



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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2/14/2012

In Reply Refer to:

2800(P)

CACA-048880

(CA660)

RETURN RECEIPT REQUESTED

NOTICE

Genesis Solar, LLC	:	CACA-048880
700 Universe Boulevard	:	Right-of-Way
Juno Beach, FL 33408	:	FLPMA
	:	

Notice to Resume Construction Activities

On November 30, 2010, the Bureau of Land Management (BLM) issued a right-of-way (ROW) grant to Genesis Solar, LLC, to construct, operate, maintain, and decommission a 250 MW nominal solar thermal power project and its ancillary facilities (Genesis Solar Project). The project consists of two adjacent and independent power block units of 125 MW nominal capacity each (referred to as Units 1 and 2), with onsite facilities including an administration building, parking area, maintenance building, switchyard, bioremediation areas, wastewater treatment facilities, access and maintenance roads (either dirt, gravel, or paved), perimeter fencing, central gas pipeline, a distribution line, above and below-ground fiber optic lines, and water wells. Off-site facilities include an access road to the site, a distribution line, gas pipeline, above- and below-ground fiber optic lines, and a new double-circuit 230 kV generation-tie line. The ROW describes approximately 1,950 acres of public lands, more or less, in Riverside County, California.

On December 10, 2010, the BLM authorized Genesis Solar, LLC to begin construction on Phase I of the Genesis Solar Project as identified in an approved Plan of Development. Phase I construction consisted of perimeter fencing around the project site and the access road to the project site. On August 24, 2011, the BLM authorized Genesis Solar, LLC, to begin construction on Phases II and III, as identified in this same approved Plan of Development. Phases II and Phase III would consist of all necessary construction activities to construct a 250 MW parabolic trough solar power plant including, but not limited to site preparation, grading, foundations, assembly and erection of solar field components, installation of piping systems, installation of electrical systems, steel erection, setting of equipment related to the circulation of heat transfer

fluid and steam generation systems, setting of equipment related to water treatment systems, and installation of power distribution and transmission.

Stipulations contained in the ROW Grant for the Genesis Solar Project require the holder to suspend all operations in the immediate area of any cultural and/or paleontological resource discovery and report such findings to the authorized officer. On November 14, 2011, Genesis Solar, LLC, discovered widely dispersed artifacts during grading activities in Unit 1, Blocks 2-4. By November 17, 2011, artifacts began to be found with greater regularity and density. On November 17, the BLM orally instructed Genesis Solar, LLC to halt all construction grading on the project site until a plan of action could be formulated. On November 21, the BLM, the California Energy Commission (CEC) and Genesis Solar, LLC conferred and orally agreed that work would continue to be halted in Blocks 1-4 of Unit 1 while the parties developed a plan to address the finds pursuant to the Project's Programmatic Agreement (PA) and Historic Properties Treatment Plan (HPTP), including appropriate consultation with Native American Tribes and other interested parties. Since November 17, construction has been allowed to resume in Blocks 5-8 of Unit 1, where the probability of encountering archeological materials is considered low.

Since halting work in Blocks 1-4, BLM has consulted with Tribes, the State Historic Preservation Office, the CEC, Genesis Solar, LLC and other parties as required by the PA and HPTP. Through this consultation, increased knowledge of the project site, and the professional opinion of BLM archaeologists, the BLM has determined that certain areas of Blocks 1-4 have a low potential to contain undiscovered cultural material. This determination is based on a low concentration of cultural materials found during surface disturbing activities within similar portions of Blocks 1 and 4, and the high probability of similar results in these portions of Blocks 2 and 4. The BLM is presently developing a Controlled Grading/Caisson Spoils Inspection Plan to analyze those portions of Blocks 2-4 that have a higher potential to contain such materials, including an area in Block 2 that appears to contain an archaeological deposit.

This notice authorizes Genesis Solar, LLC, subject to the terms, conditions and stipulations of the ROW grant to:

1. Proceed with caisson boring in the west half of Block 1, as depicted in Appendix A¹ as the Contingency Exclusion Zone, under the condition that, for the 300 (30 east x 10 north) caissons located in the far southwestern portion of Block 1, caisson drilling spoils will be monitored such that when the auger reaches a depth of three feet and/or down to the relevant paleosol level (whichever is reached first), augering will pause for a sufficient length of time to allow the cultural and tribal monitors to examine the soils removed by the auger for cultural materials. Augering may resume only when the monitors are satisfied that no evidence of diagnostic or significant cultural material is present. Genesis Solar, LLC or its designee shall maintain a log, to be signed by each monitor, that documents the monitors' findings for each caisson location. If cultural materials are

¹ The Contingency Exclusion Zone and Revised Exclusion Zone boundaries shown in Appendix A are derived from longitudinal and latitudinal coordinates describing the boundaries; these coordinates will be provided to Genesis Solar, LLC and made available to other interested parties upon request.

found, the specimen will be recorded according to standards consistent with the CECs Cultural Resources Monitoring and Mitigation Plan CRMMP. If at any time during this augering process the Cultural Resource Specialist (CRS) or the cultural or Tribal monitors believe that these cultural materials are a continuation of the archaeological deposit to the south in Block 2, all work will be stopped in the Contingency Exclusion Zone of Block 1, as shown in Appendix A, and the CRS will contact the BLM and CEC archaeologists to determine the next steps to ascertain the northern limits of the archaeological deposit in consultation with affected Native American Tribes and SHPO. In the remainder of Block 1, Genesis Solar, LLC is authorized to proceed with construction activities associated with Phase II and III of the project as identified in the approved Plan of Development and as authorized by the ROW grant.

2. In the portion of the ROW that is outside the area to be addressed by the Controlled Grading/Caisson Spoils Inspection Plan, presently being developed by the BLM, proceed with construction activities associated with Phase II and III of the project as identified in the approved Plan of Development and as authorized by the ROW grant. The area being reauthorized for construction activities is easterly of the eastern boundary line of the Revised Exclusion Zone in Unit 1, Block 2 through 4, depicted in the map attached hereto as Appendix A.

This notice replaces the Notice to Proceed issued on August 24, 2011, and December 10, 2010 for construction activities associated with Phase I, II, and III. Construction in Unit 1, Blocks 5 through 8, and Unit 2 is authorized to continue as previously allowed by those Notices to Proceed.

If you have any questions, you may contact me at 760-833-7100.



John R. Kalish
Field Manager

Enclosures (1)

Appendix A- Controlled Grading Map 2/13/2012

cc: Teri Raml, District Manager, California Desert District

Greg Miller, Renewable Energy Coordination Office Program Manager

Appendix A – controlled Grading Map 2/13/2012

A map containing sensitive archeological resource location data has been deleted from the Public Release copy of this document pursuant to exemption 3 of the Freedom of information Act (FOIA) (5 U.S.C. § 552(b)(3)) and the Archeological Resources Protection Act (16 U.S.C. § 470hh). Exemption 3 allows an agency to withhold records that are specifically exempt from disclosure by another Federal statute. If you believe the deleted material must be released, you may request it under the FOIA by writing to: FOIA Coordinator, Bureau of Land Management, 2800 Cottage Way, Suite W1623, Sacramento, CA 95825, or sending an e-mail to BLM_CA_FOIA@blm.gov.