

Tribal Consultation for the Genesis Solar Energy Project (GSEP)

The BLM consults with Indian tribes on a government-to-government level in accordance with several authorities including NEPA, the NHPA, the American Indian Religious Freedom Act, and Executive Order 13007. Under Section 106 of the NHPA, the BLM consults with Indian tribes as part of its responsibilities to identify, evaluate, and resolve adverse effects on cultural resources affected by BLM undertakings.

The BLM invited Indian tribes to consult on the GSEP on a government-to-government basis at the earliest stages of project planning by letter in November 2009, and has followed up with an additional correspondence, communication, and other information since then. To date, 15 tribes or related entities have been identified and invited to consult on the proposed action, including those listed below. Tribes were also invited to a general information meeting and site visit, held on January 25, 2009. Letters to request consultation to develop a Section 106 Programmatic Agreement with tribes, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation were mailed out to the below-listed tribes on February 25, 2010.

1. Ramona Band of Cahuilla Mission Indians
2. Torres-Martinez Desert Cahuilla Indians
3. Augustine Band of Cahuilla Mission Indians
4. Agua Caliente Band of Cahuilla Indians
5. Morongo Band of Cahuilla Mission Indians
6. Cabazon Band of Mission Indians
7. Twentynine Palms Band of Mission Indians
8. Quechan Tribe
9. Colorado River Indian Tribes
10. Chemehuevi Tribe
11. San Manuel Band of Serrano Mission Indians
12. Fort Mojave Indian Tribe
13. Cocopah Tribe

**PROGRAMMATIC AGREEMENT
AMONG THE
BUREAU OF LAND MANAGEMENT-CALIFORNIA,
THE CALIFORNIA ENERGY COMMISSION,
GENESIS SOLAR LLC, AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE GENESIS SOLAR ENERGY PROJECT, RIVERSIDE
COUNTY, CALIFORNIA**

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INTRODUCTION

The purpose of this Programmatic Agreement (Agreement) is to provide the processes whereby the Bureau of Land Management (BLM), in consultation with the California State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), Indian Tribes and other consulting parties, take into account the effects of the Genesis Solar, LLC - Genesis Solar Energy Project on historic properties and provide the ACHP a reasonable opportunity to comment as required by Section 106 of the National Historic Preservation Act (Section 106). The California Energy Commission (Energy Commission) intends to use this Agreement to satisfy the requirements of the California Environmental Quality Act.

The BLM, in consultation with the consulting parties to this Agreement, will consider and incorporate within the Section 106 consultation process the performance standards (desired future condition), range of mitigation measures and commitment to mitigate, and monitoring requirements of the Energy Commission's Staff Assessment for the Genesis Solar, LLC - Genesis Solar Energy Project (Application for Certification 09-AFC-8). The BLM and the Energy Commission will endeavor to make the historic properties treatment and management provisions of this Agreement as it applies to the project as consistent as possible with the objectives and terms of the Staff Assessment within the context of the consultation process required by Section 106.

Government agencies, consulting parties, and the public identified in the scoping and public notification process for the Staff Assessment and Environmental Impact Statement were advised in the Supplemental Staff Assessment and Final Environmental Impact Statement (FEIS) that historic properties associated with the Genesis Solar, LLC - Genesis Solar Energy Project would be treated consistent with the mitigation measures or performance standards identified in the Staff Assessment and adopted by the Energy Commission, and consistent with the stipulations of this Agreement. A proposed final draft of this Agreement was circulated for public comment as an attachment to the FEIS. The Signatories have consulted with the Invited Signatories, Concurring Parties and Tribes on this Agreement, and have taken into consideration the views and comments received regarding the draft Agreement in preparing this final Agreement.

Appendices to this Agreement provide additional information about the Project or guidance. The Appendices can also include examples or drafts of planning documents that may be required and tiered from this Agreement and for which Section 106 consultation will continue to develop a final version.

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THE CALIFORNIA ENERGY COMMISSION,
GENESIS SOLAR LLC, AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE GENESIS SOLAR ENERGY PROJECT, RIVERSIDE
COUNTY, CALIFORNIA**

WHEREAS, Genesis Solar, LLC (Applicant) has applied for a right of way (ROW) grant on public lands managed by the Bureau of Land Management (BLM) and has submitted a Plan of Development (POD) to construct, operate and maintain a solar energy electrical generating plant (hereinafter referred to as the Genesis Solar Energy Project), including construction of two single-unit parabolic trough solar fields 125-megawatts (MW) each with power plant, a 230 kilovolt (kV) transmission line and on-site switchyard, raw water storage tank, treated water storage tank, wastewater storage tank, water pipelines, paved arterial roads, unpaved perimeter access and maintenance roads, laydown and staging areas, and support facilities and infrastructure which are more fully described in Appendix D: Project Description and illustrated in Appendix E: Project Maps and Illustrations attached hereto and incorporated by this reference; and

WHEREAS, the BLM has determined that since it requires the issuance of a ROW to Genesis Solar, LLC in accordance with the Federal Land Policy and Management Act (FLPMA) (Public Law 940-579; 43 U.S.C 1701), the Project is an Undertaking subject to Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulations under 36 CFR Part 800 (2004) (Section 106); and

WHEREAS, in August 2005, the United States Congress enacted the Energy Policy Act of 2005 (Public Law 109-58). In Section 211 of that Act, Congress directed that the Secretary of the Interior ("Secretary") should, before the end of the 10-year period beginning on the date of enactment of the Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity; and

WHEREAS, by Secretarial Order No. 3285 issued March 11, 2009, the Secretary stated as policy that encouraging the production, development, and delivery of renewable energy is one of the Department of Interior's (DOI) highest priorities and that agencies and bureaus within the DOI will work collaboratively with each other, and with other federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources; and

WHEREAS, the BLM, in consultation with the California State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP), pursuant to 36 C.F.R. 800.4(b)(2), seek to phase final identification and evaluation of historic properties for the project pursuant to 36 C.F.R. 800.4(b)(2) because the alternatives under consideration consist of large land areas. In accordance with the requirements of 36 C.F.R. 800.4(b)(2), the BLM is preparing this Agreement to set forth the process for completing phased compliance with Section 106 of the NHPA; and

WHEREAS, the BLM has consulted with the SHPO and the ACHP, pursuant to 36 C.F.R. 800.14(b)(3) and following the procedures outlined at 36 C.F.R. 800.6, and are in the process of considering alternatives for the Project that have the potential to adversely affect historic properties and may reach a decision regarding approval of the ROW for the Project before the effects of the Project's implementation on historic properties have been fully determined, the BLM chooses to continue its assessment of the undertaking's potential adverse effect and resolve any such effect through the implementation of this Agreement; and

WHEREAS, in accordance with regulations at 36 CFR 800.14(b)(3) BLM has notified and invited the ACHP per 36 CFR 800.6(a)(1)(C) to participate in consultation to resolve the potential effects of the Undertaking on Historic Properties, and as per their letter dated March 11, 2010, the ACHP has elected not to participate in this Agreement; and

WHEREAS, the California Energy Commission (Energy Commission) may certify the Project located on both public and private lands pursuant to Section 25519, subsection (c) of California's Warren-Alquist Act of 1974 and, for the purposes of consistency, proposes to manage all historical resources in accordance with the stipulations of this Agreement, and has participated in this consultation and is an Invited Signatory to this Agreement; and

WHEREAS, the BLM has prepared the *Final Environmental Impact Statement Genesis Solar Energy Project (2010)* and the Energy Commission has prepared the *Staff Assessment Genesis Solar Energy Project, Application for Certification (09-AFC-8) Riverside County (2010)* to identify the Project alternatives for purposes of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), and have comparatively examined the relative effects of the alternatives on known historic properties; and

WHEREAS, the Applicant has participated in this consultation per 36 C.F.R. 800.2(c)(4) and, will be the entity to whom the BLM may grant a ROW related to Project activities, and has the responsibility for carrying out the specific terms of this Agreement under the oversight of the BLM, and therefore is an Invited Signatory to this Agreement; and

WHEREAS, pursuant to the special relationship between the Federal government and Indian tribes, and Section 101(d)(6)(B) of the NHPA, 36 C.F.R. 800.2(c)(2)(ii), the American Indian Religious Freedom Act (AIRFA), Executive Order 13175, and Section 3(c) of the Native American Graves Protection and Repatriation Act (NAGPRA), the BLM is responsible for government-to-government consultation with federally recognized Indian Tribes and is the lead federal agency for all Native American consultation and coordination; and

WHEREAS, the BLM has formally notified and invited Federally recognized tribes including the Agua Caliente Band of Cahuilla Indians, Augustine Band of Mission Indians, Cabazon Band of Mission Indians, Chemehuevi Indian Tribe, Cocopah Indian Tribes, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Morongo Band of Mission Indians, Ramona Band of Mission Indians, San Manuel Band of Mission Indians, Soboba Band of Luiseno Indians, Torres-Martinez Desert Cahuilla Indians and Twenty-Nine Palms Band of Mission Indians (Tribes) to consult on this Project and participate in this Agreement as a Concurring Party. BLM has documented its efforts to consult with the Tribes and a summary is provided in Appendix I to this Agreement; and

WHEREAS, through consultation, Tribes have expressed their views and concerns about the importance and sensitivity of specific cultural resources to which they attach religious and cultural significance. Tribes have expressed the connection of these resources to the broader cultural landscape within and near the Project area; and

WHEREAS, the BLM shall continue to consult with the Tribes throughout the implementation of this Agreement regarding the adverse effects to historic properties to which they attach religious and cultural significance. BLM will carry out its responsibilities to consult with Tribes that request such consultation with the further understanding that, notwithstanding any decision by these Tribes to decline concurrence, BLM shall continue to consult with these Tribes throughout the implementation of this Agreement; and

WHEREAS, the California Unions for Reliable Energy has been invited to consult on this undertaking and this Agreement, has been afforded consulting party status pursuant to 36 C.F.R. 800.3(f)(4), and has been invited to be a Concurring Party to this Agreement. The BLM will continue to consult with any consulting party that request such consultation regardless of their decision to concur by signature in this Agreement. BLM shall continue to consult throughout the implementation of this Agreement, however only consulting parties that have concurred in this Agreement by signature shall have rights with regard to implementation of the terms of this Agreement; and

WHEREAS, the BLM, in coordination with the Energy Commission, has authorized the Applicant to conduct specific identification efforts for this Project including a review of the existing literature and records, cultural resources surveys, ethnographic studies, and geomorphological studies to identify historic properties that might be located within the APE; and

WHEREAS, the BLM has defined the APE in which the Project may directly or indirectly adversely affect historic properties pursuant to the definition of APE at 36 C.F.R. 800.16(d). The basis of the APE is described in greater detail in Stipulation II of this Agreement; and

WHEREAS, the Applicant has retained an archaeological consultant to complete all of the investigations necessary to identify and evaluate the National Register of Historic Places (NRHP) eligibility for cultural resources located within the APE for both direct and indirect effects. The consultant has completed a review of the existing historic, archaeological and

ethnographic literature and records to ascertain the presence of known and recorded cultural resources in the APE and buffered study area; conducted an intensive field survey for 5,188 acres of land, including all of the lands identified in APE for direct effects for all Project alternatives; and completed intensive field surveys for alternatives on lands that are no longer part of the Project. The consultant has also submitted a cultural resources inventory report (*Class II and Class III Cultural Resources Inventories for the Proposed Genesis Solar Energy Project, Riverside County, California*, prepared by Tetra Tech, May 2010) that presents the results of identification efforts and was submitted to the BLM and Energy Commission. The BLM has provided the report to the interested parties and Tribes for review and comment; and

NOW, THEREFORE, the BLM and SHPO (hereinafter "Signatories") and the Energy Commission and Applicant (hereinafter "Invited Signatories"), agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the adverse effect of the undertaking on historic properties, resolve such adverse effects through the process set forth in this Agreement, and provide the ACHP with a reasonable opportunity to comment in compliance with Section 106.

STIPULATIONS

The BLM shall ensure that the following measures are implemented:

I. DEFINITIONS

The definitions found at 36 C.F.R. 800.16 and in this section apply throughout this Agreement except where another definition is offered in this Agreement.

- a) **Area of Potential Effect.** The APE is defined as the total geographic area or areas within which the Project may directly or indirectly cause alterations in the character or use of historic properties per 36 C.F.R. 800.16(d). The APE is influenced by the scale and nature of an undertaking and includes those areas which could be affected by a project prior to, during and after construction.
- b) **Concurring Parties.** Collectively refers to consulting parties with a demonstrated interest in the Project, who agree, through their signature, with the terms of this Agreement. Concurring Parties may propose amendments to this Agreement.
- c) **Cultural Resource.** A cultural resource is an object or definite location of human activity, occupation, use, or significance identifiable through field inventory, historical documentation, or oral evidence. Cultural resources are prehistoric, historic, archaeological, or architectural sites, structures, buildings, places, or objects and locations of traditional cultural or religious importance to specified social and/or culture groups. Cultural resources include the entire spectrum of objects and places, from artifacts to cultural landscapes, without regard to eligibility for inclusion on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR).
- d) **Consulting Parties.** Collectively refers to the Signatories, Invited Signatories and Concurring Parties who have signed this Agreement.

