Meeting Date: 12/17/20
Application Number: A2753
Staff: R. B. Greenwood

Staff Report 53

APPLICANT:

Avangrid Renewables, LLC

PROPOSED ACTION:

Issuance of a Non-Exclusive Geological/Geophysical Survey Permit

AREA, LAND TYPE, AND LOCATION:

State-owned school lands, Assessor's Parcel Numbers 0417-162-01, 0417-162-02, 0417-162-04, 0417-162-05, 0417-162-053, 0417-162-54, located near Lucerne Valley, San Bernardino County, as shown on Exhibit A.

AUTHORIZED USE:

Avangrid Renewables, LLC, has applied for a 3-month Geological/Geophysical Survey Permit to collect geological, geotechnical, and geophysical information by drilling 37 borings, excavating 30 test pits, driving steel piles at 20 locations, and by conducting nine resistivity surveys on State-owned school land. These activities will be conducted at a total of 57 test locations.

TERM:

3 months, December 17, 2020, through March 16, 2021.

SPECIFIC PERMIT PROVISIONS:

The terms of the Permit require the permittee to provide staff with advance notification of operations and the specifications of the equipment to be employed. Staff may obtain copies of all geological data derived from any and all surveys under the Permit upon request.

The Permit contains restrictions that protect public rights and environmental resources; for example, the Permit would be non-exclusive and is limited to 3 months. Additionally, the applicant is required to take precautionary actions to ensure that impacts to sensitive resources are avoided.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6212.2, 6216, 6501.1, and 8701; California Code of Regulations, title 2, section 2100.

STATE'S BEST INTERESTS:

Avangrid Renewables, LLC, is a private company that has applied for a permit to conduct geological and geophysical surveys on State-owned school lands.

Aurora Solar, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, has applied to the Commission for a lease to construct and operate a solar generation project, called the Stagecoach Solar Project, to produce up to 200 megawatts of solar energy, on approximately 3,000 acres of State-owned school land. The Commission is the lead agency for this proposed project under the California Environmental Quality Act (CEQA) and is preparing a draft Environmental Impact Report, SCH No. 2020100234. This EIR and proposed solar generation project lease application will be considered by the Commission at a later date.

The data collected under the requested Permit will be used to evaluate and provide recommendations for the final geotechnical report related to foundations, road, and electrical infrastructure designs and constructability for the proposed solar generation project.

Thirty-seven soil borings, 6 to 8 inches in diameter and less than 40 feet deep, will be drilled via a truck-mounted hollow stem auger. Soil samples will be collected, and standard penetration tests will be conducted. All boreholes will be backfilled with native soil cuttings immediately after extraction. Thirty test pits measuring 4 feet wide, up to 10 feet long, and up to 8 feet deep will be dug by an excavator, sampled, and promptly backfilled with native soil cuttings and compacted. Steel piles will also be driven to depths of 5 to 10 feet deep at 20 locations, via truck or trailer-mounted hydraulic hammer. Driven piles will be used to conduct pile drivability tests, and axial load and lateral load soil tests. Each pile will be removed by backhoe or excavator and will immediately be backfilled and compacted using native soils. Electrical resistivity tests will be conducted at the ground surface at nine sites with maximum spacing between 20 and 330 feet. All field testing is anticipated to take between 4 and 6 weeks.

Avangrid Renewables, LLC, has consulted with qualified biologists, archaeologists, and Native American tribes to ensure that existing known sensitive resource areas are avoided, and that unanticipated sensitive resources are discovered and

avoided. Biological, archaeological, and Native American tribal monitors will be required on-site during all activities. The proposed Permit requires that precautionary actions are taken to ensure that impacts to sensitive resources are avoided. These actions are listed in Exhibits B and C and include: a worker education program covering biological, archaeological, and Native American tribal resource awareness and procedures to avoid impacts; daily surveys for desert tortoise before work can commence; 15 mph speed limit for vehicle traffic; preconstruction surveys for archaeological and paleontological resources; and an Unanticipated Discovery Plan for human remains and artifacts reviewed and approved by staff in consultation with Native American tribal monitors.

CONCLUSION:

For all the reasons above, staff believes the approval of the Permit application is in the best interests of the State. Staff recommends approval of this Non-Exclusive Geological/ Geophysical Survey Permit application.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of school land, it exercises legislatively delegated authority and responsibility as trustee of the State's school lands as authorized by law. If the Commission denies the application, the Applicant will not be authorized to conduct geological and geophysical surveys on School lands. Upon expiration or prior termination of the permit, the applicant has no right to a new permit or to renewal of any previous permit.

2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.

3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1), and title 14, section 15306.

   Authority: Public Resources Code section 21084; California Code of Regulations, title 14, section 15300; and California Code of Regulations, title 2, section 2905.

EXHIBITS:

A. Location Map
B. Desert Tortoise Avoidance Measures for the Avangrid Geophysical Exploration Project
C. Cultural Resources Monitoring and Reporting Plan for the Avangrid Geophysical Exploration Project
D. Permit

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 6, Information Collection; California Code of Regulations, title 2, section 2905, subdivision (e)(1), and title 14, section 15306.

STATE'S BEST INTERESTS:

Find that the proposed Permit is in the best interests of the State.

AUTHORIZATION:

Authorize issuance of a Non-Exclusive Geological/Geophysical Survey Permit to Avangrid Renewables, LLC, to conduct geological and geophysical surveys for the period December 17, 2020, through March 16, 2021, on State-owned school land located near Lucerne Valley, San Bernardino County, as shown on Exhibit A, attached and incorporated by reference herein.

