

CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
www.energy.ca.gov



DOCKET

09-AFC-7

August 9, 2010

DATE	AUG 09 2010
RECD.	AUG 10 2010

Mr. John R. Kalish, Field Manager
Palm Springs South Coast Field Office
Bureau of Land Management
U. S. Department of the Interior
1201 Bird Center Drive
Palm Springs, California 92262-7199

Re: 8100 (P) CAD060.66 CACA048810
[Response to Invitation to Participate in the Section 106 Consultation for the Palen Solar Power Project (09-AFC-7), Riverside County, California]

Dear Mr. Kalish,

I am in receipt of your March 15, 2010 invitation to California Energy Commission staff to become an Invited Signatory to a Programmatic Agreement (PA) currently under development among the Palm Springs South Coast Field Office of the Bureau of Land Management (BLM), as lead Federal agency, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation (Council) for the proposed Palen Solar Power Project in Riverside County. I understand the PA to be the primary means by which the BLM intends to meet its obligations under Section 106 of the National Historic Preservation Act (NHPA; 16 U.S.C. § 470f) and under the regulations that implement Section 106 (36 C.F.R. § 800) to take into account the effects of the subject project or undertaking on historic properties and to afford the Council a reasonable opportunity to comment on the undertaking.

The BLM has chosen to resolve the potential adverse effects of the subject undertaking on historic properties in accordance with part 800.14(b)(1)(ii) of the federal regulations, where the effects of a project on historic properties cannot be fully determined prior to approval of the undertaking. I understand, on the basis of part 800.6(c)(2)(i), which follows from part 800.14(b)(3), that an Invited Signatory shall have all the same rights with regard to seeking amendment or termination of the PA as the other Signatories to the agreement.

I would like to take the opportunity here to clarify, for the public record, the distinction between the Energy Commission proper and Energy Commission staff. The Energy Commission is the impartial decision-making body that considers testimony or comments from the applicant, Energy Commission staff, intervenors, and members of the public as it develops decisions on matters before it. Energy Commission staff, an

Mr. John R. Kalish

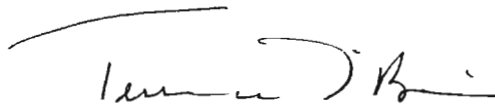
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independent party, provides the Energy Commission with analyses and recommendations to which the Energy Commission is not bound. With regard to the development of the subject PA, Energy Commission staff will participate in the negotiation of the document and will sign it. The participation of Energy Commission staff in the Section 106 process will not conflict or interfere with the independent decision-making authority of the Energy Commission or its obligation to comply with State law.

Under these terms, I, Terrence O'Brien, on behalf of the Siting, Transmission, and Environmental Protection Division staff of the California Energy Commission, accept the invitation to become an Invited Signatory to the PA for the proposed Palen Solar Power Project. I appreciate the opportunity and intend, through my designees Beverly E. Bastian and Michael McGuirt, to participate earnestly in the development and implementation of the agreement. Energy Commission staff hopes that its participation in the Federal Section 106 process will further the goals set out in the *Memorandum of Understanding between the U.S. Department of the Interior, Bureau of Land Management, California Desert District, and the California Energy Commission Staff Concerning Joint Environmental Review for Solar Thermal Power Plant Projects* to avoid duplication of staff efforts, to promote intergovernmental coordination, and to facilitate public review.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence O'Brien", with a long horizontal flourish above the name.

TERRENCE O'BRIEN, Deputy Director
Siting, Transmission,
and Environmental Protection Division

cc: Docket (09-AFC-7)
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