- e) **Historic Properties.** Properties (cultural resources) that are included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior and per the NRHP eligibility criteria at 36 CFR60.4 and may include any prehistoric or historic district, site, building, structure, traditional cultural property or object. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the NRHP criteria. The term "eligible for inclusion in the NRHP" refers both to properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the NRHP criteria.
- f) **Historical Resources.** Historical resources are cultural resources that meet the criteria for listing on the CRHR as provided at California Code of Regulations Title 14, Chapter 11.5, Section 4850 and may include, but are not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.
- g) **Invited Signatories.** Invited Signatories are parties that have specific responsibilities as defined in this Agreement. Those Invited Signatories who actually sign this Agreement have the same rights with regard to seeking amendment or termination of this Agreement as the Signatory Parties, but whose signatures are not required for execution of the Agreement. Invited Signatories to this Agreement are the Energy Commission and Applicant.
- h) **Lands Administered by the U.S. Department of Interior, Bureau of Land Management (BLM)** means any federal lands under the administrative authority of the BLM.
- i) **Literature Review.** A literature review is one component of a BLM class I inventory, as defined in BLM Manual Guidance 8100.21(A)(1), and is a professionally prepared study that includes a compilation and analysis of all reasonably available cultural resource data and literature, and a management-focused, interpretive, narrative overview, and synthesis of the data. The overview may also define regional research questions and treatment options.
- j) **Records Search.** A records search is one component of a BLM class I inventory and an important element of a literature review. A records search is the process of obtaining existing cultural resource data from published and unpublished documents, BLM cultural resource inventory records, institutional site files, State and national registers, interviews, and other information sources.
- k) **Signatories.** Signatories are parties that have the sole authority to execute, amend or terminate this Agreement. Signatories to this Agreement are the BLM and SHPO.
- l) **Traditional Cultural Property.** A traditional cultural property is defined generally as a property that is important to a living group or community because of its association with cultural practices or beliefs that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. It is a place, such as a traditional gathering area, prayer site, or sacred/ceremonial location, that may figure in important community traditions. These places may or may not contain features, artifacts, or physical evidence, and are usually identified through consultation. A traditional cultural property may be eligible for inclusion in the NRHP and the CRHR.

- m) *Tribes*. The federally recognized Indian Tribes that BLM is consulting with on this Project.
- n) *Tribal organizations*. The non Federally recognized Indian tribes and Native American organizations that BLM is consulting with on this Project.
- o) *Windshield Survey*. A windshield survey is the driving or walking of surveyors along streets and roads of a community in order to observe and record the buildings, structures, and landscape characteristics seen from those vantage points. A windshield survey is a method commonly utilized in reconnaissance surveys to identify built-environment resources, such as buildings, objects, and structures.

II. AREA OF POTENTIAL EFFECTS

- a) The BLM has defined the APE for the Project based on both the direct and indirect impacts, to be a 15 mile radius around the block area of the Project. Below is a discussion about the APE and the methodology used to so define, and the survey methodology utilized within each APE. See Appendix E for APE map and Project illustrations.
 - i) The area within which historic properties could sustain direct effects as a result of the Project is defined to include:
 - (1) The block area of installation of the proposed components of the Project, which includes approximately 4,640 acres of public lands. The area is located approximately 25 miles west of the city of Blythe, California, and is generally bounded by the Palen/McCoy Wilderness Area to the north, and Ford Dry Lake and Interstate 10 to the south. Per Energy Commission requirements, a 200-foot wide buffer around the APE was included in the survey for cultural resources within the block area. This buffer is deemed sufficient to include any Project-related activity conducted near the edge of the Project footprint.
 - (2) All linear elements of the Project including:
 - (a) A ROW for the 230 kV transmission line is approximately 100-foot wide and 6.5 miles long and extends from the Project area to adjoin with the Transmission Lines being constructed as part of the Blythe Solar Power Energy Project and ultimately reaching the Colorado River Substation. The survey corridor for cultural resources for this linear element was established as a 200-foot wide buffer on either side of the center line (400-foot wide corridor) to allow for changes in the ROW to avoid cultural resources.
 - (b) The ROW for the transmission line will also contain a natural gas pipeline that will tie into an existing Southern California Gas natural gas pipeline south of and adjacent to Interstate 10.
 - (c) The ROW for the transmission line will also contain all temporary or permanent access roads required outside the plant footprint.

- ii) The area within which historic properties could sustain indirect effects, including visual, auditory, atmospheric, and contextual, as a result of the Project includes:
 - (1) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that are identified through a review of existing literature and records search, information or records on file with the BLM or at the Eastern Information Center (EIC), interviews or discussions with local professional or historical societies and local experts in history or archaeology. For example, specific areas of concern or cultural resources that were identified include:
 - (a) McCoy Spring Archaeological Site CA-RIV-132.
 - (b) Numerous, wide-spread, previously recorded, historic and prehistoric trail segments in the area.
 - (2) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that are included in the Native American Heritage Commission Sacred Lands Files, identified through a literature review or records search, or identified by a Tribe or Tribal organization, through consultation as having religious or cultural significance. Specific places or cultural resources that have been identified through tribal consultation include:
 - (3) Historic properties or cultural resources within a 15 mile radius of the direct effects APE that have been identified by a consulting party, organization, governmental entity, or individual through consultation or the public commenting processes as having significance or being a resource of concern. Areas identified through consultation to date include:
 - (a) Desert Training Center (DTC) Archeological Sites and Landscape
 - (b) McCoy Spring Archaeological Site CA-RIV-132
 - (4) Built-environment resources located within one-half mile of the Project footprint,
 - (a) whose historic settings could be adversely affected. Specific areas of concern or cultural resources have been identified both south and north of the Project location and include:
 - (b) On private property, historic properties or cultural resources within one-half mile of the direct effects APE that are identified through surveys, where access was granted, and windshield surveys, where access was not granted.
- b) The APE, as currently defined, encompasses an area sufficient to accommodate all of the proposed and alternative Project components under consideration as of the date of the execution of this Agreement. If it is determined in the future that the Project may directly or indirectly affect historic properties located outside the currently defined APE, then the

BLM, in consultation with the Signatories, Invited Signatories, and Concurring Parties, shall modify the APE using the following process:

- i) Any consulting party to this Agreement may propose that the APE established herein be modified. The BLM shall notify the other Signatories, Invited Signatories, and Concurring Parties of the proposal and consult for no more than 15 days to reach agreement on the proposal.
- ii) If the Signatories agree to the proposal, then the BLM will prepare a description and a map of the modification to which the Signatories agree. The BLM will keep copies of the description and the map on file for its administrative record and distribute copies of each to the other Signatories, Invited Signatories and Concurring Parties within 30 days of the day upon which agreement was reached.
- iii) Upon agreeing to a modification to the APE that adds a new geographic area, the BLM shall follow the processes set forth in Stipulation III to identify and evaluate historic properties in the new APE, assess the effects of the undertaking on any historic properties in the new APE, and provide for the resolution of any adverse effects to such properties, known or subsequently discovered, per Stipulations IV and V.
- iv) If the Signatories cannot agree to a proposal for the modification of the APE, then they will resolve the dispute in accordance with Stipulation XII.

III. IDENTIFICATION AND EVALUATION

- a) The BLM, in coordination with the Energy Commission, has authorized the Applicant to conduct specific identification efforts for this undertaking including, but not limited to, a literature review, records search, cultural resources surveys, ethnographic studies, and geo-morphological studies to identify historic properties that might be located within applicable specific APE.
 - i) The Applicant has prepared and submitted a cultural resources inventory report (Tetra Tech 2010) to the BLM and the Energy Commission that presents the results of the Applicant's identification efforts. The report is currently under review by the BLM and Energy Commission to assess whether the report conforms with the field methodology and site description template required under BLM Fieldwork Authorization 66.24 10-05 and Fieldwork Authorization 66.24 09-16 and Energy Commission transaction number Data Requests ##254 – 256, #260 and #280, Docket number 09-AFC-8.
 - ii) The BLM, in consultation with the Energy Commission, may require additional field investigations to be conducted by the Applicant to ensure the accuracy of site recordation and to provide additional information to support site evaluations and the

assessment of effects. However, the BLM and Energy Commission, separately or together, have the right and the discretion, under this Agreement, to request additional field studies.

- iii) The BLM is consulting with interested Tribes, Tribal organizations or tribal individuals regarding the identification of historic properties within the APE to which they attach religious or cultural significance and shall respond to any additional request to consult with Tribes, Tribal organizations or tribal individuals.
- b) The BLM shall make determinations of eligibility consistent with 36 C.F.R. 800.4 prior to the Record of Decision (ROD) to the extent practicable, and will make any remaining determinations as soon as possible afterwards, on those cultural resources within the APE, and make the agency's determinations available to the consulting parties, Tribes and the public for a 45 day review and comment period.
 - i) The BLM will respond to any request for consultation on its determinations from a consulting party to this Agreement or a Tribe.
 - ii) A consulting party may provide its comments directly to the SHPO with a copy to the BLM within the 45 day comment period.
 - iii) The BLM will forward to the SHPO all comments regarding its determinations received during the 45 day comment period.
 - iv) After the 45 day comment period, the BLM may request SHPO concurrence for those determinations and findings for which there is no disagreement.
 - (1) SHPO will have 15 days in which to comment.
 - (2) Should SHPO not comment, BLM shall document that SHPO has elected not to comment and may proceed in accordance with its proposed determinations.
 - (3) If the BLM and SHPO disagree on a determination, BLM shall seek a determination from the Keeper of the National Register.
 - v) Where a consulting party or Tribe objects to the BLM's determination for a specific cultural resource within the 45 day review period, the BLM shall consult with the objecting party and the SHPO regarding the nature of the objection and reconsider its determinations.
 - (1) If the objection is not resolved, the BLM shall further consult with the SHPO and follow the processes provided at 36 C.F.R. 800.4(c)(2).
 - (2) The BLM may proceed with determinations for all cultural resources not subject to objection.
 - vi) The BLM and the Energy Commission shall coordinate to the extent feasible and practicable on determinations of eligibility for the NRHP and CRHR.

- vii) If adverse effects to a cultural resource can be avoided, the BLM may choose to prescribe avoidance without making an eligibility determination of that cultural resource.
- c) In only the following circumstances, the BLM may defer the final evaluation of significance of cultural resources
 - i) where BLM has determined significance is limited to scientific, prehistoric, historic or archaeological data and where testing or limited excavation is recommended to determine whether a site would be eligible under Criterion D for inclusion on the NRHP.
 - ii) where additional evaluation efforts are required to assess the scientific, prehistoric, historic or archaeological data values of a property, the BLM and Energy Commission shall ensure that such properties located within the APE are evaluated for the NRHP and CRHR pursuant to Stipulation III and the guidelines provided in Appendix A of this Agreement.

IV. ASSESSMENT OF EFFECTS

- a) The BLM shall make determinations of effect consistent with 36 C.F.R. 800.4(d) and identify the type of adverse effect for each affected property in accordance with the criteria established in 36 C.F.R. 800.5(a)(1) and (2)(i)-(vii) prior to the ROD to the extent practicable on those cultural resources within the APE that are listed on or determined eligible for the NRHP, and provide the SHPO, Tribes, and the consulting parties with the results of this finding.
 - iii) The Applicant shall submit to the BLM:
 - (1) a list of the cultural resources that the Project appears likely to affect.
 - (2) a list of the cultural resources that the Project has no potential to affect.
 - (3) a list of the cultural resources that the Applicant commits to avoiding through the implementation of formal avoidance measures.
 - (4) a list of the cultural resources that cannot be avoided and will need to be evaluated and/or treated by implementing the prescriptions of the Historic Properties Treatment Plan (HPTP) required in Stipulation V of the Agreement.
- b) The BLM shall issue a finding of effect, based on the BLM's own evaluation of the Applicant's analysis, and provide Tribes and consulting parties to this Agreement an opportunity to review the BLM's finding and the analysis to support its finding.
 - i) The BLM shall attempt to make its determinations and findings to the extent possible in a single consolidated decision and may submit findings of effect to the SHPO

- concurrently with its determinations of eligibility per Stipulation III(b), otherwise, the consulting parties shall have 30 days to comment on BLM findings of effect.
- ii) The BLM will forward to the SHPO all comments regarding its findings of effect received during the comment period.
 - iii) After the comment period, the BLM may request SHPO concurrence for those findings for which there is no disagreement.
 - (1) SHPO will have 15 days in which to comment.
 - (2) Should SHPO not comment, BLM shall document that SHPO has elected not to comment and may proceed in accordance with its proposed determinations.
 - (3) Should SHPO disagree with BLM's finding, they shall continue to consult to resolve the agreement within a 30 day review period.
 - (4) If the SHPO and BLM are not able to resolve the disagreement within the review period, BLM will request ACHP review of the finding pursuant to 36 C.F.R. 800.5(c)(3)(i).
 - iv) Where a consulting party or Tribe objects to the BLM's findings, the BLM shall consult with the objecting party and the SHPO regarding the nature of the objection and reconsider its findings.
 - (1) If the objection is not resolved, the BLM shall further consult with the SHPO and follow the processes provided at Stipulation IV(b)(iii).
 - c) The Applicant, at the direction of the BLM and Energy Commission, may prepare the analysis required above in phases that correspond to the proposed sequence of development for the Project, provided that analyses are ultimately prepared for the entirety of the APE.
 - d) If adverse effects to such cultural resources will not be avoided, the BLM must resolve the adverse effect by implementing the prescriptions of the HPTP. When developing these HPTPs, BLM does not need to consider those cultural resources that it has evaluated and determined are not eligible for inclusion in the NRHP consistent with the process under 36 C.F.R. 800.4.
 - e) Where additional identification and evaluation efforts are required due to changes in the project and the APE, the BLM and Energy Commission shall ensure that cultural resources located within the APE are identified and evaluated for the NRHP and CRHR pursuant to Stipulation III of this Agreement.