EXHIBIT A A2753

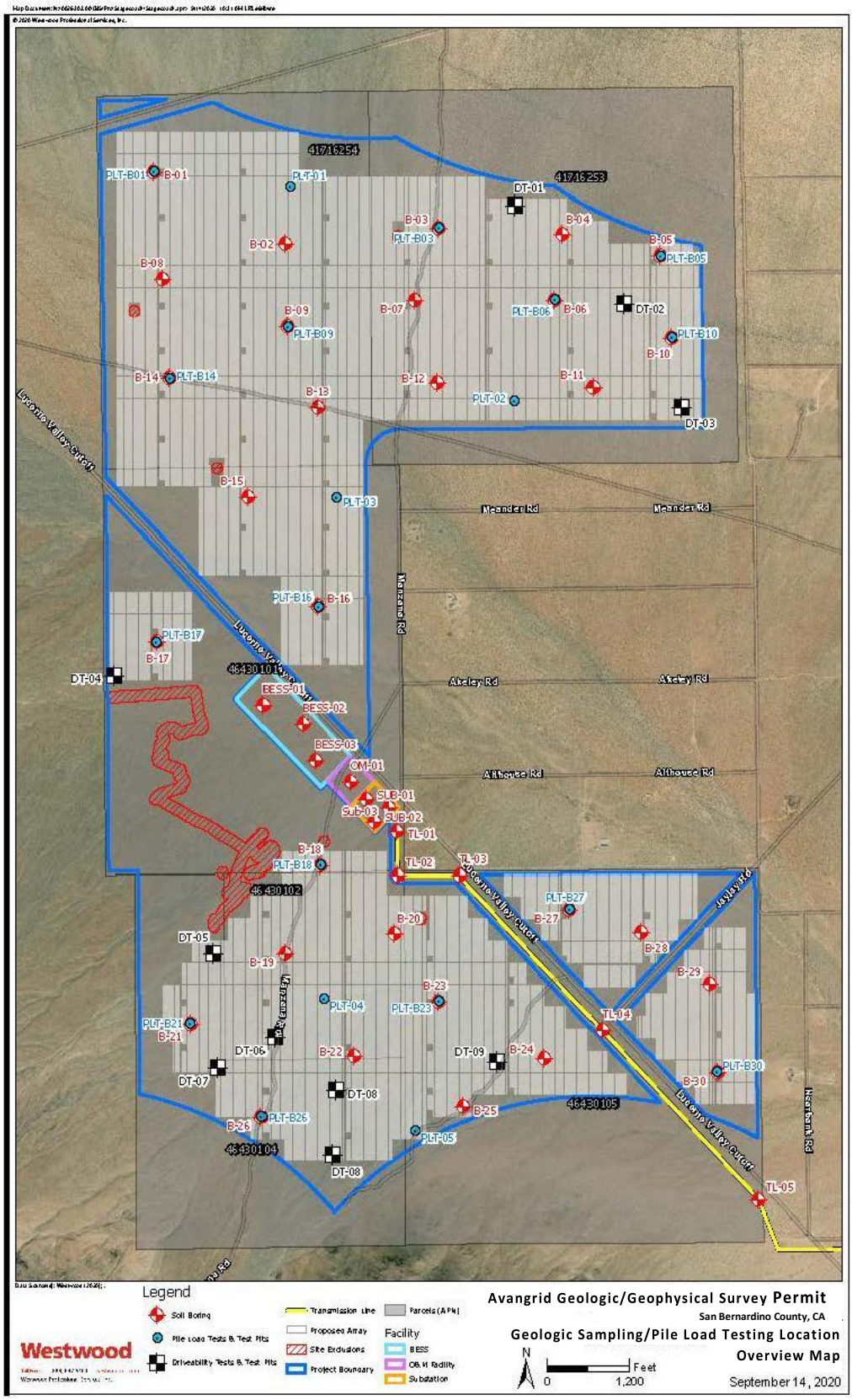

Exhibit B

A2753

Desert Tortoise Avoidance Measures for the Avangrid Geophysical Exploration Project

Memorandum

To:	Kristen Goland, Avangrid Renewables
From:	Talia Haley, ICF
Cc:	Laura Nagy, Avangrid Renewables David Zippin, ICF Troy Rahmig, ICF
Date:	September 17, 2020
Re:	**Desert Tortoise Avoidance Measures for Geotechnical Drilling**

A 200-megawatt photovoltaic solar energy generation facility (Stagecoach Solar Project) that will be located in San Bernardino County, approximately 15 miles south of the City of Barstow, has been proposed and is being investigated and reviewed under the California Environmental Quality Act. Avangrid Renewables, LLC. is proposing to undertake geotechnical investigations throughout the proposed site. The proposed site occurs in habitat occupied by desert tortoises (*Gopherus agassizii*), a species listed as threatened under the federal Endangered Species Act and threatened under the California Endangered Species Act. To ensure that desert tortoises will not be negatively impacted during the geotechnical boring activities, the following Avoidance Measures will be implemented.

1. All employees of the permitee who work on site shall participate in a tortoise education program prior to initiation of field activities. The program may consist of a class presented by a biologist with desert tortoise experience or by video. The program shall cover the following topics at a minimum:

- Distribution of the desert tortoise
- General behavior and ecology of the tortoise
- Sensitivity to human activities

- Legal protection
- Penalties for violation of federal and state laws
- Responsibilities of crew members

2. Each drilling crew will be accompanied by a biological monitor with experience in monitoring for desert tortoises. The biological monitors will have knowledge of desert tortoise ecology, habitat requirements, and have experience with desert tortoise clearance surveys and monitoring.
3. The biological monitors will be present during all drilling activities. The monitors will survey all work areas for the presence of desert tortoises or suitable burrows no more than 24 hours prior to the commencement of drilling activities. If work at a site continues the next day, the biological monitors will also inspect the work area before work can continue the next day.
4. When drilling activities occur in areas without existing road access, all overland access routes to the drilling locations will be surveyed by the biological monitor no more than 24 hours prior to driving off road to determine if desert tortoises or suitable burrows are present. The biological monitor will walk the access route and visually inspect 100% of the access route plus a 10-foot buffer on either side. The location of any desert tortoises or suitable burrows will be marked using a GPS unit and avoided by at least 50 feet. If necessary, access routes may need to be modified to completely avoid desert tortoises or suitable burrows. The monitor will flag the route to be followed. The biological monitor will lead the vehicle caravan into and away from the drill site.
5. No tortoises will be handled by the qualified monitors or crew members. If a tortoise or suitable burrow are observed, they will be completely avoided. If a desert tortoise enters the work area, all work will cease and the tortoise will be allowed to exit the work area on its own accord.
6. Disturbance of desert tortoise habitat will be minimized to the greatest extent practicable. Blading of access roads will not be allowed and vehicles will avoid crushing vegetation to the greatest extent practicable.
7. All personnel will check for desert tortoises underneath parked vehicles and equipment each time a vehicle is moved. If a tortoise is found under a parked vehicle, the vehicle operator shall wait for the tortoise to move away from the vehicle on its own accord. If the tortoise does not move within 15 minutes, the monitor or a crew member may direct the vehicle away from the tortoise without harming it.
8. All holes will be securely covered to exclude all wildlife at the end of each work day or when drilling is completed.
9. A speed limit of 15 miles per hour while driving on existing dirt roads and 5 miles per hours when driving over-land.
10. To prevent the spread of noxious weeds, all vehicles and equipment will be pressure washed prior to driving off road onto the site.

11. To discourage unauthorized OHV use, the contractor will remove vehicle tracks within 100 feet of existing access roads by raking or other means.

12. To avoid attracting wildlife to the work area, all food-related trash will be placed in sealed containers or bags and removed from the work area at the end of each day.

13. Following the completion of geotechnical drilling activities, a letter report will be prepared that will include a figure of where the drilling activities occurred, if any desert tortoises were encountered, and the avoidance measures that were implemented, and the outcome of implementing those measures.

Exhibit C

A2753

Cultural Resources Monitoring and Reporting Plan for Avangrid Geophysical Exploration Project

San Bernardino County

1.0 Introduction

1.1 Background and Objectives

A 200-megawatt photovoltaic solar energy generation facility (Stagecoach Solar Project) that will be located in San Bernardino County, approximately 15 miles south of the City of Barstow, has been proposed and is being investigated and reviewed under the California Environmental Quality Act.

Avangrid Renewables, LLC. is proposing to undertake geotechnical investigations throughout the proposed site. This Cultural Resources Monitoring and Reporting Plan details the steps to implement archaeological and Native American monitoring for the Avangrid Geophysical Exploration Project. It includes a summary of roles and responsibilities, communication protocol, and protocol in the event of an unanticipated discovery. All cultural resources monitoring will follow requirements of the California Environmental Quality Act (CEQA) and the policies adopted in the County of San Bernardino 2007 General Plan, Section V Conservation Element.

This Cultural Resources Monitoring and Reporting Plan details the steps to implement archaeological and Native American monitoring for the Avangrid Geophysical Exploration Project. It includes a summary of roles and responsibilities, communication protocol, and protocol in the event of an unanticipated discovery. All cultural resources monitoring will follow requirements of the California Environmental Quality Act (CEQA) and the policies adopted in the County of San Bernardino 2007 General Plan, Section V Conservation Element.

2.0 Cultural Resources Monitoring

2.1 Monitoring Personnel

Archaeological and Native American monitoring services will be provided by the staffs of ASM Affiliates, Inc., and the San Manuel Band of Mission Indians, respectively. Sherri Andrews, MA, RPA, will serve as archaeological Principal Investigator (PI). The lead Native American Monitor will be determined by the Tribal Historic Preservation Officer (THPO) of the San Manuel Band of Mission Indians.

2.2 Role and Responsibilities of the Archaeological Monitor

The Archaeological Monitor will be a qualified archaeologist who is familiar with the types of historical and prehistoric resources that could be present in the Avangrid Geophysical Exploration area and will be directly supervised by the PI. The primary roles and responsibilities of the Archaeological Monitor are to ensure that full compliance with the cultural resources precautionary measures is achieved, that artifacts and sites are properly preserved, managed and/or recovered, and that full and respectful coordination with the Native American Monitor is maintained.

