	Assign Resident Engineer	x		
GEN-5	Assign CA Registered Engineer	x		
GEN-6	Assign Weld Inspector and/or Special Inspectors	x		
GEN-7	Discrepancy Documentation	x		
GEN-8	CBO inspection of completed work	x		
CIVIL-1	Drainage Structure Plans, erosion and sediment control Plan, soils, geotechnical reports	x		
CIVIL-2	Stop Work Authority and Notification	x		
CIVIL-3	CBO inspection of grading (for which a permit is required)	x		
CIVIL-4	CBO review of final (as-built) grading plans	x		
STRUC-1	Design review and approval of proposed lateral force procedures, designs, plans and drawings of major project structures	x		
STRUC-2	Civil Construction Document Compliance	x		
STRUC-3	Design Change Submittal to CBO	x		

Condition	Summary	CEC	BLM	Comment
STRUC-4	Tank and Vessel (Toxic or Hazardous) Compliance	x		
MECH-1	Final Design, Calculations and Specifications for major piping and plumbing systems	x		
MECH-2	Pressure Vessel code certification papers and supporting documents	x		
MECH-3	HVAC submittal to CBO	x		
ELEC-1	CBO review and approval for electrical equipment and systems 480 Volts or higher	x		
<b>Fire and Fuels Management</b>				
WORKER SAFETY-1	Project Construction Safety and Health Program	X		
WORKER SAFETY-2	Submittal of Operations and Maintenance Safety and Health Program	X		
WORKER SAFETY-3	Provide a CSS	x		
WORKER SAFETY-4	Provide Services of a Safety Monitor	x		
WORKER SAFETY-5	Training and Maintenance Program for AEDs	x		
WORKER-SAFETY-6	Final Plans for Secondary Access Gate	x		
WORKER-SAFETY-7	Provide Upfront payments and annual funds to Riverside County Fire Department for Station	x		
WORKER-SAFETY-8	Enhanced Dust Control Plan	x		
WORKER-SAFETY-9	Program Established for Joint Training with Riverside County Fire Department	x		
<b>Noise and Vibration</b>				

Condition	Summary	CEC	BLM	Comment
NOISE-1	Notification of Residents and Posting of Contact Number	X		
NOISE-2	Noise Complaint Resolution	x		
NOISE-3	Noise Control Program	X		
NOISE-4	Occupational Noise Survey	x		
<b>Public Health and Safety, and Hazardous Materials</b>				
PH-1	Cooling Water Management Plan	x		
TSE-1	Schedule, Master Drawing List and Specification List	x		
TSE-2	Assign Mechanical Engineer	x		
TSE-3	Discrepancy Documentation	x		
TSE-4	Review and Approval of Final Designs and Calculations for Equipment Systems of Switchyard and Outlet Line and Termination	x		
TSE-5	Review and Approval Design Drawing, Specifications and Calculations for Transmission Facilities	x		
TSE-6	Submit Nonconformance with any Approved in TSE-5	x		
TSE-7	Letter of Synchronization	x		
TSE-8	Inspection of Transmission Facilities	x		
HAZ-1	Submittal of Hazardous Materials List in Annual Report	x		
HAZ-2	Hazardous Materials Business Plan (HMBP)	x		
HAZ-2	Spill Prevention, Control and Countermeasures Plan (SPCC)	x		
HAZ-2	Process Safety Management Plan (PSMP)	x		
HAZ-3	Safety Management Plan	x		

Condition	Summary	CEC	BLM	Comment
HAZ-4	Designs showing Isolation Valves in HTF Piping System	x		
HAZ-5	Construction Security Plan	x		
HAZ-6	Operation Security Plan	x		
<b>Transmission Line Safety and Nuisance</b>				
TLSN-1	Submit letter affirming Requirements for Transmission Line Construction	x		
TSLN-2	Measurements of EMF	x		
TSLN-3	Inspect combustible material	x		
TSLN-4	Ensure grounding	x		
<b>Traffic and Transportation</b>				
TRANS-1	Construction Traffic Control Plan	X		
TRANS-2	Proof of Compliance with Caltrans	X		
TRANS-3	Obtain encroachment permits from Caltrans	X		
TRANS-4	Secure proper hazardous material permits for transportation	X		
TRANS-5	Photos or videotape all public roads/easements and/or intersections	x		
<b>Visual Resources</b>				
VIS-1	Surface Treatment Plan for Non-mirrored Structures	X	x	
BLM VIS 1	Paint facility structures colors sympathetic to desert environment. Treat back of troughs to minimize color contrasts to the extent feasible			
VIS-2	Lighting Mitigation Plan	X		

Condition	Summary	CEC	BLM	Comment
VIS-4	Fencing Material Plan for Reflective Glare Mitigations	X		
VIS-5	Staging Area Mitigation and Re-vegetation Plan	X		
<b>Hydrology, Water Use, and Water Quality</b>				
SOIL&WATER-1	Prepare the Drainage Erosion and Sedimentation Control Plan (DESCP)	X		
SOIL&WATER-2	Groundwater Level Monitoring and Reporting Plan  Conduct Well Reconnaissance	X		
SOIL&WATER-3	Groundwater Well Impact Compensation	X		
SOIL&WATER-4	Well Completion Reports Proof of Compliance with 23 CCR, sections 2510 et seq.	X		
SOIL&WATER-5	Documentation that Metering Devices were Installed on Water Supply System	X		
SOIL&WATER-6	Waste Discharge Requirements	X		
SOIL&WATER-7	Submit fee and information to Riverside County for Septic System and Leach Field Requirements	X		
SOIL&WATER-8	Revised Drainage Report based on 30% Grading and Drainage Plans	X		

Condition	Summary	CEC	BLM	Comment
SOIL&WATER-9	Flo-2D Analysis based on 30% design (phased with S&W-1)	X		
SOIL&WATER-10	30% Channel Design Drawings	X		
SOIL&WATER-11	Channel Erosion Protection	x		
SOIL&WATER-12	Acquire Permit for Non-Transient, Non-Community Water System	x		
SOIL&WATER-13	Channel Maintenance Program	x		
SOIL&WATER-14	Closure and Decommissioning Plan	x		
SOIL&WATER-15	Water Supply Plan/Mitigation Plan	x		
SOIL&WATER-16	Groundwater Production Reporting	x		
SOIL&WATER-17	Subsidence Monitoring Plan	x		
SOIL&WATER-18	Deleted			
SOIL&WATER-19	Conduct Modeling and Prepare Report of impacts to Palo Verde mesa Groundwater Basin	x		
SOIL&WATER-20	Groundwater Quality Monitoring and Reporting Plan	x		
<b>Waste</b>				
WASTE-1	Notification of contamination requirements	x		
WASTE-2	Assign Prof. Engineer or Prof. Geologist skilled in remedial investigation and feasibility studies	x		
WASTE-3	Additional Notification Requirements	x		
WASTE-4	Prepare Construction Waste Management Plan	x		
WASTE-5	Prepare UXO Identification, Training and Reporting Plan	x		
WASTE-6	Obtain Hazardous Waste Generator ID Number	x		

<b>Condition</b>	<b>Summary</b>	<b>CEC</b>	<b>BLM</b>	<b>Comment</b>
WASTE-7	Notification of CPM	x		
WASTE-9	Prepare Operations Waste Management Plan	x		
WASTE-10	Procedures for HTF spill	x		
WASTE-11	Documentation for HTF spill	x		