V. TREATMENT AND MANAGEMENT OF HISTORIC PROPERTIES

- a) BLM will ensure the resolution of identified adverse effects to historic properties through avoidance, minimization, or mitigation and shall be described in one or more HPTP(s) that shall be written and finalized as described below and included in Appendix B.
- i) The BLM and Applicant, in consultation with the consulting parties and Tribes, shall develop a draft HPTP(s), prior to the ROD if feasible, or as soon as possible thereafter.
- (1) Prior to the issuance of any Notice to Proceed by the BLM to initiate the Project or any component of it that may affect historic properties, the Applicant shall develop and submit to the BLM one or more HPTPs for the BLM's approval.
 - (2) The HPTP(s) will be implemented after the ROW is granted by the BLM and prior to the issuance of a Notice to Proceed for construction in those portions of the Project addressed by the HPTP. The process for developing the HPTPs is further described below in this stipulation.
 - (3) The BLM may authorize the phased implementation of the HPTP(s) (per Stipulation X), or if appropriate, the development of HPTPs for individual cultural resources, or HPTPs that are related to specific issues or geography.
- ii) The BLM and Energy Commission, consistent with the guidelines provided in Appendix B(2), shall make every effort within the legal limits imposed on each party to incorporate into the Historic Properties Management Plan (HPMP) and any HPTP the intent of the treatment or mitigation measures in the Energy Commission's Conditions of Certification and BLM's ROD. The purpose of this effort is to evidence that due consideration of the intent inherent in the Energy Commission's Conditions of Certification were fully considered and incorporated when possible. If the BLM and Energy Commission cannot agree to proposed treatment measures, then they will resolve the dispute in accordance with Stipulation XII(c)(iii).
- iii) The BLM shall submit the HPTP(s) to the consulting parties and Tribes for a 30-day review period. BLM will consider timely comments when finalizing the HPTP(s). A consulting party may provide its comments directly to the SHPO with a copy to the BLM within the 30-day comment period. The BLM will forward to the SHPO all comments regarding the HPTP(s) received during the comment period.
- (1) Where an HPTP specifically addresses treatment for adverse effects to historic properties to which Tribes attach religious or cultural significance, the BLM shall submit the HPTP to the Tribes and seek their views and comments through consultation, regardless of the status of a Tribe as a Concurring party to this Agreement. BLM shall consult with involved Tribe(s) on the distribution to other consulting parties of any HPTP(s) that specifically addresses treatment for adverse effects to historic properties to which the Tribes attach religious or cultural significance. Such a specific HPTP(s) shall be governed by the consultation time frames as provided in Section V(a)(iii) and (iv).

- iv) BLM will provide the consulting parties with written documentation indicating whether and how the draft HPTP will be modified in response to any timely comments received. If the HPTP is revised in response to comments received within that 30 day period, BLM shall submit the revised HPTP to all parties for a final, 15 day review period. BLM will consider any timely comments in finalizing the HPTP and provide the consulting parties and Tribes with a copy.
- b) BLM shall ensure that any HPTP developed in accordance with this Stipulation and Appendix B of this Agreement is completed and implemented. A finalized HPTP will be included in Appendix B of this Agreement
- c) BLM shall ensure that a HPMP, which provides for the protection and management of historic properties during the operational life and decommissioning of the solar energy power plant, is developed and implemented in accordance with Appendix C of this Agreement. A finalized HPMP will be included in Appendix C of this Agreement.
- d) An amendment to an HPTP or HPMP will go into effect when agreed to in writing by the Signatories. If the Signatories do not agree on an HPTP or HPMP amendment proposed by another Signatory, the disagreement will be resolved pursuant to the procedures in Stipulation XII of this Agreement.

VI. DISCOVERIES AND UNANTICIPATED EFFECTS

- a) The BLM, in consultation with the consulting parties and Tribes, will seek to develop a monitoring and discovery plan for the Project pursuant to 36 C.F.R. 800.13(a)(1). A finalized monitoring and discovery plan will be included as Appendix J to this Agreement.
- b) If the BLM determines that implementation of the Project or a HPTP will affect a previously unidentified property that may be eligible for the NRHP, or affect a known historic property in an unanticipated manner, and a monitoring and discovery plan has not been finalized, the BLM, in coordination with the Energy Commission, will address the discovery or unanticipated effect by following the procedures at 36 C.F.R. 800.13(b)(3) where a process has not been yet been agreed to pursuant to 36 C.F.R. 800.13(a)(1).
- c) The BLM at its discretion may assume any discovered property to be eligible for inclusion in the NRHP. The BLM's compliance with this stipulation shall satisfy the requirements of 36 C.F.R. 800.13(a)(1).

VII. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

- a) The BLM shall ensure that any that Native American burials and related items discovered on BLM administered lands during implementation of the terms of the Agreement will be treated in accordance with the requirements of the NAGPRA. The BLM will consult with concerned Tribes, Tribal organizations, or individuals in accordance with the

requirements of Sections 3(c) and 3(d) of the NAGPRA and implementing regulations found at 43 C.F.R. Part 10 to address the treatment of Native American burials and related cultural items that may be discovered during implementation of this Agreement.

- b) In consultation with the Tribes, the BLM shall seek to develop a written plan of action pursuant to 43 C.F.R. 10.5(e) to manage the inadvertent discovery or intentional excavation of human remains, funerary objects, sacred objects, or objects of cultural patrimony. The finalized plan of action shall be included as Appendix K to this Agreement.
- c) The BLM shall ensure that Native American burials and related cultural items on private lands are treated in accordance with the applicable requirements of the California Public Resources Code at Sections 5097.98 and 5097.991 , and of the California Health and Human Safety Code at Section 7050.5(c).

VIII. STANDARDS AND QUALIFICATIONS

- a) **PROFESSIONAL QUALIFICATIONS.** All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recordation, treatment, monitoring, and disposition of historic properties and that involve the reporting and documentation of such actions in the form of reports, forms or other records, shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualifications Standards (PQS), as appropriate (48 Fed. Reg. 44739 dated September 29, 1983). However, nothing in this stipulation may be interpreted to preclude any party qualified under the terms of this paragraph from using the services of persons who do not meet the PQS, so long as the work of such persons is supervised by someone who meets the PQS. Tribal consultants who are available to perform monitoring duties are assigned and approved of by each Tribe.
- b) **DOCUMENTATION STANDARDS.** Reporting on and documenting the actions cited in this Agreement shall conform to every reasonable extent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Fed Reg. 44716-40 dated September 29, 1983), as well as, the BLM 8100 Manual, the California Office of Historic Preservation's Preservation Planning Bulletin Number 4(a) December 1989, Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR Guidelines) for the Preparation and Review of Archaeological Reports, and any specific and applicable county or local requirements or report formats.
- c) **CURATION STANDARDS.** On BLM-administered land, all records and materials resulting from the actions cited in Stipulation III, IV, V and VI of this Agreement shall be curated in accordance with 36 C.F.R. Part 79, and the provisions of the NAGPRA, 43 C.F.R. Part 10, as applicable. To the extent permitted under Sections 5097.98 and 5097.991 of the California Public Resources Code, the materials and records resulting from the actions cited in Stipulations III through V of this Agreement for private lands shall be curated in accordance with 36 C.F.R. Part 79. The BLM will seek to have the

materials retrieved from private lands donated through a written donation agreement. The BLM will attempt to have all collections curated at one local facility where possible unless otherwise agreed to by the consulting parties.

IX. REPORTING REQUIREMENTS

- a) Within twelve (12) months after the BLM, in consultation with the Energy Commission, has determined that all fieldwork required by Stipulations III through V has been completed, the BLM will ensure preparation and concurrent distribution to the consulting parties and Tribes a draft report that documents the results of implementing the requirements of each Stipulation. The consulting parties and Tribes will be afforded 45 days following receipt of each draft report to submit any written comments to the BLM. BLM will consider timely comments when making revisions to the draft report. A revised draft will be provided for a 14 day review. The BLM will consider timely comments in making final changes to the report. Thereafter, the BLM may issue the reports in final form and distribute these documents in accordance with Stipulation IX(b).
- b) Unless otherwise requested, the BLM will distribute one copy of final reports documenting the results of implementing the requirements of Stipulations III through V to each consulting party, Tribes and to the California Historical Resources Information System (CHRIS) Regional Information Center.
- c) The BLM shall ensure that any draft document that communicates, in lay terms, the results of implementing Stipulations III through V to members of the interested public is distributed for review and comment concurrently with and in the same manner as that prescribed for the draft technical report prescribed by Stipulation IX(a). If the draft document prescribed is a publication, such as a report or brochure, the BLM shall distribute the publication upon completion to the consulting parties and to other entities that the consulting parties may deem appropriate.

X. IMPLEMENTATION OF THE UNDERTAKING

- a) The BLM may authorize construction activities and manage the implementation of HPTP(s) in phases corresponding to the construction phases of the Project.
 - i) Upon approval of the HPTP(s) and implementation of the components of the HPTP(s) subject to determinations of compliance by the BLM for Phase I of the Project, BLM may authorize a Notice to Proceed for construction activities within the Phase I area only.
 - (1) An HPTP(s) for Phase II or other phases of the Project may be developed and implemented after approval of the HPTP(s) and issuance of the Notice to Proceed described above for the Phase I component.

- b) The BLM may authorize construction activities, including but not limited to those listed below, to proceed in specific geographic areas of the Project's APE where there are no historic properties; where there will be no adverse effect to historic properties; where a monitoring and discovery process or plan is in place per Stipulation VI(b); or where an HPTP(s) has been approved and initiated. Such construction activities may include:
 - i) demarcation, set up, and use of staging areas for the Project's construction,
 - ii) conduct of geotechnical boring investigations or other geophysical and engineering activities, and
 - iii) grading, constructing buildings, and installing Solar Collector Assemblies.
- c) Initiation of any construction activities on federal lands shall not occur until after the BLM issues the ROD, ROW grant, and Notice(s) to Proceed.

XI. AMENDMENTS TO THE AGREEMENT

- a) This Agreement may be amended only upon written agreement of the Signatories.
 - i) Upon receipt of a request to amend this Agreement, the BLM will immediately notify the other consulting parties and initiate a 30 day period to consult on the proposed amendment, whereupon all parties shall consult to consider such amendments.
 - ii) If agreement to the amendment cannot be reached within the 30 day period, resolution of the issue may proceed by following the dispute resolution process in Stipulation XII.
- b) This Agreement may be amended when such an amendment is agreed to in writing by all Signatories.
- c) Amendments to this Agreement shall take effect on the dates that they are fully executed by the Signatories.
- d) Modifications, additions, or deletions to the appendices made as a result of continuing consultation among the consulting parties do not require the Agreement to be amended.

XII. DISPUTE RESOLUTION

- a) Should the Signatories or Invited Signatories object at any time to the manner in which the terms of this Agreement are implemented, the BLM will immediately notify the other Signatories and Invited Signatories and consult to resolve the objection.
- b) If the objection can be resolved within the consultation period, the BLM may authorize the disputed action to proceed in accordance with the terms of such resolution.

- c) If the objection cannot be resolved through such consultation, the BLM will forward all documentation relevant to the objection to the ACHP. Any comments provided by the ACHP within 30 days after its receipt of all relevant documentation will be taken into account by the BLM in reaching a final decision regarding the objection. The BLM will notify the other Signatories, Invited Signatories, and Concurring Parties in writing of its final decision within 14 days after it is rendered.
- d) The BLM's responsibility to carry out all other actions under this Agreement that are not the subject of the objection will remain unchanged.
- e) At any time during implementation of the terms of this Agreement, should an objection pertaining to the Agreement be raised by a Concurring Party or a member of the interested public, the BLM shall immediately notify the Signatories, Invited Signatories, and other Concurring Parties, consult with the SHPO about the objection, and take the objection into account. The other consulting parties may comment on the objection to the BLM. The BLM shall consult with the objecting party/parties for no more than 30 days. Within 14 days following closure of consultation, the BLM will render a final decision regarding the objection and proceed accordingly after notifying all parties of its decision in writing. In reaching its final decision, the BLM will take into account all comments from the parties regarding the objection.

XIII. TERMINATION

- a) If any Signatory or Invited Signatory to this Agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation XI above. If within sixty (60) days an amendment cannot be reached;
 - i) a Signatory or Invited Signatory may terminate the Agreement upon written notification to the other Signatories and Invited Signatories.
- b) If the Agreement is terminated, and prior to work continuing on the Project, the BLM shall continue to follow the process provided at 36 C.F.R. 800.4 – 6 until (a) a new Agreement is executed pursuant to 36 C.F.R. 800.6 or (b) the agencies request, take into account, and respond to the comments of the ACHP under 36 C.F.R. 800.7. The BLM shall notify the Signatories and Invited Signatories as to the course of action it will pursue.

XIV. ADDITION/WITHDRAWAL OF PARTIES FROM/TO THE AGREEMENT

- a) Should conditions of the Project change such that other state, Federal, or tribal entities not already party to this Agreement request to participate, the BLM will notify the other

consulting parties and invite the requesting party to participate in the Agreement. The Agreement shall be amended following the procedures in Stipulation XI.

- b) Should a Concurring Party determine that its participation in the Project and this Agreement is no longer warranted, the party may withdraw from participation by informing the BLM. The BLM shall inform the other consulting parties to this Agreement of the withdrawal.