The Archaeological Monitor's duties include:

1. Monitoring of ground-disturbing activities for evidence of cultural resource materials, including artifacts, archaeological features, and human remains or grave goods.
2. Daily coordination with the Avangrid Geophysical Exploration Project's Native American Monitor, and the site construction management team and staff, including the onsite Construction Manager and environmental Permit Compliance Manager.
3. Preparation of daily monitoring logs and support for the preparation of the final monitoring report.
4. Halting ground-disturbing activities in the event of an unanticipated discovery of an artifact, archaeological feature, human remains, or grave goods so that the discovery can be properly evaluated and treated in accordance with the procedures outlined in Section 3.0, *Unanticipated Discovery of Cultural Resources*, of this plan.
5. Communicating the nature of any unanticipated discovery to the site construction management team and staff and sharing appropriate information so that others will understand the cultural importance of any discovered resources.
6. Completion of California Department of Parks and Recreation (DPR) 523 series forms, as needed, during construction.
7. Verification that the protective markings and barriers around any preserved sites uncovered during ground-disturbing activities are maintained so that known sites are not damaged.
8. Helping to ensure that Native American human remains, and any associated grave items are treated with culturally appropriate dignity, as is intended by state law.

The Archaeological Monitor will be present during ground-disturbing activities to identify archaeological or Native American resources that may be uncovered. The Archaeological Monitor will have copies of all site records and maps for known resources in the vicinity of work and will keep that information confidential (to be shared only with the Native American Monitors).

The Archaeological Monitor will have the basic equipment needed to complete minimal documentation, preliminary evaluation, and recovery of unanticipated discoveries, including a screen, shovel, bucket, and sample collection supplies. Note, however, that the Archaeological Monitor will consult with the PI, tribal representative, California State Lands Commission (CSLC) Staff, and site construction management team and staff (including the onsite Construction Manager and environmental Permit Compliance Manager) in the event of an unanticipated discovery, prior to initiating any preliminary evaluation effort. If the evaluation or data recovery work is more extensive than the Archaeological Monitor alone can complete in an expeditious manner, the archaeological consultant will supply additional crew and equipment for the work.

All recovered non-burial-associated archaeological materials will be taken to the consultant's laboratory for initial processing, analysis, reporting, and preparation for curation. In the event of the discovery of an archaeological site or isolate, California DPR 523 series forms will also be completed.

2.3 Role and Responsibilities of the Native American Monitor

The Native American Monitor will also be present during ground-disturbing activities and will work in coordination with the Archaeological Monitor to ensure that the tasks and activities described above are properly followed. The primary role of the Native American Monitor is to participate in the identification of culturally significant artifacts and features, including possible features of religious importance. In addition, the Native American Monitor will serve as the liaison with the San Manuel Band of Mission Indians to keep them informed of any findings and the overall construction status on the Avangrid Geophysical Exploration Project. Like the Archaeological Monitor, the Native American Monitor will be empowered to halt ground-disturbing activities in the event of an unanticipated discovery of an archaeological or cultural resource, particularly resources that may be Native American in nature.

2.4 Cultural Resources Awareness Training

Before participating in field construction activities on the Avangrid Geophysical Exploration Project site, all construction personnel will complete cultural resources awareness training that will be included in the overall Worker Environmental Awareness Training. This training will help ensure that all workers understand and follow established protocols for protection of known and unanticipated cultural resources on the Avangrid Geophysical Exploration Project site.

The cultural resources awareness training will include the following:

- A description of the types of resources that may be found in the Avangrid Geophysical Exploration Project area;
- Protocols to be used in the event of an unanticipated discovery;
- Importance of cultural resources to the Native American community; and
- A summary of laws protecting significant archaeological and historical sites.

2.5 Communications Protocol and Chain of Command

Effective and timely communication between construction personnel is key to a well-implemented and safe monitoring program. The archaeological and Native American Monitors will work in daily coordination with each other and will report directly to the onsite Construction Manager and Environmental Permit Compliance Manager. In addition, the Archaeological Monitor will report to the PI; the Native American Monitor will report to the San Manuel Band of Mission Indians THPO.

If a discovery occurs that requires additional evaluation or treatment, the monitor will fence off an appropriate work area with lath or rebar and orange rope or flagging tape, which will also be marked with signage that entry is prohibited. The size of this area will depend upon the initial discovery indications, but fencing shall be established at least 10 meters from initial discovery. This buffer will alert the construction crew to avoid the area in question. The monitor shall make eye contact with any equipment operators to communicate that a find has been made if any machinery is operating in the area of the find. If the find is determined to be potentially significant, the onsite Construction Manager and environmental Permit Compliance Manager, PI, CSLC staff, and San Manuel Band of Mission Indians THPO will be immediately notified. Construction crews will also be notified to avoid the roped off area.

If a buffer will remain in place for more than one workday, the monitor will work with the onsite environmental Permit Compliance Manager to add the area to the environmental constraints map.

Should the find include human remains, the Archaeological Monitor will notify the San Bernardino County Coroner immediately, at 175 South Lena Road, San Bernardino, CA 92415; 909-387-2978. Should the remains be determined to be Native American, the coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify and contact the Most Likely Descendent (MLD).

3.0 Unanticipated Discovery of Cultural Resources

3.1 Significance Criteria

3.1.1 CEQA Definitions

Under CEQA, historically significant cultural resources are defined by eligibility for or by listing in the California Register of Historical Resources (CRHR). Significant cultural resources are those archaeological resources and historical properties that:

(1) Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(2) Are associated with the lives of persons important in our past;
(3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
(4) Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

3.2 Evaluation of Unanticipated Discoveries

In the event of an unanticipated discovery of a potential resource within a work area, the Archaeological Monitor or Native American Monitor will halt all ground-disturbing work at the work area. The monitor will immediately rope off an appropriate area that will provide a safe work environment for the monitor. This area will depend on the size and nature of the find but shall not be less than 10 meters in diameter to allow for visibility from construction equipment.

The Archaeological Monitor will carefully inspect the ground surface around the discovery and any displaced dirt in order to determine whether the discovery is an isolated find (fewer than three items) or a site (three or more items, or a feature). If the find is determined to be an isolated find (with the exception of human remains), the discovery will be documented, mapped, and collected.

This discovery will be reported and described in the daily log and final monitoring report. The Archaeological Monitor will complete the California DPR 523 series form, if appropriate. If the discovery is determined to be potentially significant, the archaeological and Native American monitors will ensure proper notification is made to the onsite Construction Manager and Environmental Permit Compliance Manager, the PI, CSLC staff, and the San Manuel Band of Mission Indians THPO. The PI, CSLC staff, and San Manuel Band of Mission Indians THPO will determine what additional fieldwork is necessary, such as limited test excavation, to determine the site's potential eligibility for the CRHR or NRHP.

If test excavation is required to evaluate a discovery, the PI will develop and implement a testing program. In general, any evaluation effort will be focused on the area of discovery within the planned disturbance area, including a reasonable buffer, which is generally considered to be no more than 10 meters from the maximum extent of the find. The focus will be to determine the nature of the archaeological resource and to assess the quantity, quality, and variety of preserved archaeological items that are or may be present. Evaluation will include shovel test pits of a sufficient number to characterize the extent of subsurface archaeological deposits and a minimum of one sample unit to evaluate the condition of the discovery and acquire a controlled sample of the preserved cultural materials.

The Native American Monitor will be present during evaluation field work, as well as during any subsequent ground-disturbing work at the discovery location. After the site evaluation, the PI will prepare a summary letter report assessing the site's eligibility for the CRHR and propose appropriate treatment measures, such as the need for archaeological data recovery, if the site is recommended as significant or eligible for the CRHR.

3.3 Data Recovery

If a discovered site is determined to be eligible for the CRHR, avoidance or further treatment measures will be required. If a Phase III (data recovery) program is necessary, the PI will prepare a data recovery work plan. After review and concurrence by the onsite Construction Manager and environmental Permit Compliance Manager, the CSLC staff, and the San Manuel Band of Mission Indians THPO, data recovery efforts will be focused exclusively on that portion of the site within the planned disturbance area, with a reasonable buffer. To the degree possible, the construction and engineering teams will be included in discussions to avoid or minimize potential damage to the discovered resource.

The Phase III program shall minimally include the following:

- Standard archaeological data recovery practices;
- Recommendation of sample size adequate to mitigate impacts to the archaeological site, including the basis and justification of the recommended sample size;
- Identification of location of sample sites/test units;
- Detailed description of sampling techniques and material recovery procedures (e.g., how sample is to be excavated, how the material will be screened, screen size, how material will be collected); and
- Disposition of collected materials.

