CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION *Page 1 of 2*

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Energy Facilities Siting and ***Environmental Protection Division***		**FILE: 09-AFC-2**
	Project Title: Turlock Irrigation District Almond 2 Power Plant Project	
☒ **Telephone: Teleconference No. 866.203.7023**	☐ **Meeting Location:**	
NAME: Kathleen Forrest Mike McGuirt	**Date 5/19/11**	**Time 10:00 - 10:45 AM**

WITH: Clint Helton, Almond 2 CRS, CH2M HILL; Geof Spaulding, Almond 2 PG, CH2M HILL

SUBJECT: Preparation of Monitoring Plan for the Reinforcement Segment of the PG&E Natural Gas Pipeline and the Recovery and Disposition of Further Native American Remains, W of the San Joaquin River

Mike McGuirt and I had an approximately 45-minute conversation with Clint Helton and Geof Spaulding of CH2M HILL. The primary purpose of the conversation was to discuss the preparation of a monitoring plan for the natural gas pipeline reinforcement portion of Turlock Irrigation District's Almond 2 Power Plant project, in accordance with CUL-3 for the project. The pipeline reinforcement is to occur to the west of the San Joaquin River in Stanislaus County, and the eastern-most 400 feet of that right-of-way is in an area where Geof has demonstrated that fragmentary human skeletal remains are present. Approximately 50 small bone fragments were observed in the 250-foot long excavation. Four of these fragments appeared to have characteristics that would lend themselves to be identified as human. Given the potential for the bone that was discovered to be human and Native American, Energy Commission Cultural Resources Unit staff believes that a monitoring plan needs to be developed to guide the recovery and disposition of any Native American remains that may be encountered.

The basic archaeological context for the conversation is that the results of Geof's geoarchaeology study for the pipeline reinforcement demonstrate that fragmentary bone is present in the eastern-most portion of the reinforcement segment project area and that encountering further bone is to be anticipated. The bone is fragmentary because the fragments are presently thought to have been displaced and re-deposited by rodent burrowing activity. No *in situ* cultural remains, cultural strata, or archaeological features were identified.

The regulatory context for the conversation is that the Native American Heritage Commission (NAHC), despite having been notified of Geof's original find and the anticipation of further such finds, has not designated a most likely descendant for the subject bone deposits (NAHC May 5, 2011 email of Katy Sanchez to Kathleen Forrest of the Energy Commission). Partly as a response to this decision and due to the anticipated earnest concern of the Native American community about the human remains, however fragmentary, Energy Commission Cultural Resources Unit staff, on behalf of the Energy Commission as lead agency under CEQA, has decided to re-open consultation with the Native American community to garner their input on how to recover and dispose of human remains that are anticipated to be found during the work on the pipeline reinforcement.

The focus of our telephone conversation was the preparation of the monitoring plan for the reinforcement work. Mike explained the rationale for reinitiating discussions with the Native American community and the potential benefits to the project owner of soliciting Native American input in the development of the plan. Clint was concerned about the length of time that collaboration with Native Americans often takes, but thought that construction on the reinforcement segment was not scheduled to begin before late summer, which should allow sufficient time to meet with Native American representatives and provide them an appropriate time frame in which to respond.

The core of the monitoring plan would be the development of protocols appropriate to the different landforms that Geof ultimately delimits in the geoarchaeology report (to be submitted in mid-June). Everyone on the telephone appeared to recognize that something beyond routine visual monitoring would be necessary for the deposits that Geof has found to contain the human remains. Depending on the ultimate outcome of Geof's geoarchaeology report, less intense or no monitoring may be acceptable for other deposits or landforms that the pipeline reinforcement segment traverses. Mike mentioned that monitors who work in the area where human remains would likely be found would have to actively pursue the recovery of human remains from any excavated fill, as work progressed. Clint suggested developing a sampling strategy rather than trying to screen all of the trench fill. Everyone agreed that Energy Commission staff and the project owner would develop a draft protocol, based on Clint's idea, as a starting point for negotiations with the Native American community. Geof also wanted to note that he had raised the issue with the project owner of trying to completely avoid the part of the reinforcement segment known to have human remains. To date, he has not yet received an indication of whether such avoidance would be feasible.

At the conclusion of our conversation about Almond 2, the four of us agreed on the action items below.

1. Kathleen will re-initiate discussions with the Native American groups that the NAHC previously identified and check to see whether the NAHC has any further recommendations.
2. Clint will transmit a technical memo next week, as a follow-up to our conversation, that will include a monitoring proposal to present to those Native Americans who choose to meet with Energy Commission and CH2M HILL staffs regarding this issue.
3. Clint will confirm the reinforcement segment construction schedule with PG&E.
4. Geof will continue to work on the geoarchaeology report with a draft tentatively available in mid-June.

cc: Mike McGuirt, Shaelyn Strattan, Clint Helton, Geof Spaulding		Signed:
		Name: Kathleen Forrest