XV. DURATION OF THIS AGREEMENT

- a) This Agreement will expire if the Project has not been initiated and the BLM ROW grant expires or is withdrawn, or the stipulations of this Agreement have not been initiated, within five (5) years from the date of its execution. This Agreement will also expire 30 years after its execution. At such time, and prior to work continuing on the Project, the BLM shall continue to follow the process provided at 36 C.F.R. 800.4 – 6 until either (a) a new memorandum of agreement or programmatic agreement is executed pursuant to 36 C.F.R. 800.6, or (b) the BLM requests, takes into account, and responds to the comments of the ACHP under 36 CFR 800.7. The BLM shall notify the Signatories as to the course of action they will pursue within 30 days.
- b) The Signatories and Invited Signatories shall consult at year 4 to review this Agreement and every 5 years subsequently. Additionally, the Signatories and Invited Signatories shall consult not less than one year prior to the expiration date to reconsider the terms of this Agreement and, if acceptable, have the Signatories extend the term of this Agreement. Reconsideration may include continuation of the Agreement as originally executed or amended, or termination. Extensions are treated as amendments to the Agreement under Stipulation XI.
- c) Unless the Agreement is terminated pursuant to Stipulation XIII, another agreement executed for the Project supersedes it, or the Project itself has been terminated, this Agreement will remain in full force and effect until BLM, in consultation with the other Signatories, determines that implementation of all aspects of the Project has been completed and that all terms of this Agreement and any subsequent tiering requirements have been fulfilled in a satisfactory manner. Upon a determination by BLM that implementation of all aspects of the undertaking have been completed and that all terms of this Agreement and any subsequent tiered agreements have been fulfilled in a satisfactory manner, BLM will notify the consulting parties of this Agreement in writing of the agency's determination. This Agreement will terminate and have no further force or effect 30 days after BLM so notifies the Signatories to this Agreement, unless BLM retracts its determination before the end of that period.

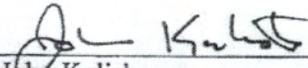
XVI. EFFECTIVE DATE

This Agreement and any amendments shall take effect on the date that it has been fully executed by the Signatories. The Agreement and any amendments thereto shall be executed in the following order: (1) BLM, (2) SHPO.

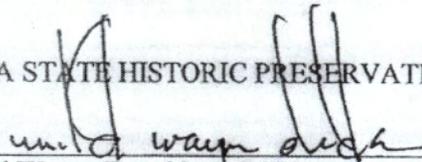
Execution and implementation of this Agreement is evidence that the BLM have taken into account the effect of this Project on historic properties, afforded the ACHP a reasonable opportunity to comment, and that the BLM have satisfied their responsibilities under Section 106. The Signatories and Invited Signatories to this Agreement represent that they have the authority to sign for and bind the entities on behalf of whom they sign.

SIGNATORY PARTIES

U.S. BUREAU OF LAND MANAGEMENT

BY:  DATE: OCT 05 2010
John Kalish
Manager, Palm Springs-South Coast Field Office

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

BY:  DATE: 7 OCT 2010
Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

INVITED SIGNATORY PARTIES

California Energy Commission
Genesis Solar, LLC

Invited Signatory

CALIFORNIA ENERGY COMMISSION

BY: _____ DATE: _____

TITLE: _____

Invited Signatory

GENESIS SOLAR, LLC

BY: _____ DATE: _____

TITLE: _____

CONCURRING PARTIES

AGUA CALIENTE BAND OF CAHUILLA INDIANS
AUGUSTINE BAND OF MISSION INDIANS
CABAZON BAND OF MISSION INDIANS
CHEMEHUEVI INDIAN TRIBE
COCOPAH INDIAN TRIBE
COLORADO RIVER INDIAN TRIBES
FORT MOJAVE INDIAN TRIBE
FORT YUMA QUECHAN TRIBE
MORONGO BAND OF MISSION INDIANS
RAMONA BAND OF MISSION INDIANS
SAN MANUEL BAND OF MISSION INDIANS
SOBOBA BAND OF LUISEÑO INDIANS
TORRES-MARTINEZ DESERT CAHUILLA INDIANS
TWENTY-NINE PALMS BAND OF MISSION INDIANS
CALIFORNIA UNIONS FOR RELIABLE ENERGY

Concurring Party

AGUA CALIENTE BAND OF CAHUILLA INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

AUGUSTINE BAND OF MISSION INDIANS

BY: _____

DATE: _____

TITLE: _____

Concurring Party

CABAZON BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

CHEMEHUEVI INDIAN TRIBE

BY: _____ DATE: _____

TITLE: _____

Concurring Party

COCOPAHI INDIAN TRIBE

BY: _____ DATE: _____

TITLE: _____

Concurring Party

COLORADO RIVER INDIAN TRIBES

BY: _____ DATE: _____

TITLE: _____

Concurring Party

FORT MOJAVE INDIAN TRIBE

BY: _____ DATE: _____

TITLE: _____

Concurring Party

FORT YUMA QUECHAN TRIBE

BY: _____ DATE: _____

TITLE: _____

Concurring Party

MORONGO BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

RAMONA BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

SAN MANUEL BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

SOBOBA BAND OF LUISEÑO INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

TORRES-MARTINEZ DESERT CAHUILLA INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

TWENTY-NINE PALMS BAND OF MISSION INDIANS

BY: _____ DATE: _____

TITLE: _____

Concurring Party

CALIFORNIA UNIONS FOR RELIABLE ENERGY

BY: _____ DATE: _____

TITLE: _____

SLV

From: Johnson, Terri
Sent: Monday, June 20, 2011 2:37 PM
To: SLV
Cc: Lee-Ashley, Matt
Subject: FW: Transmission docs for Secretary
Attachments: 062111 transmission principals meeting agenda FINAL.DOCX; Info Memo Transmission June 2011 FINAL.DOCX; NextEra Transmission.pdf

Good afternoon Ken – Since you have your i-pad with you, I thought you may want these docs electronically for the plane ride home. We'll also have copies for you in your book when you land tonight.

Terri

From: Lane, Kenneth
Sent: Monday, June 20, 2011 1:43 PM
To: Johnson, Terri
Subject: FW: Transmission docs for Secretary

They couldn't get these in time to get to KLS for flight back

Ken Lane
Senior Advisor to the Secretary,
Chief of Staff/Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
202-208-7435 phone

From: Scott, Janea
Sent: Monday, June 20, 2011 1:35 PM
To: Black, Steve; Lane, Kenneth
Subject: RE: Transmission docs for Secretary

Hi Ken -- Here you go.

From: Black, Steve
Sent: Monday, June 20, 2011 1:30 PM
To: Scott, Janea
Subject: Fw: Transmission docs for Secretary

From: Lane, Kenneth
To: Black, Steve
Sent: Mon Jun 20 12:46:12 2011
Subject: Transmission docs for Secretary

Do you have the latest to send to KLS?

Ken Lane
Senior Advisor to the Secretary,

Chief of Staff/Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
202-208-7435 phone

AGENDA

Secretary's Office, 6th Floor, U.S. Department of the Interior
1849 C Street NW, Washington DC

Purposes of This Meeting: (1) Determine whether there is consensus support for the proposal to delegate transmission siting authority to FERC, as outlined in the attached White Paper; (2) Identify specific foundational transmission lines and consider ways to improve and accelerate development of electric transmission projects. If time permits, we will discuss briefly some of the information and updates summarized in the attached staff memo.

Plan for This Meeting: After introductions, Secretary Salazar will explain the purposes and format of the meeting.

10:15 Welcoming Remarks and Introductions

- Secretary Salazar will make a brief welcoming statement and invite the meeting participants to introduce themselves.

10:20 Presentation and discussion of various proposals to “re-implement” and enhance EPAAct 2005 transmission siting provisions (sections 216(a) and (b) of the Federal Power Act)

- FERC will provide a short (5 minute) presentation on the proposal to delegate and thus unify federal transmission siting authority.
- The Principals will share their perspectives on the proposal.

10:40 Foundational Lines: Identification of Action Items

- DOE will provide a brief (5 minute) presentation on the foundational transmission lines.
- DOI will provide its list of priority electric transmission projects for 2012 (in the western interconnect).
- DOE will provide a list of priority projects in the east
- The group will identify next steps and actions needed to develop these transmission lines and assign the Renewable Energy Rapid Response Team with responsibility for organizing an action plan and schedule for completing each action.

11:00 Discuss strategic uses of existing authorities to enable new transmission

- DOE update: Use of power marketing authorities' treasury borrowing authority (\$3.25B each to Bonneville Power Authority and Western Area Power Administration)
- DOE update: Response to June 2010 request for interest seeking partnerships/contributed funds for new or upgraded transmission in Southwestern and Western Area Power Administration states under EPAAct 2005 S. 1222
- DOI update: “Right-sizing” lines on federal lands, pilot project concept
- FERC update: Cost allocation rulemaking

11:15 Adjourn

ESTABLISHING EFFECTIVE FEDERAL ELECTRIC TRANSMISSION SITING THROUGH RE-IMPLEMENTATION OF THE ENERGY POLICY ACT OF 2005

Overview

In the Energy Policy Act of 2005 (EPAct 2005), Congress recognized that the transmission siting process the United States has used since 1935 was no longer working. For the first time in 75 years, Congress changed the law governing transmission siting, establishing a new federal role. The new law was intended to provide an effective federal siting process to supplement state and local siting.

Unfortunately, the siting process established by EPAct 2005 was not well conceived or well drafted. The law unnecessarily bifurcated the federal role between two agencies, the U.S. Department of Energy (DOE) and the Federal Energy Regulatory Commission (FERC), which complicated implementation and served to impede the effectiveness of the new federal siting process. Although the new federal siting process clearly intended to preempt state siting in some respects, ambiguous statutory terms invited legal challenge regarding the scope of preemption.

In *Piedmont v. FERC*, the 4th Circuit interpreted a key term and concluded that the law does not preempt states that deny siting approval, which was a central goal of the legislation. Under this interpretation, federal siting under EPAct 2005 is largely ineffective. Notably, state siting decisions on projects in the 4th Circuit have slowed significantly since *Piedmont*, and some states have rescinded previous siting approvals that may have been influenced by the prospect of FERC siting. *Piedmont* was appealed to the Supreme Court, but the Court denied review, based largely on the Solicitor General's argument that although the 4th Circuit had badly misinterpreted the statute, its mistake was limited to that circuit and diversity among the circuits had not emerged. In *California Wilderness v. DOE*, the 9th Circuit vacated the transmission corridor designations DOE made in 2006, faulting the agency for failing to consult with affected states in conducting the congestion study required before corridor designation and for failing to undertake any environmental study for its corridor designations.

Both of these decisions have been given more importance than they actually merit, particularly by transmission developers. There is a widespread perception that federal transmission siting is now a dead letter. That is not the case. First, FERC is not bound by the *Piedmont* decision outside the 4th Circuit and the FERC transmission siting rule continues to govern siting in 43 states in the Lower 48 – *Piedmont* governs in only five states. If FERC clarified that *Piedmont* was limited to the 4th Circuit, transmission developers would understand that federal siting remains a viable option in the rest of the Lower 48. Second, *California Wilderness* is also not as fatal a blow as many perceive. To be sure, it vacated the 2006 corridor designations, but there were no requests for federal siting in those corridors. At worst, it might delay finalization of corridors under the current process. But the main reason federal siting is not dead is that the opportunity

remains to implement EAct 2005 differently and establish a vastly improved process that provides a strong foundation for effective federal siting.

One reason these legal challenges emerged is that federal transmission siting had become very controversial. That controversy is driven in large part by the mechanics of the statutory scheme itself. Bifurcation of the federal siting role between two agencies is inefficient and is bound to produce a more awkward and lengthy siting process. Even worse, assigning a corridor designation function to DOE and the siting function to FERC forces DOE to designate relatively large corridors under the source and sink approach, as occurred in the Mid-Atlantic region. If DOE designated very narrow corridors it would essentially be siting projects, a role reserved to FERC. Corridor designation is a misnomer, since DOE does not designate a route, and corridor designation is more properly seen as equivalent to a need finding, a finding that some increased transfer capacity is needed somewhere in a region. However, there is a perception in areas included in large corridors that DOE corridor designation will result in a lattice work of new transmission projects across the entire footprint.

The EAct 2005 siting process, as implemented by DOE, makes it very difficult for DOE to designate "green corridors" that will promote development of the best renewable energy resources in the United States, the low cost, high quality renewable energy resources that tend to be remote from the grid, since green corridors under the source and sink approach would be much larger than the controversial 2006 corridors. DOE faces a Hobson's choice between designating very large corridors needed to achieve the Administration's policy goals or leaving in place barriers to renewable energy.

These challenges can be met by re-implementing EAct 2005 in a way that 1) eliminates the bifurcation of the federal role, 2) avoids the need to designate large corridors, 3) promotes development of "green corridors," and 4) contains the effects of *Piedmont* and is consistent with *California Wilderness*. Under this approach, effective federal siting could be established without the need for new legislation. In short, federal transmission siting is not dead, and could be revived by re-implementation.

EAct 2005 Siting Provisions Have Not Proved Effective

To date, the federal siting provisions of EAct 2005 have not proved to be an effective process for siting electric transmission facilities. Since enactment, there have been no requests for federal siting. There was one request for pre-filing, preceding a formal request for FERC siting approval, but that request was withdrawn after *Piedmont*, in part based on a misperception that *Piedmont* was law throughout the Lower 48. By contrast, about 10,000 miles of interstate natural gas pipeline has been sited since EAct 2005 was enacted. State and local governments continue to site electric transmission facilities very slowly and sparingly, and projects whose benefits are regional and interstate in nature continue to confront severe siting challenges.

One reason federal transmission siting has not proved effective is the law itself. The bifurcation of the federal role between two agencies was a mistake. The corridor

designation role assigned to DOE is functionally equivalent to a need finding common in infrastructure siting decisions, such as the certificate of need for interstate pipelines. In the pipeline siting process, FERC makes both a need finding and a siting decision in a consolidated proceeding. Pipelines have the burden of demonstrating need to FERC. In contrast with the pipeline siting process, under EAct 2005 it is DOE, not developers, that decides where there is a need for increased transmission capacity. The unnatural separation of the “need finding” (corridor designation) from the siting decision itself led to DOE’s adoption of the source and sink method for corridor geographic scope, which has led to so much controversy.