The level of effort will be dictated by the nature and extent of the discovery and on the results of the initial evaluation effort. Upon completion of any required fieldwork, the PI will prepare a letter verifying

completion of necessary field work, as identified in the Phase III work plan. A final data recovery report will also be prepared after laboratory studies and analyses.

3.4 Discovery of Human Remains

If human remains are encountered during construction monitoring, California state law will be followed (Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94, 5097.98 and 5097.99). This law specifies that work will stop immediately in any areas where human remains or suspected human remains are encountered. The Archaeological Monitor shall immediately contact the San Bernardino County Coroner, at 175 South Lena Road, San Bernardino, CA 92415; 909-387-2978. The San Manuel Band of Mission Indians THPO shall also be notified by the Native American Monitor.

The Coroner has two working days to examine the remains after notification. Under some circumstances a determination may be made without direct input from the Coroner. When the remains are determined to be Native American, the Coroner has 24 hours to notify the NAHC, who will determine the MLD.

The NAHC will immediately notify the identified MLD, who has 24 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. If the MLD does not make recommendations within 24 hours, the area of the property must be secured from further disturbance. If there are disputes between the landowner and the nearest likely descendants, the NAHC will mediate the dispute to attempt to find a resolution. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

4.0 Reporting

4.1 Daily Logs

The Archaeological Monitor will complete and compile daily monitoring logs. Daily logs will include the location of archaeological monitoring activities for the reporting time period, as well as a description of any cultural resources identified and actions taken. Photographs may be included, if applicable. All daily monitoring logs will be submitted to the onsite environmental Permit Compliance Manager, CSLC staff, and to the San Manuel Band of Mission Indians THPO, if requested.

4.2 Discovery Reports and Data Recovery

In the event of an unanticipated discovery of an archaeological site, as defined above (Section 3.2), the PI will complete an evaluation report and, if necessary, data recovery report. A summary report of either evaluation or data recovery will be submitted to the onsite Construction Manager and Environmental Permit Compliance Manager, CSLC staff, and the San Manuel Band of Mission Indians THPO within one week of the completion of the fieldwork to complete the evaluation or data recovery.

This summary report will include the location and nature of the discovery, the field methods employed, and a preliminary evaluation or interpretation of the resource, as well as management recommendations concerning the treatment of the site. A final evaluation or data recovery report will be submitted within 45 days of the completion of the field work. In addition to the above information, this will include background information, sampling strategy, laboratory methods, artifact catalog and analysis, and the results of any special studies that may have been performed.

4.3 Final Monitoring Report

Upon completion of all monitoring tasks and requirements, the PI will prepare a report summarizing all monitoring activities and confirm that all required precautionary measures have been met. The report will summarize the monitoring program and the findings and results, and present a detailed professional description, analysis, and evaluation of any cultural resources that were encountered and evaluated during construction. This report will be completed and submitted to the onsite Construction Manager and Environmental Permit Compliance Manager, CSLC staff, and San Manuel Band of Mission Indians THPO within 60 days of the completion of the monitoring.

4.4 Curation of Collected Resources

Any recovered artifacts will be documented and turned over to the San Manual Band of Mission Indians, who will decide the ultimate deposition.

EXHIBIT D

A2753

STATE OF CALIFORNIA
CALIFORNIA STATE LANDS COMMISSION
NON-EXCLUSIVE GEOLOGICAL SAMPLING AND GEOPHYSICAL SURVEY PERMIT

Pursuant to Division 6, Part 2, Chapter 3, Article 2, Section 6826, of the California Public Resources Code and Title 2 of the California Administrative Code, the State of California, acting by and through the State Lands Commission (State) hereby issues to Avangrid Renewables, LLC, the Permittee, a non-exclusive geological sampling and geophysical survey permit subject to the following terms and conditions:

TERMS AND CONDITIONS

1. **Permit Area:** This permit covers portions of State school lands located in San Bernardino County. The site-specific sample and survey locations are identified on the map attached as Exhibit A.

2. **Term of Permit:** This permit shall commence on December 17, 2020, and shall continue through March 16, 2021, unless terminated sooner as provided in this permit.

3. **Scope of Activities**: Permittee shall comply with the terms of this permit whenever the equipment specified in Section 4 is deployed or geological and geophysical data are to be collected within the permit area.

4. **Equipment/Survey Methods**: Permittee shall have the right to collect geological data at 57 test sites via hollow stem auger borings, test pits, pile drivability tests,

pile load tests, and electrical resistivity surveys, as described in the application and as displayed in Exhibit B.

5. **Multiple Use**: This permit is non-exclusive and is issued subject to all existing valid rights at the date of this permit and such rights shall not be affected by the issuance of this permit. The State shall have the right to issue additional non-exclusive survey permits and leases or other entitlement for use, which are not inconsistent with this permit.

6. **Operations**: Permittee shall perform all work with due regard for the preservation of the property covered by this permit and with due caution to prevent damage to third parties. Permittee shall comply with the following measures:

   a. Biological Resources

      Permittee must implement all avoidance measures described in Exhibit C, Desert Tortoise Avoidance Measures, by this reference incorporated into this Permit and made a part hereof.

   b. Cultural Resources

      Permittee must implement the Cultural Resources Monitoring and Reporting Plan described in Exhibit D and by this reference incorporated into this Permit and made a part hereof.

   c. Hazards and Hazardous Materials

      The Permittee will ensure through its geologic sampling and geophysical survey permitting process, or through enforcement of contractual obligations for its own projects, that all contractors transport, store, and handle geotechnical survey-required hazardous materials in a manner consistent with relevant regulations and guidelines established by the

California Code of Regulations (Title 13, Division 2, Chapter 6), the California Department of Transportation (Caltrans), and the California Regional Water Quality Control Board, prior to geotechnical survey work.

To prevent unauthorized release of hazardous materials into the environment, the Permittee will develop a plan for emergency response for the routine transport, use, storage, handling, and disposal of hazardous materials. The plan for emergency response will address preparation for possible emergencies involving hazardous materials, and will be reviewed and approved by staff 5 working days before start of geologic sampling.

7. **Observers**: The State may desire to witness all or a portion of the operations authorized by this permit. Permittee shall provide access to the State representative to facilitate observation and inspection of all operations conducted pursuant to this permit.

If the State representative notes permit violations or determines that adverse effects are being caused or are imminent, the representative may recommend suspension of activities to the Executive Officer of the California State Lands Commission. Upon approval of the Executive Officer, the representative may carry out suspension of the activities allowed under this permit pursuant to Section 13.

8. **Notification Procedure**: At least 5 working days in advance of any geologic sampling and geophysical survey work, written notice of the proposed operations must be received by the State Lands Commission, 301 Ocean Blvd., Suite 550, Long Beach, CA 90802-8833, Attention: Statewide Geophysical Coordinator. The written notice shall contain:

a. The name of the contracting company, the name of Company representative,

company contact information.

b. The exact dates through which the survey will be conducted, and the daily hours of operation during such period;

c. A full-sized map showing the area and sample location sites to be affected by the survey;

d. The location of each proposed sample site;

e. A listing of equipment to be used in the survey;

f. The name and telephone number of a representative of the permittee; and

g. The proprietary owner of the data/information collected.

h. Verification of Notification to Interested Parties.

i. A Contingency Plan for Inadvertent Drilling Release (including agency notification, response and cleanup procedures).

j. Permittee shall notify the State Lands Commission of any substantial modification, deviations, delays, or cancellations, concerning the survey area or survey dates, which were not in the original notice prior to their occurrence.

