



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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REC'D JUN 21 2010

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**JUN 17 2010**

**DOCKET**

**09-AFC-8**

DATE 06/17/10

RECD. 06/30/10

**In Reply Refer To:**

8100/1310 (P)

CAD-060.66

CACA-048880

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Deputy Director Terry O'Brien  
Chief, Siting, Transportation, and Environmental Protection Division  
California Energy Commission  
1516 9<sup>th</sup> Street MS-16  
Sacramento, CA 95814

Dear Mr. Obrien,

The Bureau of Land Management (BLM) Palm Springs and South Coast Field Office would like to continue our efforts to inform and consult with you pursuant to our responsibilities under Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed NextEra Genesis Ford Dry Lake Solar Project on lands managed by the BLM. To summarize, NextEra Genesis LLC submitted an application to the BLM for a right-of-way to develop a solar energy generating facility on federal land in eastern Riverside County. This project is located approximately 25 miles west of the city of Blythe, California, south of the Palen/McCoy Wilderness Area and north of Interstate 10. Ground disturbing activities associated with this project may include construction of access and/or utility roads, administration, operations, and maintenance buildings, a natural gas pipeline, a transmission line, and installation of the solar collecting systems.

The purpose of this letter is to provide you with an update on the BLM's efforts with regard to Section 106 of the National Historic Preservation Act (NHPA), and to transmit the NextEra Genesis Ford Dry Lake Project Draft Programmatic Agreement (Agreement) for your review and comment. Since the project may not be able to avoid all historic properties (resources listed on or eligible for the National Register of Historic Places), regulations implementing the NHPA require that the lead agency (i.e. BLM) prepare an agreement document in consultation with Indian Tribes, interested organizations and individuals, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation. On April 23, 2010, the BLM convened a meeting to discuss with Tribes and other consulting parties the need to prepare a programmatic agreement that will govern how the BLM will meet its Section 106 responsibility for the project. As discussed at the meeting, the BLM agreed to develop the initial draft of the agreement, which would follow the format of a programmatic agreement which is being developed for the Tessera Solar Imperial Valley Solar Project in Imperial County, California. The programmatic agreement for the Imperial Valley Solar Project has had the involvement of the Advisory

PROOF OF SERVICE (REVISED 6/7/10 ) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 6/30/10

MS

Council on Historic Preservation, the California State Historic Preservation Office (SHPO), the Army Corps of Engineers, and the California Energy Commission, as well as the participation of Indian Tribes, the National Trust for Historic Preservation, the California Unions for Reliable Energy, the National Park Service's National Historic Trails Program, and other consulting parties. Since many of those parties are also consulting parties to the programmatic agreement for the NextEra Genesis Ford Dry Lake Solar Project, it was agreed that proceeding with drafting an agreement based on the Imperial Valley Solar Project model would be an efficient and effective way to proceed, would provide consistency in the manner in which BLM is managing the section 106 review of renewable energy applications throughout the California Desert region, as well as expedite the consultation process by adopting or refining language that has already had substantive input, review and comment by a majority of the consulting parties. It would also allow the consulting parties to focus on tailoring the agreement to the specific issues of the NextEra Genesis Ford Dry Lake Solar Project.

Pursuant to the above, the BLM has developed a draft programmatic agreement that outlines the manner in which the BLM will take into account the effects of the proposed project and conclude its responsibilities under Section 106 (please see Enclosure 1). We are submitting this draft agreement for your review and comment. We request that you provide any comments back to us at your earliest convenience or prior to July 16, 2010. Comments may be submitted to the BLM electronically in portable document format (PDF), by email, or by letter.


Once the draft programmatic agreement has received this initial review and comment by the Tribes and the consulting parties, BLM will address the comments and incorporate changes and produce a revised second draft which BLM will provide to all consulting parties for further review and consultation. As required by section 106, BLM must have a finalized agreement before the Record of Decision is signed for the project. The Record of Decision is scheduled to be signed in late August or September 2010.

The BLM has also tentatively approved a draft cultural resources survey report for this project. If you would like a copy of this report to review or to facilitate your participation in consultation on this project, please contact us at as provided below to identify the appropriate individual or office to receive this information and to coordinate on the format and manner on which the BLM can provide this information.

Once again, please send us your comments on the enclosed draft Agreement at your earliest convenience or before July 16, 2010. If you would like an electronic version (PDF) of the draft programmatic agreement please let us know and we will be happy to provide that for you. The BLM would also be glad to meet with you to provide a briefing or other additional information that may be requested. The BLM point of contact for the development of the draft Agreement is George E. Kline, Archaeologist: email: [George\\_Kline@ca.blm.gov](mailto:George_Kline@ca.blm.gov) and phone: (760) 833-7135. The BLM project manager for the overall project is Allison Schaffer, email: [Allison\\_Schaffer@ca.blm.gov](mailto:Allison_Schaffer@ca.blm.gov) and phone: (760) 833-7100.

Thank you for your continuing cooperation with this office. We look forward to hearing from you.

Sincerely,



for John Kalish  
Field Manager

Enclosures: (1) NextEra Genesis Ford Dry Lake Draft Programmatic Agreement



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](http://WWW.ENERGY.CA.GOV)

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

**Docket No. 09-AFC-8**

**PROOF OF SERVICE  
(Revised 6/7/10)**

**APPLICANT**

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### DECLARATION OF SERVICE

I, Maria Santourdjian declare that on June 30, 2010, I served and filed copies of the attached BLM Cultural Resources Consultation Letter for Genesis Solar Energy Project (09-AFC-8). 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](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](mailto: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