

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



August 10, 2010

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

DOCKET
09-AFC-8

DATE 08/10/10

RECD. 08/10/10

Re: 8100 (P) CAD060.66 CACA048880
[Response to Invitation to Participate in the Section 106 Consultation for the
Genesis Solar Energy Project (09-AFC-8), 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 Genesis Solar Energy 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, interveners, and members of the public as it develops decisions on matters before it. Energy Commission staff, an 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 Genesis Solar Energy 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,

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

cc: Dockets (09-AFC-8)
POS



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Revised 8/5/10)**

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on August 10, 2010, I served and filed copies of the attached Genesis PA Letter, dated August 10, 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: [http://www.energy.ca.gov/sitingcases/genesis_solar].

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. 09-AFC-8
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.

Originally Signed by _____
Maria Santourdjian