

CALIFORNIA ENERGY COMMISSION

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www.energy.ca.gov

**DOCKET****08-AFC-13**DATE SEP 17 2010RECD. SEP 17 2010

September 17, 2010

James Shearer, Archaeologist
Barstow Field Office
Bureau of Land Management
U. S. Department of the Interior
2601 Barstow Road
Barstow, California 92311

Re: Comment on the BLM's Draft Programmatic Agreement (PA) among the Bureau of Land Management – California, the California Energy Commission, the Tessera Solar Company, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the Tessera Solar – Calico Solar Project, San Bernardino County, California

Dear Mr. Shearer,

Thank you for the opportunity to provide comments on the above-reference draft programmatic agreement (PA). Below are Energy Commission staff's comments on the draft programmatic agreement provided by the BLM on September 3, 2010.

1. As stated in the SHPO's August 25, 2010 response to the BLM's request for review and concurrence of its findings, "it has not been fully demonstrated that the sites in question do not include a subsurface archaeological component, which might change your eligibility determination." In addition, the SHPO's letter also states, the "PA is the best means for taking effects to historic properties into account and addressing any unanswered questions regarding eligibility." Therefore, in Stipulation III of the Programmatic Agreement (Identification and Evaluation), Energy Commission staff believes that there should be some language pertaining to the evaluation work that needs to be conducted at the approximately 100 prehistoric archaeological sites in the APE for which the BLM's recent eligibility determinations are now in question.
2. There should be language in the PA stating that the parties to the PA should have the opportunity to revisit any eligibility determinations made by the BLM prior to the execution of the PA.

3. The language that is currently in the PA should be updated to reflect the current status of the cultural resource investigation, including the eligibility determinations of the sites, as well as the remaining cultural resource evaluation work that is planned.
4. Do a global search for “will” and replace with “shall” throughout the document.
5. Also included in the SHPO’s August 25, 2010 letter is the proposal that “the monitoring plan provide for systematic stripping of the top 20 cm of soil within the site boundaries of known sites,” in an effort to determine which sites would most likely contain significant subsurface data. The details of this work are to be described in the Monitoring and Discovery Plan as part of the PA [per Stipulation VI (a)]. To that end, Energy Commission staff would like to propose a methodology that conforms with our agreement to the use of systematic stripping of the top 20 cm of soil, while remaining cognizant of the nature of pavement quarry sites and how best to evaluate them. This methodology is intended to meet the intent of the Energy Commission’s CUL-4 condition, as well as to address the Energy Commission Calico Siting Committee’s September 3, 2010, “Order Directing Further Review of Reduced Footprint Alternatives,” which sought further consideration, analysis, and development of the record as to the appropriate level of testing of potentially eligible cultural resource sites. Staff’s recommendations are derived from the research design prepared by Giambastiani (2006) for pavement quarry investigations at the Marine Corps Air Ground Combat Center in Twentynine Palms, approximately 10 miles south of the Calico Solar Project area:
 - a. Controlled Surface Collection Units: The placement of Controlled Surface Collection Units (measuring 5x5 m and/or 2x2 m) would be located where scatters of non-Segregated Reduction Loci (SRL), background/assaying debris occurs. The purpose of this recovery is to obtain representative samples of background debris for comparison with debris in SRL assemblages. These would be placed along transects or at individual locations depending on the distribution and volume of assaying debris.
 - b. Surface Scrape Units: Identify a subset of the sites in the project area that contain the larger, more dense concentrations of SRL features, also targeting those that have any observed quantities of non-stoneworking artifacts or potentially dateable materials. For this subset of sites, establish a unit size of 2.5 x 2.5 m (or greater) to be excavated to the depth of sub-pavement hardpan (typically 20 cm or less). The excavated soils would be screened through 3-mm mesh, and all artifacts would be recovered for laboratory analysis.

- c. The locations of the Controlled Surface Collection units and the Surface Scrape units would be mapped in relation to the site boundaries.
 - d. Conduct laboratory analyses (by a lithic specialist) of materials collected through Controlled Surface Collection Units and Surface Scrape Units.
6. In Appendix A: Identification and Evaluation, the Historic Route 66 Highway is listed as a unique archaeological resource to be evaluated under stipulation II (Evaluation); however, Historic Route 66 is a built-environment resource, and in the SHPO's August 25, 2010 letter, the SHPO states "it is my recommendation that the nine-mile segment of roadway that parallels the undertaking retains sufficient integrity of construction and setting that it would contribute to the significance of a Route 66 National Register eligible district." In addition, the SHPO states, it does not appear there is a physical means to mitigate the adverse effect. I am open to your recommendations as to how to take effects into account." Thus, it would appear that all reference to Historic Route 66 should be placed in Appendix B (Historic Properties Treatment Plan) of the PA in order to take effects into account.

Please do not hesitate to contact me if you have any questions regarding these comments. Thank you again for the opportunity. Energy Commission staff looks forward to working with you further on the development of the PA.

Sincerely,

SARAH M. ALLRED, Archaeologist
Siting, Transmission, and Environmental
Protection Division

cc: Docket (08-AFC-13)
Christopher Meyer, Project Manager
Dwight Dutschke, Office of Historic Preservation

Reference:

Giambastiani, M.

2006 *Research Design for the Evaluation of 43 Archaeological Sites (contract N68711-01-D-6207) and 26 Archaeological Sites (contract DACA63-02-A0006) in the Quackenbush Training Area, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California.* Prepared for, Marine Air Ground Task Force Training Command (MAGTFTC)/MCAGCC Natural Resources and Environmental Affairs Directorate, Twentynine Palms, California, and Department of the Navy, Southwest Division, Naval Facilities Engineering Command, San Diego, California. Prepared by, ASM Affiliates, Inc., Reno, Nevada.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION

For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

**PROOF OF SERVICE
(Revised 8/9/10)**

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DECLARATION OF SERVICE

I, Sabrina Savala, declare that on September 20, 2010, I served and filed copies of the attached CEC Comments to BLM's Draft Programmatic Agreement among the Bureau of Land Management, dated September 17, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/solarone].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-13
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed by: _____
Sabrina Savala