But another reason EAct 2005 federal siting has not proved effective is the way the law was implemented. First, DOE adopted an inflexible schedule for conducting congestion studies and corridor designation. The three-year schedule for congestion studies was required by the statute, but DOE could have conducted studies on request by developers in between triennial studies or allowed developers to perform their own studies. That schedule established an artificial window for corridor designation that provided no flexibility to transmission developers, by contrast with the gas pipeline siting process. Second, DOE invited, and then declined to designate, corridors on request by developers. Third, while DOE properly asserted it could designate corridors in the absence of congestion, and could designate in areas where constraints impeded the development of generation, DOE only designated corridors in areas that were experiencing nearly immutable congestion. Fourth, DOE declined to designate any “green corridors” designed to promote development of low-cost renewable energy resources. Fifth, DOE designated corridors in only 6 percent of the Lower 48.

FERC also made a decision implementing its siting authority under EAct 2005 that made federal siting less effective. Under the statute, FERC is authorized to site transmission facilities in a corridor if a state has withheld approval for one year. That one year limitation is on final siting approval by FERC, not commencement of a siting proceeding. The statute clearly allowed a transmission project developer in a corridor to simultaneously file for siting approval at both the state and federal levels such that FERC could issue a final order on day 366 of a state proceeding, since FERC could not be in a position to issue final approval at that point unless a filing had been made at FERC roughly contemporaneously with the state filing. Nonetheless, for reasons of comity FERC issued a siting rule that barred the filing of a siting request at FERC until a state proceeding has run one year. For the reformed process discussed below to work, FERC should revisit this decision and allow contemporaneous state and FERC filings.

All of these decisions can be revisited, reconsidered, and revised.

Re-Implementation of EAct 2005 Transmission Siting Provisions

The following steps would re-implement section 216(a) and (b) of the Federal Power Act in manner that established effective federal siting:

1. **Unify Federal Transmission Siting Authority:** Federal agencies can delegate legal authorities to each other without express statutory authority (*U.S. Telecom Assn. v. FCC*). DOE has delegated other authorities to FERC, this would be an additional delegation. Bifurcated federal siting authority can be unified by a delegation of DOE authority under section 216(a) to FERC, producing unified siting authority at a federal agency that has been siting energy infrastructure for 90 years and siting natural gas pipelines for 60 years. The end result would be a single siting proceeding at a single agency, much like the gas pipeline process, rather than consecutive proceedings at two separate agencies with lags in between. Unifying federal authority would improve the efficiency of the federal siting process. Significantly, it is the only way to avoid designating very large corridors, since the separate steps of corridor designation and actual siting could be combined, producing a corridor that matches the route of a proposed project.
2. **Conduct a National Congestion Study:** After a delegation of DOE's section 216(a) authority to FERC, FERC would conduct a national congestion study, in consultation with affected states, in this case the entire Lower 48. FERC could conduct this study more frequently than once every three years and this process could be continuous.
3. **Allow Corridor Designation Upon Request:** FERC should allow transmission developers to request FERC to designate corridors upon request at any time anywhere in the Lower 48. The developer would have the burden of demonstrating that the proposed corridor meets the criteria in section 216(a)(4). FERC would consider alternatives and recommendations from interested parties and afford affected states an opportunity to comment, before it designates a corridor. Allowing transmission developers to request corridor designation is permitted by section 216(a). This process would be much more effective than the current process, since transmission developers have a better understanding of where transmission projects are needed than government. This approach would also be more nimble, since it would not be restricted to a rigid three-year cycle. Significantly, it also would result in much smaller corridors, since developers would propose corridors that match the routes of specific projects. This approach facilitates corridor designation in areas that are experiencing "constraint" rather than "congestion," so corridor designation would not be limited to areas of nearly immutable congestion. It facilitates designation of much smaller "green corridors" than is possible under the current approach. In its consideration of corridor designation, FERC should adopt certain DOE interpretations of section 216(a). DOE defined "congestion" to be the condition that occurs when transmission capacity is not sufficient to enable all scheduled or desired wholesale power transfers to occur.¹ With that definition, section 216(a) allows corridor designation wherever transmission capacity is constrained -- insufficient to accommodate desired wholesale power transfers. The sufficiency of existing transmission capacity should be evaluated from the vantage point of both end markets and generators seeking to develop location-constrained resources and make wholesale power sales, not just load. The existence of current congestion is not a necessary

¹ Nat'l Elec. Transmission Congestion Report, 72 Fed. Reg. 56,992, 56,992 (Oct. 5, 2007) (2007 NIETC Report).

condition for corridor designation, or else Congress would have limited designation to geographic areas where there is “congestion,” rather than “constraints or congestion.”² DOE has recognized it has the authority to designate corridors in the absence of current congestion, so long as a constraint, including the absence of transmission capacity, is hindering the development of desirable generation³ or denying some transmission users the benefit of their preferred transactions.⁴ That should be the showing transmission developers must make in a request for corridor designation. With respect to adverse effects on consumers under section 216(a)(2), DOE found this is not limited in form to price impacts, and adverse effects exist when constraints impede the ability of renewable energy developers to offer environmental benefits to consumers.⁵ FERC should adopt this interpretation.

4. **Allow Joint Requests for Corridor Designation and Siting Approval:** If federal siting authority is unified at FERC, FERC should allow transmission developers to file a joint request for both corridor designation and siting approval of specific projects. Corridor designation would be treated at FERC as equivalent to a need finding and corridor designation would be made at the same time as a siting decision. The end result would be a one step process at a single agency designating a narrow corridor that matches the approved route of a specific project.
5. **Allow Contemporaneous State and FERC Siting Filings:** As noted above, FERC should revise its rules to allow for contemporaneous state and FERC siting approval filings, as allowed by section 216(b). Contemporaneous filings would likely improve the prospect of state siting, as was seen in the PJM region before *Piedmont*.
6. **Limit *Piedmont* to 4th Circuit:** FERC should clarify that *Piedmont* is limited to the 4th Circuit and that the FERC rule and preamble are unaffected in the other 43 states of the Lower 48. That could be accomplished through an order on remand on *Piedmont* or a guidance or interpretative order.
7. **Environmental Study:** In *California Wilderness* the court held that DOE must prepare an environmental impact statement or environmental assessment for a corridor designation. While this decision is suspect and may be subject to rehearing requests, and there are questions about the value of an environmental study on a transmission facility of unknown size and length in an unknown location, any such environmental study can be readily accommodated. If FERC allowed joint requests for corridor designations and siting, environmental study of the corridor designation would be incorporated into the environmental impact statement on the siting decision. Alternatively, FERC could perform a programmatic EIS, environmental assessments on transmission projects as part of corridor designation, or require transmission developers to submit studies with their requests for corridor designation.

² Federal Power Act § 216(a)(2); 2007 NIETC Report at 57,000.

³ *Id.* at 57,000.

⁴ *Id.* at 57,004.

⁵ *Id.*

INFORMATION MEMORANDUM

DATE: June 20, 2011

TO: Secretary Salazar, Secretary Chu, Secretary Vilsack, Chairman Wellinghoff, Chairwoman Sutley

FROM: Interagency Transmission Working Group (CEQ, DOE, DOI, USDA, FERC)

SUBJECT: Principals Meeting
Tuesday, June 21, 2011
10:15am—11:15am
DOI—Secretary's Office, 1849 C St. NW

INTRODUCTION

In April, when you met in Secretary Chu's conference room, you met with representatives from eastern and western States, eastern and western transmission planners and developers, and with NGO representatives. The purpose of the April meeting was to explore ways of forging more efficient processes to take the good planning and analysis these groups have done and transform it into action to support execution of necessary transmission in the right ways and in the right places.

At this meeting, we would like to engage in further dialogue about how to move from *planning* transmission to *building* transmission. We will discuss an idea for augmenting FERC's backstop siting authority and we will identify key actions our agencies can take together to accelerate the development of the foundational transmission lines. As part of this discussion the Interagency Transmission Working Group recommends prioritizing this effort within each of our agencies to ensure the necessary resources to succeed in this important endeavor.

BACKGROUND

I. TRANSMISSION SITING PROPOSAL

You have asked us to explore creative ways for moving forward on transmission siting under existing authority. We have received an interesting proposal from NextEra energy and will present it to you for your consideration at Tuesday's meeting. The proposal is for discussion purposes only.

The NextEra proposal suggests seven steps to re-implement section 216(a) and (b) of the Federal Power Act in a manner they believe would establish effective federal siting. First, the proposal seeks to eliminate the bifurcated federal siting authority by delegating DOE authority under section 216(a) of the Federal Power Act to FERC. Second, after delegation of DOE's authority to FERC, FERC would conduct a national congestion study in consultation with affected states. Third, the proposal allows for developers to request FERC to designate specific corridors. Fourth, the proposal allows joint requests for corridor designation and siting approval. Fifth, the proposal allows contemporaneous state and FERC siting. Sixth, the proposal suggests that

FERC should clarify that the *Piedmont* decision is only binding in the Fourth Circuit. Finally, the proposal suggests including an environmental study for corridor designation, which could be achieved through allowing joint requests for corridor designations and siting.

Federal Power Act section 216 (enacted in 2005): DOE does triennial study of electric transmission congestion, then issues a report designating “national interest electric transmission corridors.” FERC has backstop authority to site a transmission facility within a corridor, e.g., if a State has “withheld approval” for more than 1 year.

FPA 216 is no longer viable: (1) 9th Circuit overruled DOE’s designations for not doing NEPA analysis, even though FERC must also do NEPA review. (2) 4th Circuit said FERC’s authority applies if State fails to act but not if State rejects a proposal; (3) for comity with States, FERC barred backstop applications until at least 1 year after applicant files with State.

Fixing these problems: (1) DOE can delegate its remaining FPA 216 functions to FERC. Instead of redundant NEPA analyses (by DOE and then FERC), this allows one-stop shopping for NEPA review. (2) FERC can signal that, outside of 4th Circuit, applicants rejected by State can apply under FPA 216, thus allowing other Circuits to disagree with 4th Cir. (3) FERC can also drop the 1 year waiting period.

Making the Process Work: Transmission development is being hampered by, among other things, ineffective planning processes, uncertainty regarding cost allocation, and resistance to siting—in addition to the general consideration of feasibility. FERC is working to improve the first two factors in a pending rulemaking. The likelihood of and speed with which transmission will be built is also dependent on effective siting mechanisms. In this context, a partial solution is no solution.

Transmission planning would continue to be done under local and regional processes (e.g., by RTO or ISO), not by FERC. Projects must be selected in the regional plan (or be proposed by a merchant developer who chooses to forego FERC-mandated cost recovery and risk the opposition of, and co-opting by, those engaged in the regional planning process). DOE delegates its corridor designation and triennial study functions to FERC. Public notice is only requirement for the delegation.

FERC conducts triennial studies, but additionally allows project-specific applications for combined “corridor designation and permitting. The narrow corridor needed for a project-specific route (compared to a large corridor for unknown future projects) can focus the NEPA analysis and reduce opposition.

A viable federal backstop could stimulate more siting approvals by States, thus limiting the need for, and number of, backstop applications.

II. FOUNDATIONAL LINES: IDENTIFICATION OF ACTION ITEMS

- The Western Electricity Coordinating Council has developed a list of 23 foundational transmission lines that they believe have a high probability of being built by 2020. These

lines are needed under a wide variety of future resource development scenarios. This list was developed in 2010 and WECC is currently preparing an updated version.

- Similarly, the states in the Eastern Interconnection have prepared a list of 29 proposed transmission projects that require increased federal/state coordination.
- DOE proposes to collect and post project information on these transmission lines and to track about 25 projects (east and west). This Administration has an opportunity to shepherd a concrete set of transmission lines across the finish line in the next 18 months.
- Interior recommends convening an interagency working group to (1) identify a set of transmission projects that could be permitted in this timeframe and to (2) troubleshoot and resolve issues associated with those projects. USDA has no problem with that recommendation and will be represented by RUS and FS.
- DOE would then, in consultation with other agencies, select 5 or 6 key projects for near-term interagency study as test cases in order to identify ways to improve and coordinate the review process.

III. STRATEGICALLY ENABLING NEW TRANSMISSION BY USING EXISTING AUTHORITIES

Power Marketing Authorities' Treasury Borrowing Authority

The Recovery Act provides the Bonneville Power Authority and Western Area Power Administration each with \$3.25B in new Treasury Borrowing Authority, and those PMAs are authorized to use this borrowing authority for multiple purposes, including expanding and upgrading its transmission system for diverse purposes, including the integration and transmission of new renewable electricity resources, energy efficiency; etc. WAPA at least has identified two specific projects--TransWest Express and the Electrical District 5 - Palo Verde (ED5-PV)--that are ready for Borrowing Authority certification. At Tuesday's meeting, DOE will provide an update as to where their review stands, what the process for that review is, and expected timelines for completion.

Energy Policy Act of 2005, S. 1222

Under section 1222 of the Energy Policy Act of 2005, DOE may seek partnerships to develop transmission lines that will promote new renewable energy facilities. In June 2010, DOE (acting through WAPA and Southwestern Power Administration) issued a request for proposals seeking partnerships/interest in providing contributed funds under Section 1222 of the Energy Policy Act of 2005 for Southwestern or WAPA's participation in the upgrade of existing transmission facilities owned by either PMA, or the construction of new transmission lines in the states in which either PMA operates.

USDA RUS

RUS had existing authority to provide loans funds for transmission investments for eligible applicants (not necessarily just coops.) Eligible applicants are corporations, States, territories,

subdivisions, municipalities, people's utility districts, cooperatives, non-profits, limited-dividends or mutual associations that provide retail electric and power supply service needs to rural areas.

IV. UPDATES AND ANNOUNCEMENTS

Follow-Up Stakeholders Meeting

In April, you convened a meeting of the transmission planning authorities, state commissioners and NGO's involved in the three interconnection-wide planning initiatives. At the conclusion of the meeting, you agreed that additional meetings should be convened. In July, state regulators from all three interconnections will be meeting to exchange ideas and best practices from their respective planning processes. The meeting is scheduled for Monday, July 18th at 5:15 p.m. Federal representatives from the agencies will attend this meeting to continue the dialogue on federal /state cooperation and to discuss the Rapid Response Teams. A follow-up meeting with all of the stakeholders who participated in the April meeting will be convened after the first round of modeling results have been released, likely in the fall of 2011.

