CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

DOCKET
97-AFC-2C
DATE Apr 18 2011
RECD. Apr 18 2011

April 18, 2011

Ms. Barbara McBride
Calpine Corporation
Director, Environmental Health & Safety
4160 Dublin Blvd, Ste 100
Dublin, CA 94568

SUBJECT: SUTTER ENERGY CENTER PROJECT (97-AFC-2C)
AMENDMENT, DATA REQUESTS #1-11

Dear Ms. McBride:

Pursuant to Title 20, California Code of Regulations, section 1769, the California Energy Commission (Energy Commission) staff requests the information specified in the enclosed Data Requests. The information is necessary for Energy Commission staff to more fully understand the project and the proposed amendment and to assess the impacts of the project.

This set of Data Requests (#1-5) is being made in the areas of cultural resources. The Data Requests were developed as a result of staff's review of the proposed Sutter Energy Center Project Amendment Petition (Petition) filed with the Energy Commission on March 4, 2011. Written responses to the enclosed Data Requests are due to the Energy Commission staff on or before May 18, 2011 or at such later date as may be mutually agreed.

If you are unable to provide the information, or object to providing the requested information, please notify me within 14, days of receipt of this request. Any objections to the Data Requests must contain the reasons for not providing the information and thegrounds for any objections (see Title 20, California Code of Regulations, section 1769).

If you have any questions, please call me at (916) 654-4745, or E-mail me at cstora@energy.state.ca.us.

Sincerely,

Christine Stora

CHRISTINE STORA
Compliance Unit

cc: Kathleen Campbell, Calpine
Docket Unit

Technical Area: Cultural Resources
Authors: Michael D. McGuirt

Where the disclosure of information on the location or the character of cultural resources may create a substantial risk of harm, theft, or destruction, one must submit such information under cover of an application for confidential designation pursuant to title 20, California Code of Regulations, section 2505.

BACKGROUND

One major source of information that Energy Commission Cultural Resources Unit staff uses to develop their analyses of the potential effects that newly proposed projects or amendments to extant projects may have on cultural resources is the technical reports that consultant cultural resources specialists produce for Energy Commission applicants or project owners. In order for staff to be able to better assess the value of the information in these reports, it is critical to know who actually designed, executed, and wrote up the investigations reported in them, or, if others who did not actually do the work being reported upon are taking responsibility for less qualified or experienced staff, Energy Commission Cultural Resources Unit staff would also need to know the identity of those persons.

Energy Commission Cultural Resources Unit staff is presently unable to discern who the author or authors are of the February 2011 *Cultural Resources Inventory Report for The Grimes Pipeline Project, Sutter County, California*, appendix G (*Cultural Resources Inventory Report)* (Inventory Report), Calpine Corporation's March 2011 *The Grimes Pipeline Amendment to the Sutter Energy Center (97-AFC-02).* In order to be able to assess the usefulness of this information to the preparation of staff's analysis of the subject amendment, staff needs to know who these persons are and the extent to which they personally did the inventory phase work or, being further removed, simply oversaw and are responsible for the outcomes of that work.

DATA REQUEST

1. Please provide a description of the persons directly involved in and responsible for the preparation of the Inventory Report. Please make explicit the respective roles of each person.

BACKGROUND

One purpose in the Energy Commission siting process both of the development of regional archaeological, historic, and ethnographic contexts and of archival research in these disciplines is to facilitate the development of archaeological, historic, and ethnographic models that are germane to a proposed project area. Such models should facilitate the initial derivation of the anticipated cultural resources inventory in a project

area, inform the preparation of the research design and the field methods for the inventory investigations, and serve as an interpretative baseline relative to which one should assess the results of those investigations. The effort that one should expend on the development of these models should always be commensurate with the scale of the proposed project and the scale of the related planning effort.

There are no sections in chapter 2, *Environmental and Cultural Context*, or chapter 3, *Methods and Results*, of the Inventory Report that develop, consistent with the Energy Commission siting regulations (§ (g)(2)(A), app. B, 20 CCR §§ 1701 et seq.), archaeological, historic, or ethnographic contexts with emphases on the area in a 5-mile radius of the proposed project. Staff needs this information to support the development of our analysis for the proposed amendment. In the absence of this information, staff would not be informed about the types of archaeological, historic, or ethnographic resources that one would anticipate being present in the more immediate vicinity of the proposed project area, nor, implicitly, would staff be able to reliably assess whether and how the results of the project owner's inventory efforts comport with the anticipated results.

DATA REQUEST

2. Please provide, with reference to data in the project owner's amendment document *and* other reliable secondary data, discussions of the types of archaeological, historic, and ethnographic resources that one would anticipate finding in the area of potential effects (APE) for the proposed project amendment and discussions that compare and interpret the actual results of the project owner's inventory efforts to the anticipated results of those efforts. What should these various resource types look like out on the ground in the APE? What in fact did they look like? Were the results of the inventory efforts a surprise in any way? On the bases of these discussions, how well can the cultural resource base in the APE be said to be understood?

BACKGROUND

The project owner's cultural resources specialists encountered and made use of a "dry earthen ditch" (p. 3-3, app. G) to observe the stratigraphy of the APE for the proposed project amendment. This was a diligent effort to use fortuitous field resources. Unfortunately, the amount of detail about the ditch and the observations made in it, such as whether its dimensions and condition may have constrained the useful range of its observation potential, and what the character of the observed stratigraphy was, did not make it into the Inventory Report. Staff needs this information to be able to verify the usefulness of the observations made and to use that data in the development of the staff analysis of the proposed project amendment.

DATA REQUESTS

3. Please provide a discussion of the role of the subject ditch in the inventory effort for the proposed project amendment. Please include in that discussion answers to the following questions:

    - Where is the ditch in relation to the proposed pipeline alignment, and is it representative of the complete complement of landforms in the APE?
    - How deep was the ditch, and was this depth equal to or greater than the proposed depth of ground disturbance for the project amendment?
    - What was the condition of the side banks, and did the surveyors shovel-scrape the banks to observe the local stratigraphy?

4. Please provide formal descriptions of the lithostratigraphic units observed in the banks of the subject ditch and a discussion of the relevance of the observed units to the stratigraphy of the APE. Please also include any profiles drawn or photographs taken to support this discussion.

BACKGROUND

It would greatly facilitate the expeditious review of what appears to be the project owner's modifications to the original cultural resources conditions of certification for the original project if the project owner were to provide proposed modifications in strikeout form, and annotations that provide the rationale for each strikeout.

DATA REQUEST

5. Please provide a strikeout version of the proposed modifications to the cultural resources conditions of certification. Annotations that justify the strikeouts would facilitate our further consultation.