9. **Data Submission and Examination**:

a. The Permittee shall submit a field operations report to the State as soon as possible, but not more than thirty days after the completion of any geologic sampling and geophysical survey activities conducted under this permit. The report shall contain, but not be limited to, the following information outlined below and in the format set forth in Exhibit E:

i. Narrative description of the work performed, the data obtained, and the logs produced from the operations.

ii. Charts, maps, or plats indicating the areas in which any geologic sampling was conducted, specifically identifying the locations where geologic sampling was conducted accompanied by a reference sufficient to identify the data produced from each activity;

iii. The dates and times during which the actual geologic sampling was performed;

iv. The nature and location of any environmental hazards;

v. A description of any accident, injury, damage to or loss of property which resulted from the reported activities;

vi. Such other information relative to the permitted activities as may be requested.

b. Permittee shall make available, upon request, and the Commission shall have the right to inspect and/or copy factual and physical exploration results, logs, records, field acquired data, processed records or any other data/information resulting from operations under this permit. The State shall reimburse the Permittee for the reasonable costs of reproducing any data or information.

c. In the event that information or data obtained under this permit are transferred from the Permittee to a third party, or, subsequently, from a third party to another third party, the transferor shall notify the State and shall require the receiving third party, in writing, to expressly agree to abide by the obligation of the Permittee under Section 9 of this permit as a condition precedent to the transfer of the information or data.

d. The following definitions apply to words used in this section:

i. Factual or geologic sampling results include all data and information gathered as the result of any and all operations conducted under this permit by whatever means.

ii. Data mean all facts, statistics or samples.

e. The Commission reserves the right to disclose any data or information

acquired from Permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting such data or information for the use of the Commission. Such data and information as well as products derived therefrom shall be held confidential as required by Public Resources Code 6826(c).

10. **Indemnity and Third Party Damage Claims**: Permittee shall be solely responsible for any third-party damage claims arising out of Permittee's operations. Permittee agrees to indemnity, save harmless and, at the option of the State, defend the State of California, its officers, agents and employees against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity arising out of or connected with Permittee's operations hereunder.

11. **Insurance**: At the option of the State, Permittee shall submit a certificate of self-insurance or procure and maintain liability, property damage, or other insurance for the benefit of the State in an amount satisfactory to the State.

12. **Bond**: Permittee shall furnish, and maintain, until released by the State, a bond, letter of credit, letter of agency self-bonding, or other State-accepted surety in the sum of fifty thousand dollars ($50,000), in favor of the State, for its exclusive use and benefit, to guarantee the faithful performance by the Permittee of this Permit's terms and conditions and satisfaction of third-party damage claims. The bond, letter of credit, letter of agency self-bonding, or other State-accepted surety shall be delivered to the State prior to the effective date of this permit and shall be irrevocable and shall, by its own terms, remain in effect until at least ninety days after the termination date of this permit, unless earlier released by the State.

13. **Modification, Revocation, or Suspension**: The activities provided for in this permit may be suspended, in whole or in part, upon a finding by the Executive Officer of the State Lands Commission, or other person designated by the Executive Officer, that suspension of the activity authorized by this permit would be in the public interest. Such suspension shall be effective upon receipt by Permittee of a written or oral (to be confirmed in writing) notice thereof which shall indicate (1) the extent of the suspension (2) the reasons for this action, and (3) any corrective or preventive measures to be taken by Permittee which are deemed necessary by the Executive Officer, or other person designated by the Executive Officer to meet the general public interest. Permittee shall take immediate action to comply with the provisions of the suspension. Permittee may request a hearing before the State Lands Commission in order to present information relevant to a decision as to whether the permit should be reinstated, modified or revoked.

This permit may be modified or revoked by the State Lands Commission upon thirty (30) days notice. Any suspension, modification, or revocation of this permit shall not be a basis for any claim for damages against the State of California.

14. **Permits**: Permittee must obtain all necessary and applicable permits and obey all laws and regulations applicable to the conduct of operations under this permit.

15. **Notices**: All written notices to the State or Permittee which are not part of the notification procedure identified in Section 8 shall be deemed to have been fully given when made in writing, and deposited in the United States mail, with first class postage prepaid, addressed as follows:

To the State: California State Lands Commission
Mineral Resources Management Division
Attention: Statewide Geophysical Coordinator

301 Ocean Blvd., Suite 550
Long Beach, CA 90802-8833

To the Permittee: _____

Attn: _____

_____

_____

The address to which notices shall be mailed may be changed by written notice, as is provided in this paragraph.

16. **Assignment**: Permittee may not assign, sublease or transfer this permit or any interest therein without prior Commission approval. However, Permittee may subcontract part or all of the work to be performed. Any such subcontractor shall be the agent of Permittee and Permittee shall remain responsible to the State under the terms of this permit.

17. **Successors**: If for any reason this permit is transferred by operation of law or otherwise, it shall apply to and bind the heirs, successors, executors, administrators and assigns of all of the parties to this permit. All parties to this permit shall be jointly and severally liable under the terms of this permit.

18. **Section 504 Federal Rehabilitation Act of 1973 Compliance Statement**: "The Permittee and the State Lands Commission will not discriminate against any person or entity, in regard to the administration or operation of this agreement, on the basis of race, color, creed, national origin, sex, marital status, religious or political affiliation, ancestry, disability, age or sexual orientation."

IN WITNESS WHEREOF, the parties hereto have executed this permit as of the date entered below.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

_____ _____

Date

Marina Voskanian
Division Chief,
Mineral Resources Management

PERMITTEE*

_____ By: _____

Date

_____

Title

_____

Address

_____

City, State and Zip Code

***** In executing this document, the following is required:

Corporations: Certificate of Corporate Secretary providing that the Board of Directors authorized execution of this permit specifically or authority to execute documents of this type generally.

Individuals: Acknowledgment of signature is required

EXHIBIT A

A2753

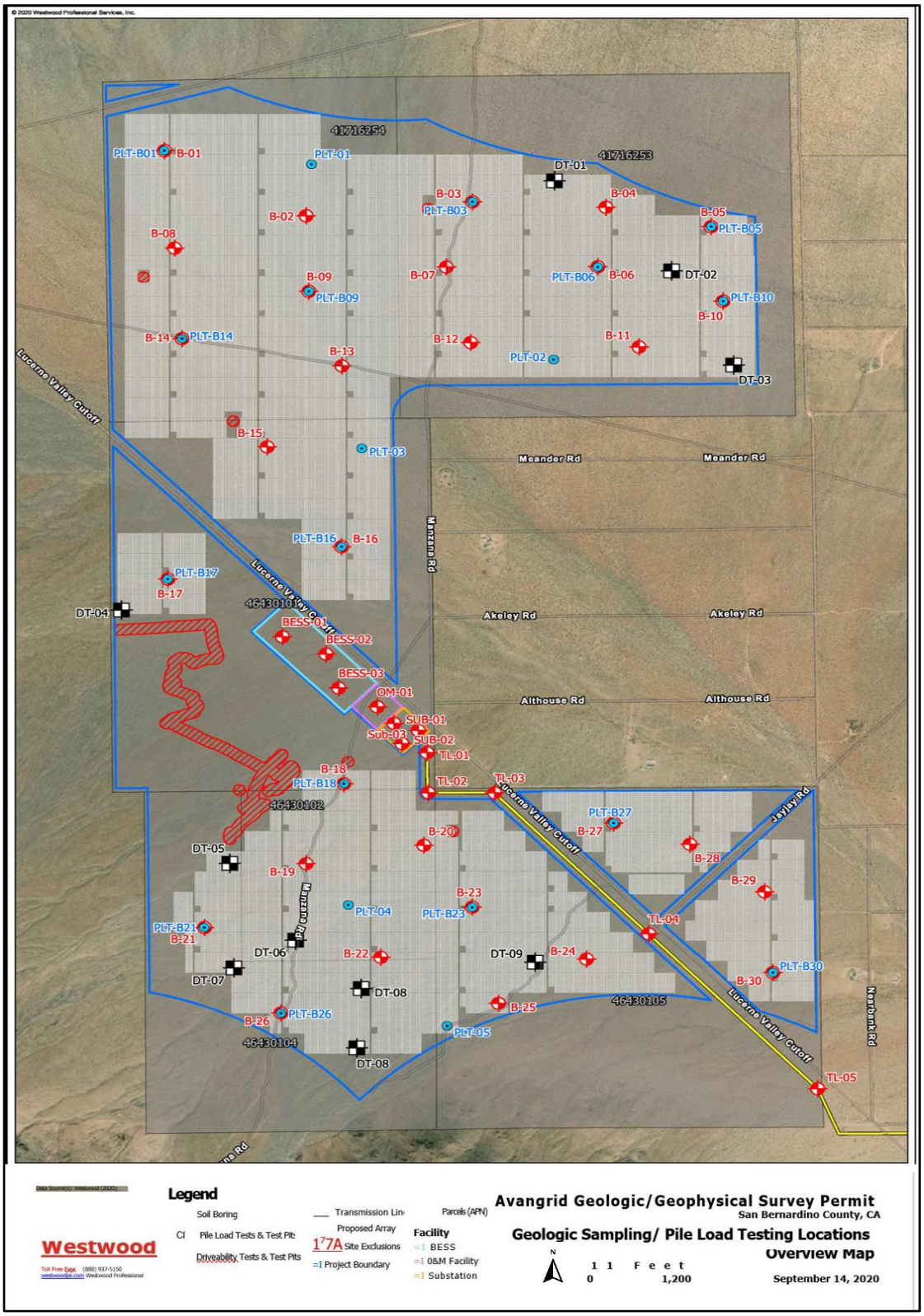

EXHIBIT B
AUTHORIZED EQUIPMENT AND SURVEY METHODS

Under this permit, the Permittee is authorized to collect geological and geophysical data utilizing the following methods:

