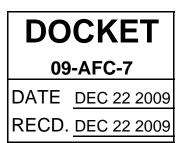
Galati Blek LLP

455 Capitol Mall Suite 350 Sacramento CA 95814 Tel· 916.441.6575 Fax· 916.441.6553



December 22, 2009

California Energy Commission Docket Unit 1516 Ninth Street Sacramento, CA 95814-5512

Subject: SELECTION OF CULTURAL RESOURCES EVALUATION APPROACH SOLAR MILLENNIUM FOR PALEN SOLAR POWER PROJECT DOCKET NO. (09-AFC-7)

Enclosed for filing with the California Energy Commission is the original copy of the **SELECTION OF CULTURAL RESOURCES EVALUATION APPROACH SOLAR MILLENNIUM FOR PALEN SOLAR POWER PROJECT**, for the Palen Solar Power Project (09-AFC-7).

Sincerely,

armer

Ashley Y. Garner

Alan Solomon Siting Project Manager Siting, Transmission and Environmental Protection Division 1516 9th Street MS-15 Sacramento, CA 95814-5512

Subject: Selection of Cultural Resources Evaluation Approach Solar Millennium Palen Solar Power Project (09-AFC-7)

Dear Ms. Allen,

Solar Millennium has reviewed your letter dated December 1, 2009 in which you outlined three methods the BLM and the CEC Staff have developed to evaluate and assess the potential effects of projects on possible cultural resources. In your letter you outlined three approaches but concede that it may be very difficult for the BLM and CEC Staff to implement the first two options in time for the Palen Solar Power Project (PSPP) to obtain authorization in time to receive stimulus funds under the American Recovery and Reinvestment Act (ARRA) funds. The third approach is new and will allow the BLM and CEC Staff to complete assessment of the project in time for ARRA funds.

As outlined in your letter, although the third approach allows the assessment to be completed in time, there is considerable risk that selection of this option may cause delays during construction and mitigation and monitoring costs to be significantly greater than the first two approaches. Solar Millennium elects BLM and CEC Staff's new approach outlined in the third option in order to facilitate preparation of the assessment in time for ARRA funds. In order to mitigate the potential for delays during construction, Solar Millennium will work with Staff to develop the terms of the Memorandum of Agreement (MOA) and appropriate treatment plans prior to construction. Solar Millennium understands that Staff will assist in developing such plans prior to a Decision on the project.



1625 Shattuck Ave. Suite 270 Berkeley, CA 94709-1611 t. (1) 510.524.4517 f. (1) 510.524.5516 Info@SolarMillennium.com http://www.SolarMillennium.com Thank you for developing an approach that will facilitate a schedule that would allow the PSPP to obtain ARRA funds. If you have any questions, please do not hesitate to contact me at (510) 809-4652.

Sincerely,

Alice L. Harron Senior Director, Project Development

CC:

Eileen Allen, Manager, Siting Office, California Energy Commission Bob Worl, Supervisor, Siting Office, California Energy Commission Eric Knight, Manager Environmental Protection Office, California Energy Commission Rick York, Supervisor, Biological and Cultural Resources Unit, California Energy Commission Beverly Bastian, Planner II, California Energy Commission Docket (08-AFC-5) 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 PALEN SOLAR POWER PLANT PROJECT

APPLICANT

*Alice Harron Senior Director of Project Development 1625 Shattuck Avenue, Suite 270 Berkeley, CA 94709-1161 harron@solarmillenium.com

Gavin Berg Senior Project Manager 1625 Shattuck Avenue, Suite 270 Berkeley, CA 94709 berg@solarmillennium.com

Arrie Bachrach AECOM Project Manager 1220 Avenida Acaso Camarillo, CA 93012 arrie.bachrach@aecom.com

Co-COUNSEL

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Co-COUNSEL

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PROOF OF SERVICE (Revised 12/15/09)

INTERESTED AGENCIES

California ISO

INTERVENORS

ENERGY COMMISSION

Jeffrey D. Byron Commissioner and Presiding Member. jbyron@energy.state.ca.us

Karen Douglas Chair and Associate Member kldougla@energy.state.ca.us

Raoul Renaud Hearing Officer. rrenaud@energy.state.ca.us

Alan Solomon Siting Project Manager asolomon@energy.state.ca.us

Lisa DeCarlo Staff Counsel Idecarlo@energy.state.ca.us

Public Adviser's Office .publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Ashley Y. Garner declare that on December 22, 2009, I served and filed copies of the attached **SELECTION OF CULTURAL RESOURCES EVALUATION APPROACH SOLAR MILLENNIUM FOR PALEN SOLAR POWER PROJECT** dated **December 21, 2009**. 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/solar_millennium_palen]

The document has 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:

- __X__ sent electronically to all email addresses on the Proof of Service list;
- __X__ by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

__X__ 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-7 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.

Ashley J. Jarner Ashley Y. Garner