



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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5/11/2012

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 Proceed in Implementing the “Genesis Solar Energy Project Unit 1 Buried Resource Phase I and Phase II Mitigation Plan, Riverside County, California”

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 (GSEP). 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. Phase 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 Unit 1, Blocks 1 – 4 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 continued in Blocks 5-8 of Unit 1, where the probability of encountering archaeological materials was considered low.

After halting work in Blocks 1-4, BLM 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 determined that certain areas of Blocks 1-4 have a low potential to contain undiscovered cultural material. This determination was 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 the eastern portions of Blocks 2 and 3. On February 14, 2012, the BLM issued a notice to Genesis Solar, LLC authorizing it to resume construction activities, subject to certain conditions, in these areas including all of Block 1 and those portions of Blocks 2-4 located east of the Exclusion Zone as depicted on Appendix A of the February 14 Notice.

The February 14, 2012 Notice did not authorize any work to resume in the Exclusion Zone, an area that comprises those portions of Blocks 2-4 that were determined to have a higher potential to contain undiscovered cultural materials, including an area in Block 2 that appears to contain an archaeological deposit. In order to further analyze the extent and type of cultural resources in the Exclusion Zone, the BLM developed the "Controlled Grading Plan for Blocks 2 through 4 of Unit 1, Genesis Solar Energy Project, Riverside County, California" (CG Plan). This CG Plan was designed to focus first on identifying the horizontal and uppermost vertical limits of any cultural deposits in Blocks 2-4. Genesis Solar, LLC, was authorized to implement this CG Plan under a "Notice to Implement Controlled Grading Plan", dated February 24, 2012.

This CG Plan was implemented from February 27 to March 5, 2012, and is summarized in a report entitled: "Final Results for Controlled Grading Activities in Unit 1, Blocks 2-4 of the Genesis Solar Energy Project", dated March 16, 2012. Based on the observed distribution of artifacts from the controlled grading locations, a provisional site boundary was identified by BLM on a conference call between BLM, CEC, Genesis Solar, LLC, and AECOM on March 5, 2012. Under the plan of discovery procedures as outlined in Section 9.3 of the HPTP, a 200-foot protection buffer is established around any discovery of cultural materials constituting a site. However, since this site boundary is only inferred due to limited sampling and in an abundance of caution, an additional 300 feet was added to the east of this buffer area in Blocks 2 and 3. In addition, a portion of a project drainage feature, referred to as Channel A and located west of Blocks 1 and 2, was added to this site boundary due to a high probability of undetected subsurface cultural materials at this location. This archaeological site, approximately 100 acres in size, continues to be excluded from construction activities and is referred to as the Unit 1 buried resource.

After review of existing information, consultation with tribal representatives and discussion among the BLM, the California Energy Commission, the State Historic Preservation Office and Genesis Solar, LLC, regarding site evaluation and mitigation, the buried resource in Unit 1 of GSEP is being assumed eligible for the National Register of Historic Places under Title 36, Code of Federal Regulations (CFR), §800.13(c). In order to mitigate the impacts of project construction on this Unit 1 buried resource as

required under 36 CFR §800.13(b), the “Genesis Solar Energy Project Unit 1 Buried Resource Phase I and Phase II Mitigation Plan, Riverside County, California” will be implemented. This mitigation plan, attached hereto, includes a geoarchaeological trenching program, a Ground Penetrating Radar study, LIDAR analysis artifact analysis, a year-long ethnographic study, archaeological exploration of the adjacent Ford Dry Lake, and multiple public outreach efforts.

Genesis Solar Energy Project is hereby authorized to implement the “Genesis Solar Energy Project Unit 1 Buried Resource Phase I and Phase II Mitigation Plan, Riverside County, California” (Plan). No surface disturbing activities under this Notice to Proceed, however, are authorized to begin until Monday, May 14, 2012. All requirements of this Plan shall be implemented in its entirety as identified in Appendix B of the Plan.

This notice replaces the Notices to Proceed issued on December 10, 2010, August 24, 2011, February 14, 2012, and March 21, 2012 for construction activities within this area.

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



John R. Kalish
Field Manager

Enclosures (1)

Genesis Solar Energy Project Unit 1 Buried Resource Phase I and Phase II Mitigation Plan,
Riverside County, California