1. Hollow Stem Auger: 6 to 8-inch diameter hollow stem auger and Standard Penetration Tests up to 40 feet deep. All soil borings will immediately be backfilled with their native cuttings.

2. Test Pits: Excavator test pits up to 4 feet wide, 10 feet long, and up to 8 feet deep. Test pits will immediately be backfilled with native soil and compacted in lifts using the excavator bucket.

3. Pile Drivability Tests: W-Section piles driven to a maximum of 10 feet deep, to test drive times and refusal rates, using a track-mounted pile driver. Each pile will be removed after it is tested.

4. Pile Load Tests: W-Section piles embedded to depths of 5 to 10 feet and pulled axially and laterally using an excavator as a reaction arm.

5. Electrical Resistivity Surveys: Total of 9 Wenner Array survey lines, consisting of 45 stations using perpendicular transects with maximum spacing between 20 to 330 feet. Electrical resistivity test points will be conducted at borehole locations.

Any question or uncertainty as to whether particular survey equipment or methods are permitted shall be determined by the staff of the California State Lands Commission prior to the use of such equipment.

Exhibit C

A2753

Memorandum

To:	Kristen Goland, Avangrid Renewables
From:	Talia Haley, ICF
Cc:	Laura Nagy, Avangrid Renewables David Zippin, ICF Troy Rahmig, ICF
Date:	September 17, 2020
Re:	**Desert Tortoise Avoidance Measures for Geotechnical Drilling**

A 200-megawatt photovoltaic solar energy generation facility (Stagecoach Solar Project) that will be located in San Bernardino County, approximately 15 miles south of the City of Barstow, has been proposed and is being investigated and reviewed under the California Environmental Quality Act. Avangrid Renewables, LLC. is proposing to undertake geotechnical investigations throughout the proposed site. The proposed site occurs in habitat occupied by desert tortoises (*Gopherus agassizii*), a species listed as threatened under the federal Endangered Species Act and threatened under the California Endangered Species Act. To ensure that desert tortoises will not be negatively impacted during the geotechnical boring activities, the following Avoidance Measures will be implemented.

1. All employees of the permittee who work on site shall participate in a tortoise education program prior to initiation of field activities. The program may consist of a class presented by a biologist with desert tortoise experience or by video. The program shall cover the following topics at a minimum:

- Distribution of the desert tortoise
- General behavior and ecology of the tortoise
- Sensitivity to human activities
- Legal protection
- Penalties for violation of federal and state laws
- Responsibilities of crew members

2. Each drilling crew will be accompanied by a biological monitor with experience in monitoring for desert tortoises. The biological monitors will have knowledge of desert tortoise ecology, habitat requirements, and have experience with desert tortoise clearance surveys and monitoring.

3. The biological monitors will be present during all drilling activities. The monitors will survey all work areas for the presence of desert tortoises or suitable burrows no more than 24 hours prior to the commencement of drilling activities. If work at a site continues the next day, the biological monitors will also inspect the work area before work can continue the next day.

4. When drilling activities occur in areas without existing road access, all overland access routes to the drilling locations will be surveyed by the biological monitor no more than 24 hours prior to driving off road to determine if desert tortoises or suitable burrows are present. The biological monitor will walk the access route and visually inspect 100% of the access route plus a 10-foot buffer on either side. The location of any desert tortoises or suitable burrows will be marked using a GPS unit and avoided by at least 50 feet. If necessary, access routes may need to be modified to completely avoid desert tortoises or suitable burrows. The monitor will flag the route to be followed. The biological monitor will lead the vehicle caravan into and away from the drill site.

5. No tortoises will be handled by the qualified monitors or crew members. If a tortoise or suitable burrow are observed, they will be completely avoided. If a desert tortoise enters the work area, all work will cease and the tortoise will be allowed to exit the work area on its own accord.

6. Disturbance of desert tortoise habitat will be minimized to the greatest extent practicable. Blading of access roads will not be allowed and vehicles will avoid crushing vegetation to the greatest extent practicable.

7. All personnel will check for desert tortoises underneath parked vehicles and equipment each time a vehicle is moved. If a tortoise is found under a parked vehicle, the vehicle operator shall wait for the tortoise to move away from the vehicle on its own accord. If the tortoise does not move within 15 minutes, the monitor or a crew member may direct the vehicle away from the tortoise without harming it.

8. All holes will be securely covered to exclude all wildlife at the end of each work day or when drilling is completed.

9. A speed limit of 15 miles per hour while driving on existing dirt roads and 5 miles per hours when driving over-land.

10. To prevent the spread of noxious weeds, all vehicles and equipment will be pressure washed prior to driving off road onto the site.

11. To discourage unauthorized OHV use, the contractor will remove vehicle tracks within 100 feet of existing access roads by raking or other means.

12. To avoid attracting wildlife to the work area, all food-related trash will be placed in sealed containers or bags and removed from the work area at the end of each day.
13. Following the completion of geotechnical drilling activities, a letter report will be prepared that will include a figure of where the drilling activities occurred, if any desert tortoises were encountered, and the avoidance measures that were implemented, and the outcome of implementing those measures.

Exhibit D

A2753

Cultural Resources Monitoring and Reporting Plan for Avangrid Geophysical Exploration Project

San Bernardino County

1.0 Introduction

1.1 Background and Objectives

A 200-megawatt photovoltaic solar energy generation facility (Stagecoach Solar Project) that will be located in San Bernardino County, approximately 15 miles south of the City of Barstow, has been proposed and is being investigated and reviewed under the California Environmental Quality Act.

Avangrid Renewables, LLC. is proposing to undertake geotechnical investigations throughout the proposed site. This Cultural Resources Monitoring and Reporting Plan details the steps to implement archaeological and Native American monitoring for the Avangrid Geophysical Exploration Project. It includes a summary of roles and responsibilities, communication protocol, and protocol in the event of an unanticipated discovery. All cultural resources monitoring will follow requirements of the California Environmental Quality Act (CEQA) and the policies adopted in the County of San Bernardino 2007 General Plan, Section V Conservation Element.

This Cultural Resources Monitoring and Reporting Plan details the steps to implement archaeological and Native American monitoring for the Avangrid Geophysical Exploration Project. It includes a summary of roles and responsibilities, communication protocol, and protocol in the event of an unanticipated discovery. All cultural resources monitoring will follow requirements of the California Environmental Quality Act (CEQA) and the policies adopted in the County of San Bernardino 2007 General Plan, Section V Conservation Element.

2.0 Cultural Resources Monitoring

2.1 Monitoring Personnel

Archaeological and Native American monitoring services will be provided by the staffs of ASM Affiliates, Inc., and the San Manuel Band of Mission Indians, respectively. Sherri Andrews, MA, RPA, will serve as archaeological Principal Investigator (PI). The lead Native American Monitor will be determined by the Tribal Historic Preservation Officer (THPO) of the San Manuel Band of Mission Indians.