White House Grid Modernization Event

On June 13, the Obama Administration announced a number of new initiatives designed to accelerate the modernization of the Nation's electric infrastructure, bolster electric-grid innovation, and advance a clean energy economy. Aimed at building the necessary transmission infrastructure and developing and deploying digital information or "smart grid" technologies, these initiatives will facilitate the integration of renewable sources of electricity into the grid; accommodate a growing number of electric vehicles on America's roads; help avoid blackouts and restore power quicker when outages occur; and reduce the need for new power plants. The White House also released a new report by the Cabinet-level National Science and Technology Council that delineates four overarching goals the Administration will pursue in order to ensure that all Americans benefit from investments in the Nation's electric infrastructure: better alignment of economic incentives to boost development and deployment of smart-grid technologies; a greater focus on standards and interoperability to enable greater innovation; empowerment of consumers with enhanced information to save energy, ensure privacy, and shrink bills; and improved grid security and resilience.

One of the consistent themes at this White House Grid Modernization Event was that the modernization of our transmission system will require the expansion of our transmission system. The focus of this principals meeting is therefore on how to enable private investment in grid expansion by addressing planning, siting, permitting, and cost allocation challenges.

Renewable Energy Rapid Response Team

At the White House Grid Modernization event, the Administration also announced the formation of a Renewable Energy Rapid Response Team, co-led by the White House Council on Environmental Quality, the Department of Interior, and the Department of Energy. The goals of the team are to improve Federal coordination and ensure timely review of proposed renewable energy projects and transmission lines so that renewable energy can power cities and towns across America, and so that consumers save money and experience reliable power delivery

through a modernized grid. In April, the leaders of the interconnection-wide planning efforts asked for such an effort on transmission siting and permitting, and we have worked diligently across the federal government to respond to their request and mobilize this team. This team is up and active; it meets bi-weekly at a senior staff level in CEQ offices.

In addition to CEQ, the Department of Interior, and the Department of Energy, the team currently also includes the following executive branch departments, agencies, and offices:

- 1) White House Office of Science and Technology Policy
- 2) Department of Agriculture
- 3) Environmental Protection Agency
- 4) Federal Energy Regulatory Commission
- 5) Department of Defense
- 6) U.S. Army Corps of Engineers
- 7) Department of Transportation
- 8) Department of Homeland Security
- 9) Department of Commerce
- 10) Advisory Council on Historic Preservation

Participating agencies will retain their siting jurisdiction and responsibilities.

Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities

In June 2010, FERC initiated a rulemaking to consider whether to adopt new requirements that more closely link cost allocation for new transmission lines with regional transmission planning by public utilities subject to its jurisdiction. FERC's proposal would require regions to develop cost allocation methods to apply to new facilities determined by a region to benefits, whether for reliability, economics, or in order to comply with public policy requirements established by state or federal laws or regulations. Neighboring transmission planning regions also would be required to develop procedures to evaluate the benefits of interregional lines, with associated cost allocation methods developed for such projects. FERC received roughly 250 sets of comments in response to the proposal, which continues to be under review.

SLV

From: Hayes, David
Sent: Monday, October 10, 2011 10:58 AM
To: SLV
Cc: Davis, Laura
Subject: FW: Update on high priority infrastructure projects

Ken:

(b) (5)

--David

David J. Hayes
Deputy Secretary
U.S. Department of the Interior
202-208-6291
David.Hayes@ios.doi.gov

-----Original Message-----

From: Black, Steve
Sent: Saturday, October 08, 2011 3:52 PM
To: Hayes, David; Davis, Laura
Cc: Klein, Elizabeth A; Scott, Janea; Lee-Ashley, Matt; Kelly, Kate P
Subject: Update on high priority infrastructure projects

David and Laura,

Nat Keohane called me to update me on the White House's current thinking with respect to our projects. (b) (5)

(b) (5)

The Navajo-Gallop water project will remain on the list.

(b) (5)

(b) (5)

Nat said he would call you as well. I gave him your BB number.

Steve

SLV

From: SLV
Sent: Wednesday, December 22, 2010 12:00 PM
To: Ashe, Dan; Castle, Anne
Cc: Lane, Kenneth; Davis, Laura; Strickland, Thomas
Subject: Re: Altamont wind turbines

Dan,
Thank you for the clarification. Happy holidays.
Ken

From: [Dan Ashe@fws.gov](mailto:Dan_Ashe@fws.gov) <Dan_Ashe@fws.gov>
To: Castle, Anne
Cc: Lane, Kenneth; SLV; Davis, Laura; Strickland, Thomas
Sent: Wed Dec 22 10:54:35 2010
Subject: Re: Altamont wind turbines

Hello Anne and Secretary Salazar. The conclusion that FWS nor any other DOI agency "made this happen" is technically correct, but it doesn't reflect an extensive and long-standing involvement by FWS with and between the parties at Altamont. That involvement has certainly supported this settlement, and quite possibly, this settlement "couldn't have happened" without FWS involvement.

Specifically, we have been engaged with the U.S. Attorney's Office, the California Attorney General's Office, and the Alameda County District Attorney's Office for many years, and on numerous occasions, FWS law enforcement has made recommendations to minimize the risk of avian mortalities at Altamont. For instance, in June 2005, the Service, U.S. Attorney, California AG, and the Alameda County DA, along with California Energy Commission scientists met with Altamont Pass Wind Resource Area (APWRA) representatives to discuss measures to significantly reduce avian mortality, including retirement/replacement of problem turbines. In response, APWRA developed an adaptive management plan to reduce raptor fatalities by 45% over 5 years, into which the Service law enforcement and field biologists provided significant input. Implementation of this adaptive management plan has been poor, and Service law enforcement has been continuously involved in discussions with the parties. In short, we have had rather extensive involvement, including referring dozens of documented APWRA violations to DOJ for prosecution, and maintaining evidence of bird mortality to support federal, state and local enforcement efforts.

This type of work, particularly through our law enforcement offices, is often not readily apparent, so I thought I should make sure that their work and commitment is acknowledged.

Dan.

Dan Ashe
Deputy Director
U.S. Fish and Wildlife Service
1849 C St., NW
Washington, DC 20240
dan_ashe@fws.gov
202.208.4545

"Castle, Anne" <Anne_Castle@ios.doi.gov>

12/21/2010 05:20 PM

To SLV (b) (6)

cc "Ashe, Dan" <Dan_Ashe@fws.gov>, "Lane, Kenneth" <Kenneth_Lane@ios.doi.gov>,
"Davis, Laura" <Laura_Davis@ios.doi.gov>

Subject Altamont wind turbines

Ken, you asked about a paragraph in my weekly report on the wind turbines used by NextEra Energy at its Altamont Pass wind farm. NextEra just reached a settlement agreement with the State of California and several environmental groups to replace its turbines with newer, larger turbines that are more efficient and kill fewer birds. You asked if FWS or any Interior agency made this happen.

Apparently not. The agreement and replacement of the turbines settled a lawsuit brought against NextEra by five Audubon Society chapters and Californians for Renewable Energy and concerned NextEra's local permits. USGS is watching the case closely and is also working now with FWS to provide information on raptors in the areas designated for wind development. Let me know if you want additional information.

Merry Christmas.

Anne

SLV

Subject: 2:15pm-2:30pm: Phone Call with Lewis "Lew" Hay, III, Chairman and CEO of NextEra Energy, Inc (Staff: Steve Black and Janea Scott)
Location: Office of Secretary (Chairman Hay will call the Secretary at 202-208-6087)
Start: Thu 2/23/2012 2:15 PM
End: Thu 2/23/2012 2:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: SLV
Required Attendees: Padilla, Joan; Lee-Ashley, Matt; Black, Steve; Scott, Janea; Hayes, David; Nigborowicz, Timothy M; Embil, Nana Efua; Mansour, Christopher; Lane, Kenneth; Ojeda-dodds, Gisella N

POC:
Dave Markarian: 202-412-7007
Attendees:
Dave Markarian
Andy Spielman
Chairman Hay

DEPARTMENT OF THE INTERIOR
TASKING PROFILE

ACCN #: ESO-00003627 Status: Open Fiscal Year: 2009
Document Date: 04/20/2009 Received Date: 04/24/2009 Due Date: 05/13/2009 Action Office: LMS Signature Level: SS Doc Source: CM

Incoming To: Salazar, Ken L - Cruickshank, Walter D

Addressee: Kennedy, Edward M - Delahunt, Bill

Senator
United States Senate
Washington, DC 20510

Subject Text: Blue H USA - Offshore Deepwater

In strong support of the proposal by Blue H USA for an offshore deepwater wind energy demonstration project off the coast of Martha's Vineyard, Urging MMS to make a determination that the activity for which the permit is sought is for site characterization activities and approve Blue H's request.

Req. Surnames: LM; LMS; OCL; PNB; SOL

Mail Carrier: PM

Mail Track #:

Cross Ref:

Copies To: SIG-OES; DOI-LM; DOI-OCL; DOI-PNB; DOI-SOL

Status Tracking:

Correspondence Specialist and Phone: SIG-OES Pat Ennis/202-208-5291

Closed Comments:

Signed:

ONE

Congress of the United States
Washington, DC 20515

April 20, 2009

The Honorable Ken Salazar
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dr. Walter D. Cruickshank
Acting Director
Minerals Management Service
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Salazar and Acting Deputy Director Cruickshank:

We write in strong support of the proposal by Blue H USA for an offshore deepwater wind energy demonstration project to deploy a single test facility at a proposed site in federal waters 23 miles off the coast of Martha's Vineyard and 48 miles off the coast of New Bedford, Massachusetts. The application for the project was submitted on March 12, 2008 and calls for the placement of a test platform to collect valuable data.

We believe The Blue H Project is an important step toward the development of deepwater offshore wind energy in the United States, where over 90 percent of U.S. offshore wind energy resources are located. The test project would be temporary and would not be permanently attached to the seabed.

Blue H's proprietary technology is developed and ready to demonstrate the potential of prompt commercial development of America's vast untapped deepwater offshore wind resources. The test platform can be built and installed quickly, and can help to implement the Administration's commitment to bring our nation closer to energy independence and create "green" jobs for the future.

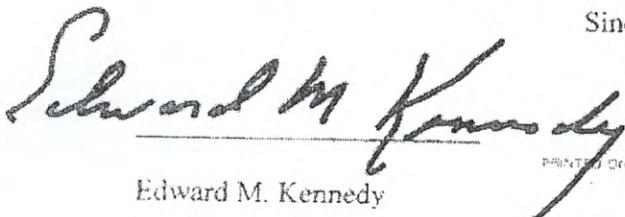
At a March 25th meeting between Blue H, Dr. Cruickshank, and MMS staff, the possibility was discussed of expediting the approval of Blue H's demonstration project through the issuance of an Army Corps of Engineers Nationwide Permit, which we understand to be permissible under the MMS guidance issued on February 10, 2009.

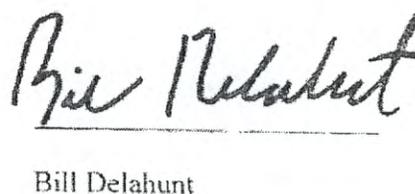
We support such an action and believe the Blue H project is an especially promising proposal worthy of prompt consideration. If Blue H's proposal is approved, the facility could be deployed by the summer of 2010.

We understand that before the Army Corps can grant a permit any such activity, MMS must make a determination that the activity for which the permit is sought is for site characterization activities and that there will be no permanent attachment to the seabed. We believe that the Blue H project meets these two criteria, and we urge you to approve Blue H's request.

With great respect and appreciation,

Sincerely,


Edward M. Kennedy


Bill Delahunt

Baca, Sylvia

From: Krauss, Jeff
Sent: Friday, January 27, 2012 8:36 AM
To: Abbey, Robert V; Fetcher, Adam K; Baca, Sylvia; Berns Kim M; Boddington, Celia; Brady, Ray A; Cardinale, Richard; Crandall, Megan; Faeth, Lori; Falsey, William D; Farquhar, Ned; Fetcher, Adam K; Flanagan, Denise A.; Adams, Gail A; Gordon, Bill J; Gorey, Tom; Graves, Carmiece; Haze, Pam K; Kelly, Kate P; Kornze, Neil G; Krauss, Jeff; Lee-Ashley, Matt; Leff, Craig S; Leverette, Mitchell; Levison, Lara; Lin, Janet H; Mansour, Christopher; Montoya, Jordan; Mouritsen, Karen E; Mussenden, Paul; Nedd, Michael D; Nelson, Andrea; Pool, Michael J; Quimby, Frank J; Ratcliffe, Robert; Roberson, Edwin; Rountree, Carl D; Rountree, Carl D; Sadeghzadeh, Kaveh C; Spisak, Timothy; Towne, Robert B; Urban, Heather; Wilkinson, Patrick; Wells, Steven; Moses-Nedd, Cynthia; Burke, Marcilynn; Spangler, Matthew; Lauro, Salvatore R; Van Lancker, Jeanne M; Crandall, Megan; Hanes, Richard C
Subject: Early Alert - Media Inquiry regarding Cultural Find at Genesis Solar Project Site (CA)

Please note: This early alert has DOI OCO, OCL, PMB, ASLM, and BLM Distribution. This is an internal document and not intended for external distribution.

Early Alert

To: WO DOI/BLM Officials
From: BLM California State Office
Through: Division Chief, WO Public Affairs
Subject: Media Inquiry regarding Cultural Find at Genesis Solar Project Site
What: Los Angeles Times reporter Louis Sahagun has inquired regarding a substantial cultural find on the Genesis Solar Project site that has halted construction work in that area of the site for about two months
Who: BLM Palm Springs Field Office, NextEra Energy Resources' Genesis Solar LLC
When: Cultural resources found nearly two months ago. Sahagun called today, working on a story that will run in the next several days.
Where: The Genesis Solar Project is located on nearly 1,950 acres of public land 25 miles west of Blythe, in Riverside County, Calif.