2.2 Role and Responsibilities of the Archaeological Monitor

The Archaeological Monitor will be a qualified archaeologist who is familiar with the types of historical and prehistoric resources that could be present in the Avangrid Geophysical Exploration area and will be directly supervised by the PI. The primary roles and responsibilities of the Archaeological Monitor are to ensure that full compliance with the cultural resources precautionary measures is achieved, that artifacts and sites are properly preserved, managed and/or recovered, and that full and respectful coordination with the Native American Monitor is maintained.

The Archaeological Monitor's duties include:

1. Monitoring of ground-disturbing activities for evidence of cultural resource materials, including artifacts, archaeological features, and human remains or grave goods.
2. Daily coordination with the Avangrid Geophysical Exploration Project's Native American Monitor, and the site construction management team and staff, including the onsite Construction Manager and environmental Permit Compliance Manager.
3. Preparation of daily monitoring logs and support for the preparation of the final monitoring report.
4. Halting ground-disturbing activities in the event of an unanticipated discovery of an artifact, archaeological feature, human remains, or grave goods so that the discovery can be properly evaluated and treated in accordance with the procedures outlined in Section 3.0, *Unanticipated Discovery of Cultural Resources*, of this plan.
5. Communicating the nature of any unanticipated discovery to the site construction management team and staff and sharing appropriate information so that others will understand the cultural importance of any discovered resources.
6. Completion of California Department of Parks and Recreation (DPR) 523 series forms, as needed, during construction.
7. Verification that the protective markings and barriers around any preserved sites uncovered during ground-disturbing activities are maintained so that known sites are not damaged.
8. Helping to ensure that Native American human remains, and any associated grave items are treated with culturally appropriate dignity, as is intended by state law.

The Archaeological Monitor will be present during ground-disturbing activities to identify archaeological or Native American resources that may be uncovered. The Archaeological Monitor will have copies of all site records and maps for known resources in the vicinity of work and will keep that information confidential (to be shared only with the Native American Monitors).

The Archaeological Monitor will have the basic equipment needed to complete minimal documentation, preliminary evaluation, and recovery of unanticipated discoveries, including a screen, shovel, bucket, and sample collection supplies. Note, however, that the Archaeological Monitor will consult with the PI, tribal representative, California State Lands Commission (CSLC) Staff, and site construction management team and staff (including the onsite Construction Manager and environmental Permit Compliance Manager) in the event of an unanticipated discovery, prior to initiating any preliminary evaluation effort. If the evaluation or data recovery work is more extensive than the Archaeological Monitor alone can complete in an expeditious manner, the archaeological consultant will supply additional crew and equipment for the work.

All recovered non-burial-associated archaeological materials will be taken to the consultant's laboratory for initial processing, analysis, reporting, and preparation for curation. In the event of the discovery of an archaeological site or isolate, California DPR 523 series forms will also be completed.

2.3 Role and Responsibilities of the Native American Monitor

The Native American Monitor will also be present during ground-disturbing activities and will work in coordination with the Archaeological Monitor to ensure that the tasks and activities described above are properly followed. The primary role of the Native American Monitor is to participate in the identification of culturally significant artifacts and features, including possible features of religious importance. In addition, the Native American Monitor will serve as the liaison with the San Manuel Band of Mission Indians to keep them informed of any findings and the overall construction status on the Avangrid Geophysical Exploration Project. Like the Archaeological Monitor, the Native American Monitor will be empowered to halt ground-disturbing activities in the event of an unanticipated discovery of an archaeological or cultural resource, particularly resources that may be Native American in nature.

2.4 Cultural Resources Awareness Training

Before participating in field construction activities on the Avangrid Geophysical Exploration Project site, all construction personnel will complete cultural resources awareness training that will be included in the overall Worker Environmental Awareness Training. This training will help ensure that all workers understand and follow established protocols for protection of known and unanticipated cultural resources on the Avangrid Geophysical Exploration Project site.

The cultural resources awareness training will include the following:

- A description of the types of resources that may be found in the Avangrid Geophysical Exploration Project area;
- Protocols to be used in the event of an unanticipated discovery;
- Importance of cultural resources to the Native American community; and
- A summary of laws protecting significant archaeological and historical sites.

2.5 Communications Protocol and Chain of Command

Effective and timely communication between construction personnel is key to a well-implemented and safe monitoring program. The archaeological and Native American Monitors will work in daily coordination with each other and will report directly to the onsite Construction Manager and Environmental Permit Compliance Manager. In addition, the Archaeological Monitor will report to the PI; the Native American Monitor will report to the San Manuel Band of Mission Indians THPO.

If a discovery occurs that requires additional evaluation or treatment, the monitor will fence off an appropriate work area with lath or rebar and orange rope or flagging tape, which will also be marked with signage that entry is prohibited. The size of this area will depend upon the initial discovery indications, but fencing shall be established at least 10 meters from initial discovery. This buffer will alert the construction crew to avoid the area in question. The monitor shall make eye contact with any equipment operators to communicate that a find has been made if any machinery is operating in the area of the find. If the find is determined to be potentially significant, the onsite Construction Manager and environmental Permit Compliance Manager, PI, CSLC staff, and San Manuel Band of Mission Indians THPO will be immediately notified. Construction crews will also be notified to avoid the roped off area.

If a buffer will remain in place for more than one workday, the monitor will work with the onsite environmental Permit Compliance Manager to add the area to the environmental constraints map.

Should the find include human remains, the Archaeological Monitor will notify the San Bernardino County Coroner immediately, at 175 South Lena Road, San Bernardino, CA 92415; 909-387-2978. Should the remains be determined to be Native American, the coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify and contact the Most Likely Descendent (MLD).

3.0 Unanticipated Discovery of Cultural Resources

3.1 Significance Criteria

3.1.1 CEQA Definitions

Under CEQA, historically significant cultural resources are defined by eligibility for or by listing in the California Register of Historical Resources (CRHR). Significant cultural resources are those archaeological resources and historical properties that:

(1) Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(2) Are associated with the lives of persons important in our past;
(3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
(4) Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

3.2 Evaluation of Unanticipated Discoveries

In the event of an unanticipated discovery of a potential resource within a work area, the Archaeological Monitor or Native American Monitor will halt all ground-disturbing work at the work area. The monitor will immediately rope off an appropriate area that will provide a safe work environment for the monitor. This area will depend on the size and nature of the find but shall not be less than 10 meters in diameter to allow for visibility from construction equipment.

The Archaeological Monitor will carefully inspect the ground surface around the discovery and any displaced dirt in order to determine whether the discovery is an isolated find (fewer than three items) or a site (three or more items, or a feature). If the find is determined to be an isolated find (with the exception of human remains), the discovery will be documented, mapped, and collected.

This discovery will be reported and described in the daily log and final monitoring report. The Archaeological Monitor will complete the California DPR 523 series form, if appropriate. If the discovery is determined to be potentially significant, the archaeological and Native American monitors will ensure proper notification is made to the onsite Construction Manager and Environmental Permit Compliance Manager, the PI, CSLC staff, and the San Manuel Band of Mission Indians THPO. The PI, CSLC staff, and San Manuel Band of Mission Indians THPO will determine what additional fieldwork is necessary, such as limited test excavation, to determine the site's potential eligibility for the CRHR or NRHP.

If test excavation is required to evaluate a discovery, the PI will develop and implement a testing program. In general, any evaluation effort will be focused on the area of discovery within the planned disturbance area, including a reasonable buffer, which is generally considered to be no more than 10 meters from the maximum extent of the find. The focus will be to determine the nature of the archaeological resource and to assess the quantity, quality, and variety of preserved archaeological items that are or may be present. Evaluation will include shovel test pits of a sufficient number to characterize the extent of subsurface archaeological deposits and a minimum of one sample unit to evaluate the condition of the discovery and acquire a controlled sample of the preserved cultural materials.

The Native American Monitor will be present during evaluation field work, as well as during any subsequent ground-disturbing work at the discovery location. After the site evaluation, the PI will prepare a summary letter report assessing the site's eligibility for the CRHR and propose appropriate treatment measures, such as the need for archaeological data recovery, if the site is recommended as significant or eligible for the CRHR.

3.3 Data Recovery

If a discovered site is determined to be eligible for the CRHR, avoidance or further treatment measures will be required. If a Phase III (data recovery) program is necessary, the PI will prepare a data recovery work plan. After review and concurrence by the onsite Construction Manager and environmental Permit Compliance Manager, the CSLC staff, and the San Manuel Band of Mission Indians THPO, data recovery efforts will be focused exclusively on that portion of the site within the planned disturbance area, with a reasonable buffer. To the degree possible, the construction and engineering teams will be included in discussions to avoid or minimize potential damage to the discovered resource.

The Phase III program shall minimally include the following:

- Standard archaeological data recovery practices;
- Recommendation of sample size adequate to mitigate impacts to the archaeological site, including the basis and justification of the recommended sample size;
- Identification of location of sample sites/test units;
- Detailed description of sampling techniques and material recovery procedures (e.g., how sample is to be excavated, how the material will be screened, screen size, how material will be collected); and
- Disposition of collected materials.

The level of effort will be dictated by the nature and extent of the discovery and on the results of the initial evaluation effort. Upon completion of any required fieldwork, the PI will prepare a letter verifying

completion of necessary field work, as identified in the Phase III work plan. A final data recovery report will also be prepared after laboratory studies and analyses.

3.4 Discovery of Human Remains

If human remains are encountered during construction monitoring, California state law will be followed (Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94, 5097.98 and 5097.99). This law specifies that work will stop immediately in any areas where human remains or suspected human remains are encountered. The Archaeological Monitor shall immediately contact the San Bernardino County Coroner, at 175 South Lena Road, San Bernardino, CA 92415; 909-387-2978. The San Manuel Band of Mission Indians THPO shall also be notified by the Native American Monitor.

The Coroner has two working days to examine the remains after notification. Under some circumstances a determination may be made without direct input from the Coroner. When the remains are determined to be Native American, the Coroner has 24 hours to notify the NAHC, who will determine the MLD.

The NAHC will immediately notify the identified MLD, who has 24 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the remains and grave goods. If the MLD does not make recommendations within 24 hours, the area of the property must be secured from further disturbance. If there are disputes between the landowner and the nearest likely descendants, the NAHC will mediate the dispute to attempt to find a resolution. If mediation fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

4.0 Reporting

4.1 Daily Logs

The Archaeological Monitor will complete and compile daily monitoring logs. Daily logs will include the location of archaeological monitoring activities for the reporting time period, as well as a description of any cultural resources identified and actions taken. Photographs may be included, if applicable. All daily monitoring logs will be submitted to the onsite environmental Permit Compliance Manager, CSLC staff, and to the San Manuel Band of Mission Indians THPO, if requested.

4.2 Discovery Reports and Data Recovery

In the event of an unanticipated discovery of an archaeological site, as defined above (Section 3.2), the PI will complete an evaluation report and, if necessary, data recovery report. A summary report of either evaluation or data recovery will be submitted to the onsite Construction Manager and Environmental Permit Compliance Manager, CSLC staff, and the San Manuel Band of Mission Indians THPO within one week of the completion of the fieldwork to complete the evaluation or data recovery.

This summary report will include the location and nature of the discovery, the field methods employed, and a preliminary evaluation or interpretation of the resource, as well as management recommendations concerning the treatment of the site. A final evaluation or data recovery report will be submitted within 45 days of the completion of the field work. In addition to the above information, this will include background information, sampling strategy, laboratory methods, artifact catalog and analysis, and the results of any special studies that may have been performed.

4.3 Final Monitoring Report

Upon completion of all monitoring tasks and requirements, the PI will prepare a report summarizing all monitoring activities and confirm that all required precautionary measures have been met. The report will summarize the monitoring program and the findings and results, and present a detailed professional description, analysis, and evaluation of any cultural resources that were encountered and evaluated during construction. This report will be completed and submitted to the onsite Construction Manager and Environmental Permit Compliance Manager, CSLC staff, and San Manuel Band of Mission Indians THPO within 60 days of the completion of the monitoring.

4.4 Curation of Collected Resources

Any recovered artifacts will be documented and turned over to the San Manual Band of Mission Indians, who will decide the ultimate deposition.

EXHIBIT E

FIELD OPERATION REPORT

Date:

Permit NO.:

REGION:

COMPANY:
*SURVEY LOCATION:
SURVEY TYPE
SURVEY DATE(S):
EQUIPMENT USED:
TYPE(S) DATE:
AVAILABLE:
DATA AVAILABILITY:
LOCATION:
PERSON TO CONTACT:
FOR DATA (Name, address)
(Telephone)
DESCRIPTION OF ACTIVITIES (BRIEF)

REMARKS (Use Additional Pages if Necessary):

*Post-Plot Map(s) or Modified Pre-Plot Map Attached.

EXHIBIT F
CERTIFICATE OF SECRETARY

I certify that:

I am the duly qualified and acting (Assistant) Secretary of _____

_____, a _____corporation
Name of Corporation) (Name of State)

authorized to do business in California.

The attached is a true copy of a resolution duly adopted by the Board of Directors of the corporation at a regular (or special) meeting duly held on _____

_____, 20___and entered in the minutes of such meeting in the minute book of the corporation.

The resolution is in conformity with the articles of incorporation and by laws of the corporation, has never been modified or repealed, and is now in full force and effect.

Dated:_____, 20___.

(Corporation Seal)

_____
(Signature)

_____
(Secretary (or Assistant Secretary)

EXHIBIT G

NOTIFICATION PROCEDURES

The State may, upon 30-days' notice to Permittee; prescribe additional or different procedures to be followed by the Permittee.

A. General Requirements: Whenever surveys are to be commenced under this permit, Permittee shall give notice in the following manner:

1. At least 5 working days in advance of any actual operations, written notice of the proposed operations must be received by the parties specified in Paragraph C. An exception may be made by the Executive Office, or his/her designee, if the Permittee demonstrates the area to be surveyed is clear of other activities and equipment.

2. One working day in advance of the actual operations, the Permittee shall inform the State's Geophysical Coordinator (562) 590-5201), by telephone, to confirm the receipt of required notices by the parties listed in Paragraph C. The Permittee shall also advise what responses, if any, were received. The Permittee shall also send to the State's Geophysical Coordinator, a copy of any final preplot of the survey, which shall reflect any changes made in the planned survey.

3. Permittee shall use its best efforts to notify the parties listed in Paragraph C and any other affected individuals of substantial addition, modification, deviation, delay, or cancellation, concerning the survey area or survey dates, in the original notice. Permittee shall notify the California State Lands Commission of such modifications or delays prior to their occurrence.

4. Permittee shall notify the State's Geophysical Coordinator by telephone within one working day of completion of the survey activity.

B. Contents of Notice: The written notification required shall include information in the format requested in Exhibit C and outline below:

1. The name of the contracting company, name of company representative, company contact information.

2. The exact dates through which the survey will be conducted within any given specific area of the general permit area and the daily hours of operation during such period;

3. A full-sized map showing the areas to be affected by the survey. including access roads;

4. The name and telephone number of a representative of the Permittee who can resolve multiple-use conflicts; and

5. The name and telephone number of the California State Lands Commission Geophysical Coordinator.

The copy of the notice to the California State Lands Commission must contain the above information, as well as the proprietary owner of the data/information corrected.

C. Parties to Receive Notification: The following Parties are to receive the notice specified in Paragraph A.1. This list will be modified periodically by the Commission staff upon 15 days notice by the State's Geophysical Coordinator.

Notification must be sent, as specified in the notification format, to the following parties:

GOVERNMENT OFFICES

In addition to notification, permittee shall coordinate all activities to be conducted under this permit with the following agencies.

Richard Greenwood
California State Lands Commission
Mineral Resources Management Division
Statewide Geophysical Coordinator
301 Ocean Blvd., Suite 550
Long Beach, CA 90802-8833
Email: Richard.Greenwood@slc.ca.gov
(562) 590-5201

George Kenline, PG, CEG, CHG
San Bernardino County
Land Use Services Department
Environmental Compliance Manager
385 N Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0187
Email: George.Kenline@lus.sbcounty.gov
(909) 387-0145

Sarah Mongano
California State Lands Commission
Div. of Environmental Planning and Mgt.
100 Howe Street, Suite 100-South
Sacramento, CA 95825-8202
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