Background: In late November, workers clearing an area at the Genesis Solar Project site uncovered what appeared to be Native American cultural resources. All ground disturbance in the area has been halted since, and the BLM has been working with tribes, the California Energy Commission and others to determine the extent and nature of the artifacts uncovered and how the find might impact the project. The BLM has been following the protocol described in the Historic Properties Treatment Plan that is part of the terms and conditions of Genesis Solar's Right of Way. Work in other areas of the project has continued.

Louis Sahagun of the *LA Times* called yesterday to get more information about the cultural find and how it might impact the project. He has asked to go out to the project site with a BLM representative today with a photographer for a quick visit and a chance to get photos. The story is not likely to run for a few days.

Tribes indicating strong objections to allowing any further disturbance of the subject area include the Colorado River Indian Tribes, Quechan and Fort Mojave.

Contact: Erin Curtis, BLM-California External Affairs, (916) 978-4622

Land and Minerals Management Correspondence Tracking System

Control No: Correspondence Date: Receive Date: Due Date:

From--> First Name Last name Agency:

To-->

ES Number: Audit Number: SigLevel:

Subject:

Signature:

Comments:

Reviewers

Names	1: <input type="text" value="Aird, Brenda"/>	<input type="text" value="8/20/2010"/>	3: <input type="text" value="Farquhar, Ned"/>	<input type="text" value="8/24/2010"/>
Dates	2: <input type="text" value="Cardinale, Richard"/>	<input type="text" value="8/24/2010"/>	4: <input type="text" value="Lewis, Wilma"/>	<input type="text"/>

Not Done 8/24/10

4310-40P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048880, LLCAD06000, L51010000.FX0000, LVRWB09B2520]

Notice of Availability of the Final Environmental Impact Statement for the Genesis Solar, LLC Genesis Solar Energy Project and Proposed California Desert Conservation Area Plan Amendment.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) has prepared a Proposed California Desert Conservation Act Plan Amendment/Final Environmental Impact Statement (EIS) for Genesis Solar LLC's Genesis Solar Energy Project (GSEP) and by this notice is announcing its availability.

DATES: The publication of the Environmental Protection Agency's (EPA) Notice of Availability (NOA) of this Final EIS in the Federal Register initiates a 30-day public comment period. In addition, the BLM's planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's Proposed CDCA Plan Amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that EPA publishes its NOA in the Federal Register.

ADDRESSES: Copies of the Proposed Plan Amendment/Final EIS for the GSEP have been sent to affected Federal, state, and local government agencies and to other stakeholders. Copies of the Proposed Plan Amendment/Final EIS are available for public inspection at the Palm Springs South Coast Field Office, 1201 Bird Center Drive, Palm Springs, California 92262. Interested persons may also review the document at the following Web site:

http://www.blm.gov/ca/st/en/fo/palmsprings/Solar_Projects/Genesis_Ford_Dry_Lake.html. Submit comments on the Final EIS to the Palm Springs South Coast Field Office at the address above or e-mail them to CAPSSolarNextEraFPL@blm.gov.

All protests must be in writing and mailed to one of the following addresses:

Regular Mail:

BLM Director (210)

Attention: Brenda Williams

P.O. Box 66538

Washington, D.C. 20035

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Attention: Brenda Williams

1620 L Street, N.W., Suite 1075

Washington, D.C. 20036

FOR FURTHER INFORMATION CONTACT: Allison Shaffer, BLM Project Manager, telephone (760) 833-7100; address (see ADDRESSES, above); or e-mail CAPSSolarNextEraFPL@blm.gov.

SUPPLEMENTARY INFORMATION: Genesis Solar, LLC has submitted an application to the BLM for development of the proposed GSEP, which would consist of two independent solar electric generating facilities with a nominal net electrical output of 125 megawatts (MW) each, resulting in a total net electrical output of 250 MW. The

Proposed Action would be designed to utilize solar parabolic trough technology to generate electricity.

Genesis Solar, LLC is seeking a right-of-way (ROW) grant for approximately 4,640 acres of land. Construction and operation of the Proposed Action would disturb a total of about 1,800 acres within the site boundaries, and approximately 90 acres for linear facilities and drainage features outside the site boundaries.

The proposed GSEP would be approximately 27 miles east of the unincorporated community of Desert Center and 25 miles west of the Arizona-California border city of Blythe in Riverside County, California.

The Applicant proposes to construct the GSEP in two phases, which would be designed to generate a combined total of approximately 250 MW of electricity. Phase 1 would consist of the Unit 1 (western) power block, access road, natural gas pipeline, and electric transmission line. Phase 2 would consist of the Unit 2 (eastern) power block. The project would also include above-ground and subsurface fiber optic lines.

The overall site layout and generalized land uses are characterized as follows:

1. 250-MW facility including solar generation facilities; on-site switchyard (substation); administration, operations, and maintenance facilities: approximately 1,800 acres.

2. Two wastewater evaporation ponds: up to 30 acres each (located within the 1,800-acre site).
3. A new generation-tie line to route generated electrical power transmitted from the GSEP switchyard by way of a southeasterly ROW, that would connect to the Southern California Edison 500-230 kV Colorado River substation via the existing Blythe Energy Project Transmission Line between the Julian Hinds and Buck substations.
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The BLM's purpose and need for the NEPA analysis of the GSEP project is to respond to Genesis Solar, LLC's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws.

The BLM will decide whether to approve, approve with modification, or deny a ROW grant to Genesis Solar, LLC for the proposed GSEP project. The BLM will also consider amending the California Desert Conservation Act (CDCA) Plan of 1980, as amended, in this analysis. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in that Plan be considered through the plan amendment process. If the BLM decides to grant a ROW, the BLM would also amend the CDCA Plan.

In the Final EIS, the BLM's Preferred Alternative is the direct dry cooling project alternative with a 250 nominal MW output which includes a CDCA Plan Amendment. In addition to the Preferred Alternative, the Final EIS analyzes the following alternatives: the proposed action with a 250 nominal MW output, wet-cooling technology and an amendment the CDCA Plan to make the area suitable for solar energy development; a reduced acreage alternative which includes a 150 nominal MW output, wet cooling technology, and an amendment to the CDCA Plan to make the area suitable for solar energy development; and an amendment to the CDCA Plan without approving any project. As required under NEPA, the Final EIS analyzes a no action alternative, which would not approve the GSEP or amend the CDCA Plan. The BLM also analyzes an alternative that denies the GSEP, but amends the CDCA Plan to designate the project area as suitable for other possible solar energy power generation projects, and an alternative to deny the project and amend the CDCA Plan to designate the project area as unsuitable for solar energy power generation projects. The BLM will take into

consideration the provisions of the Energy Policy Act of 2005 and Secretarial Orders 3283 Enhancing Renewable Energy Development on the Public Lands and 3285A1 Renewable Energy Development by the Department of the Interior in responding to the GSEP application.

The Final EIS evaluates the potential impacts of the proposed GSEP on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources.

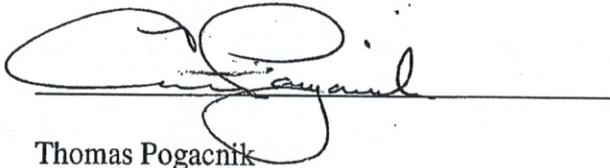
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Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

A handwritten signature in black ink, appearing to read 'Thomas Pogacnik', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

Thomas Pogacnik

Deputy State Director

AUTHORITY: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2;
43 CFR 1610.5

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be both?
b/w

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Thomas Pogacnik

Deputy State Director

AUTHORITY: 40 CFR 1506.6 and 1506.10 and 43 CFR 1610.2 and
1610.5

Briefing Paper

1. State Office

California State Office.

2. What is the title of this notice?

Notice of Availability of the Final Environmental Impact Statement for the Genesis Solar, LLC Genesis Solar Energy Project (GSEP) and Proposed California Desert Conservation Area Plan Amendment.

3. What are the key issues raised by the underlying decision documents for this notice?

The GSEP is one of the first large-scale commercial thermal solar generating plants that would be located on public land. Scoping comments on the proposed Genesis project from members of the public and other interested parties expressed concern about locating large scale commercial solar projects on fragile landscapes in the California Desert Conservation Area (CDCA). Key resource issues include:

Water – While the Proposed Action still includes wet-cooling technology in the Final EIS, the Applicant, during the California Energy Commission (CEC) Evidentiary Hearings in July 2010, agreed to adopt the CEC's Environmentally Superior Dry Cooling Alternative under California Environmental Quality Act and BLM's Agency Preferred Alternative under the National Environmental Policy Act of 1969, as amended (NEPA). This direct dry cooling alternative reduces the original required 1,644 acre-feet of water use by 85%. While the direct dry cooling technology can reduce megawatt (MW) output, the Applicant has tried to re-engineer parabolic troughs within the project footprint to make up for any reduced efficiency. The dry cooling technology will increase capital costs for the Applicant.

4. Who are the primary users affected by or parties interested in the underlying decisions or actions? What are their concerns?

Because of the remoteness of this area, few authorized uses occur in the area other than a major utility corridor identified in the CDCA Plan. The site also has a minimal level of casual off-highway recreational touring on designated routes in the area.

5. Is tribal consultation appropriate under E.O. 13175 or other authorities? Will the proposed action potentially impact tribes or tribal lands, or generate their interest? If so, what consultation or other communication/outreach are you planning?

Yes. Tribal consultations will be conducted in accordance with policy and Tribal concerns will be given due consideration. The plan amendment process will include the consideration of any impacts on Indian trust assets. The BLM is currently developing a Programmatic Agreement in partnership with the California State Historic Preservation Office.

6. Will this notice be controversial?

Various segments of the public that do not favor solar development on public lands in the California Desert are likely to oppose the proposed Genesis project. The BLM California State Office, California Desert District Office, and the Palm Springs Field Office are coordinating with the CEC to work effectively with the public, partners, and groups to identify controversial issues prior to publication.

7. What will the underlying decision or action change? (Summarize changes to policy, management practices, allowable uses, differences between draft and final, etc.)

The BLM may make two decisions regarding the proposed Genesis project. The CDCA Plan requires that proposed power generation or transmission facilities that are not already identified in that Plan be considered through the plan amendment process. Because the proposed GSEP is not currently identified in that Plan, a plan amendment is required.

The second BLM decision is whether to approve the proposed right-of-way (ROW) grant for the Genesis project or a modified proposed project in configuration and megawatt output. Approval of the ROW grant would preclude other possible future land uses on the site for the life of the facility.

8. Will this notice need Communications Materials, e.g. a press release, Communications Plan? If so, enclose these materials with the notice package submitted.

Yes, a communications plan is attached.

9. What are the reasons for the timing of the notice and the consequence, if any, of delaying or canceling the release?

The applicant hopes to secure funding through the American Recovery and Reinvestment Act of 2009. The BLM needs to authorize the project before the end of 2010 if the applicant is to be eligible for this program. Additionally, the Applicant has applied to the Department of Energy (DOE) for the 2011 Loan Guarantee Program. While DOE has not officially entered into financial negotiations with the Applicant under Phase II of the program, it is anticipated that DOE will reach that point after the publication of the Final Environmental Impact Statement (EIS); therefore, DOE is not a formal cooperator for this EIS.

10. How has this been analyzed under NEPA?

The BLM prepared a Final EIS for this project.

11. Is there any additional pertinent, descriptive information that reviewers need to know or would increase understanding?

The proposed GSEP is in the proposed Riverside East Solar Energy Study Zone of the Draft Programmatic Solar EIS that is in progress. The proposed GSEP project would be constructed in 2 phases, each consisting of a 125 megawatt MW capacity solar electric generating facility, using solar parabolic trough technology to generate electricity.

In addition to the main energy generation facility, the EIS analyzes approximately 7 miles of new 230-kilovolt (kV) generation-tie line that will need to be constructed for the project. Approximately 5 additional miles of the transmission line will use the existing infrastructure of the Blythe Energy Line and will interconnect to the proposed 230/500-kV Colorado River Substation.

The U.S. Army Corps of Engineers has provided the Applicant with a Preliminary Determination of Non-Jurisdiction.

12. List the names and positions of the people who have prepared, reviewed, and approved the notice and the underlying decisions and documents.

California State Office

Jim Abbott, Acting California State Director, (916) 978-4600
Tom Pogacnik, Deputy State Director, (916) 978-4637
Sandra McGinnis, Planning and Environmental Coordinator, (916) 978-4427

California Desert District Office

Jack Hamby, Acting District Manager, (951) 697-5214
Alan Stein, Deputy District Manager, (951) 697-5382

Palm Springs-South Coast Field Office

John Kalish, Field Manager, (760) 833-7100
Holly Roberts, Associate Field Manager, (760) 833-7149
Allison Shaffer, Project Manager, (760) 833-7104

Communications Plan

Notice of Availability of the Final Environmental Impact Statement for the Genesis Solar, LLC Genesis Solar Energy Project and Proposed California Desert Conservation Area Plan Amendment. (Formerly NextEra Energy Resources Genesis Ford Dry Lake Solar Power Plant)

1. PURPOSE:

The purpose of this communication plan is to provide guidance and direction for internal and external communications and public involvement activities associated with the Notice of Availability of the Final Environmental Impact Statement for the Genesis Solar, LLC Genesis Solar Energy Project (GSEP) and Proposed California Desert Conservation Area Plan Amendment.

2. ISSUE:

Genesis Solar, LLC has submitted an application to the BLM for development of the proposed GSEP, which would consist of two independent solar electric generating facilities with a net electrical output of 125 megawatts (MW) each, resulting in a total net electrical output of 250 MW. The proposed project would use solar parabolic trough technology to generate electricity.

Genesis Solar, LLC is seeking a right-of-way (ROW) grant for approximately 4,640 acres of land. Construction and operation of the Proposed Action would disturb a total of about 1,800 acres within the site boundaries, and approximately 90 acres for linear facilities and drainage features outside the site boundaries. Any difference between the total acreage listed in the right-of-way application and the total acreage required for construction would not be part of the ROW grant, should BLM authorize the project.

The Applicant proposes to construct the GSEP in two phases. Phase 1 would consist of the Unit 1 (western) power block, access road, natural gas pipeline, and electric transmission line. Phase 2 would consist of the Unit 2 (eastern) power block. The project would also include an above-ground subsurface fiber optic line.

The overall site layout and generalized land uses are characterized as follows:

1. 250-MW facility including solar generation facilities; on-site switchyard (substation); administration, operations and maintenance facilities: approximately 1,800 acres;
2. Two evaporation ponds: up to 30 acres each (located within the 1,800-acre site);
3. The generated electrical power from the switchyard would be transmitted through a new generation-tie (gen-tie) line that would be routed in a southeasterly ROW eventually connecting to the Southern California Edison (SCE) 500-230 kV Colorado River substation via the existing Blythe Energy Project Transmission Line (BEPTL) between the Julian Hinds and Buck substations.

4. Additional linear facilities off-site would include a 6.5 mile access road and natural gas pipeline;
5. Surface water control facilities for storm water flow and discharge; and
6. Temporary construction laydown area(s) within the larger site footprint. No additional laydown areas outside the project footprint are contemplated.

Access to the site would be via a new 6.5-mile long, 24-foot-wide (approximately 18.9 acres) paved access road extending north and west from the existing Wiley's Well Road. Wiley's Well Road is accessible by both eastbound and westbound traffic off Interstate 10 (I-10) at the Wiley's Well Road Interchange. The new access road would be constructed entirely on BLM-administered land.

The project would be approximately 27 miles east of the unincorporated community of Desert Center and 25 miles west of the Arizona-California border city of Blythe in Riverside County, Calif.

The BLM's purpose and need for the GSEP project is to respond to Genesis Solar, LLC's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar thermal facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws. The BLM will decide whether to approve, approve with modification, or deny a ROW grant to Genesis Solar, LLC for the proposed GSEP project. The BLM will also consider amending the California Desert Conservation Area Plan (CDCA) of 1980, as amended in this analysis. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites associated with power generation or transmission not identified in that plan be considered through the plan amendment process. If the BLM decides to grant a ROW, the BLM would also amend the CDCA Plan as required.

In the Final EIS, the BLM's preferred alternative is the direct dry cooling project alternative with a 250 nominal MW output which includes a CDCA Plan amendment. In addition to the preferred alternative, the BLM is analyzing the following alternatives: the proposed action which includes a 250 nominal MW output, wet-cooling technology and an amendment to the CDCA Plan to make the area suitable for solar energy development; a reduced acreage alternative, which includes a 150 nominal MW output, wet cooling technology, and an amendment to the CDCA Plan to make the area suitable for solar energy development; and an amendment to the CDCA Plan without approving any project.

As required under NEPA, the Final EIS analyzes a no action alternative that would not require a CDCA Plan amendment. The BLM also analyzes an alternative to deny the project but amend the CDCA Plan to designate the project area as suitable for solar energy power generation projects. The BLM additionally analyzes an alternative to deny the project and amend the CDCA Plan to designate the project area as unsuitable for solar energy power generation projects. The BLM will take into consideration the provisions of the Energy Policy Act of 2005 and Secretarial Orders 3283 *Enhancing Renewable Energy Development on the Public Lands* and 3285A1 *Renewable Energy Development by the Department of the Interior* in responding to the GSEP application.

The Final EIS evaluates the potential impacts of the proposed GSEP on air quality, biological resources, cultural resources, water resources, geological resources and hazards, land use, noise, paleontological resources, public health, socioeconomics, soils, traffic and transportation, visual resources, wilderness characteristics, and other resources.

A Notice of Availability of the Draft Environmental Impact Statement/ Staff Assessment for the proposed GSEP and Possible Plan Amendment to the CDCA Plan was published in the *Federal Register* on April 9, 2010 (see 75 FR 68). Comments on the Draft RMP Amendment/Draft EIS/Staff Assessment received from the public and internal BLM review were considered and incorporated as appropriate into the Proposed RMP Amendment/Final EIS. Public comments resulted in the addition of clarifying text, but did not significantly change proposed land use plan decisions.

3. KEY AUDIENCES

County Government

Riverside County

Elected Officials

Senator Dianne Feinstein
Senator Barbara Boxer
Congresswoman Mary Bono Mack
Riverside County Board of Supervisors

Advisory Councils

BLM Desert District Advisory Council
Desert Managers Group

Interest Groups

Sierra Club
Center for Biological Diversity
Wilderness Society

State Agencies

California Public Utilities Commission
State Historic Preservation Officer (SHPO)
California Department of Fish and Game
California Energy Commission
Caltrans

Other Federal Agencies

U.S. Fish and Wildlife Service
National Park Service

Tribal Interests

Native American tribal consultations will be conducted in accordance with policy and tribal concerns, including any impacts to Indian trust assets, will be given due consideration.

4. OUTREACH

TIMING

Publication of the NOA initiates the protest period of 30 days because of the BLM land use plan amendment. In addition to the protest period, the BLM will also be accepting public comment on the Final EIS for 30 days. The protest and comment periods will end on [INSERT DATE].

Advance notification to public officials will begin the day before publication of the NOA.

5. MEDIA / PUBLIC

Public notification will include notification through the *Federal Register* Notice, news release to print and electronic media throughout Southern California, public notification at the next public meeting of the BLM's 15-member California Desert District Advisory Council, whose members in turn will distribute the notice to their constituents, news releases published on BLM's State Web page and in NewsBytes, which is BLM California's electronic newsletter that is sent to more than 50,000 individual, groups, organizations and members of the public not only throughout Southern California but the State as well.

CONTACTS

BLM Process

Allison Shaffer, BLM Project Manager, Palm Springs South Coast Field Office
CAPSSolarNextEraFPL@BLM.GOV
(760) 833-7100

News Media Inquiries

Stephen Razo, (951) 697-5217
David Briery, (951) 697-5220

Project Information

<http://www.ca.blm.gov/palmsprings>

Questions and Answers

Q. What role will the California Energy Commission play in the overall NEPA process?

Under California law, the Energy Commission is responsible for reviewing the Application for Certification filed for thermal power plants over 50 MW, and also has the role of lead agency for the environmental review of such projects under CEQA. The Energy Commission conducts this review in accordance with the administrative adjudication provisions of the Administrative Procedures Act and its own regulations governing site certification proceedings which have been deemed CEQA equivalent by the California Secretary of Resources.

Q. What role will the BLM play in the overall NEPA process?

Under Federal law, the BLM is responsible for processing requests for rights-of-way to authorize such electric generation projects and associated transmission lines on land it manages. The BLM must comply with the requirements of NEPA to ensure that environmental impacts associated with construction, operation, and decommissioning of the proposed project will be identified, analyzed, and considered in the application process.

Q. What is the planned power output of this project?

After completion of construction, the generating capacity would be approximately 250 megawatts (MW).

Q. What is the expected production life of a project such as this?

The facility would be expected to operate for approximately 30 years.

Q. Should the BLM continue to handle siting for renewable energy transmission projects on Federal lands?

Yes. The BLM should continue to site and authorize renewable energy transmission projects on the public lands through its right-of-way program, under the provisions of the Federal Lands Policy and Management Act (FLPMA). The BLM does not have authority to site renewable energy projects or transmission on non-BLM lands, but it will closely coordinate transmission proposals with other Federal land managers, tribal and State governments, and regional planning entities.

Q. Will renewable projects receive the same level of scrutiny as conventional energy development?

Yes. Renewable energy projects and electric transmission proposals will be reviewed to ensure consistency with Federal land use planning efforts and will require compliance with all laws and regulations. The review of these projects will include compliance with the requirements of NEPA and other laws, and provide opportunities for public review and comment as part of the decision-making process. These review procedures will ensure that we are permitting

environmentally sound renewable energy projects and electric transmission projects on the public lands.

[proposed news release]

BLM Releases Final Environmental Study for Proposed Genesis Solar Project

The Bureau of Land Management (BLM) today released the Final Environmental Impact Statement (EIS) for the Genesis Solar LLC's Genesis Solar Energy Project (GSEP) (formerly NextEra Energy Resources Genesis Ford Dry Lake Solar Power Plant) in California's Riverside County.

Genesis Solar, LLC applied for a right-of-way (ROW) authorization from the BLM to construct and operate a solar energy power plant on 1,800 acres of public land about 25 miles west of Blythe and north of Interstate 10. The project, if authorized, would be among the first commercial thermal solar power projects approved for construction on public lands in the United States.

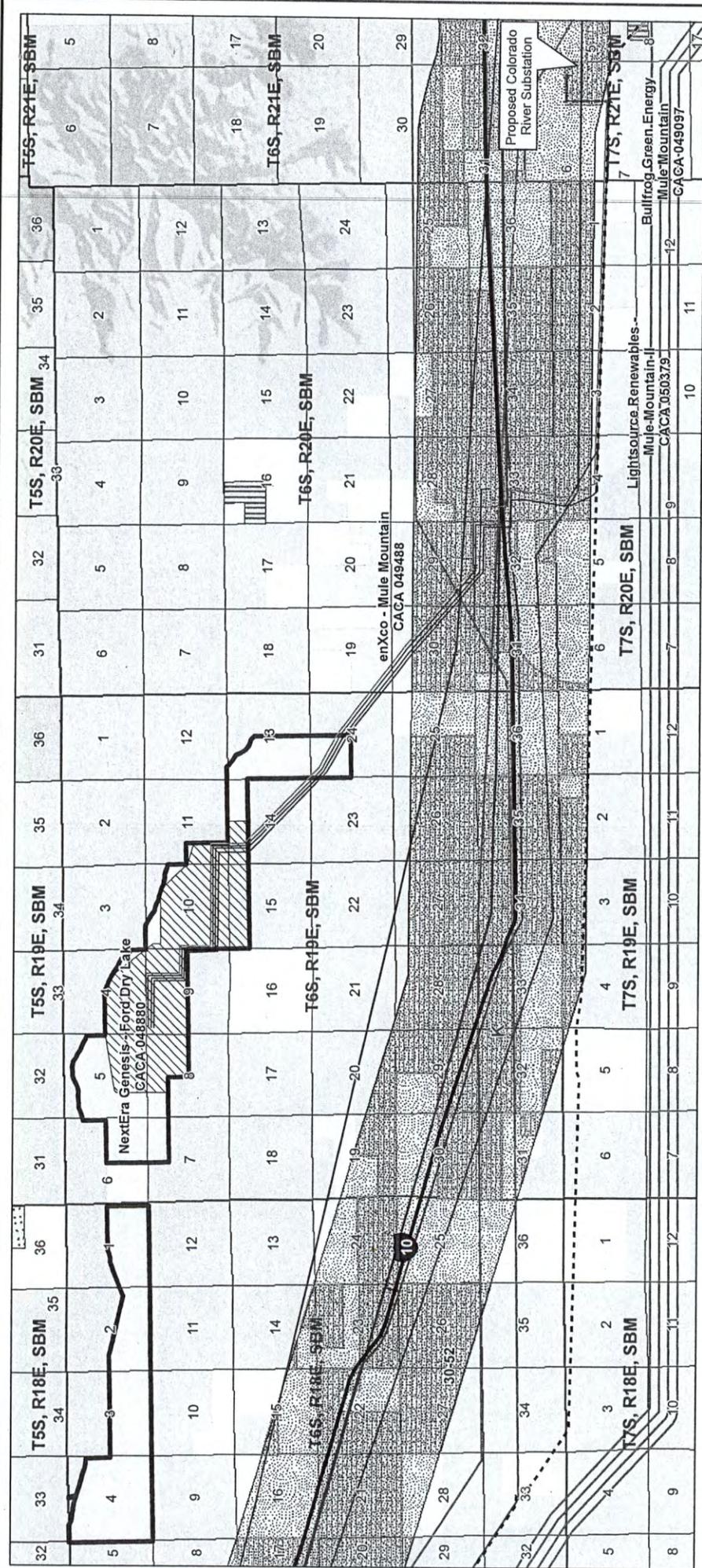
The proposed project would consist of two independent solar electric generating facilities with a net electrical output of 125 megawatts (MW) each, resulting in a total net electrical output of 250 MW. The proposed project would use solar parabolic trough technology to generate electricity.

The agency preferred alternative in the Final EIS replaces the proposed wet-cooling technology with a direct dry cooling option that reduces the original required 1,644 acre-feet of water use by 85%.

A Notice of Availability was published by the Environmental Protection Agency in the [INSERT DATE] *Federal Register*. This notice initiates a 30-day protest period for the proposed amendment to the California Desert Plan, a necessary step before the project could be approved. Details on filing a protest can be found in the *Federal Register* Notice or in the Final EIS, available online at <http://www.blm.gov/ca/st/en/fo/palmsprings.html>.

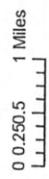
In addition to the protest period, the BLM will also be accepting public comment on the Final EIS for 30 days. Comments can be sent to Allison Shaffer, BLM Project Manager, Palm Springs South Coast Field Office, or by e-mail to: CAPSSolarNextEraFPL@blm.gov.

Further details can be found at the BLM renewable energy web page: <http://www.blm.gov/ca/st/en/prog/energy/fasttrack/genesis.html> or by contacting Allison Shaffer, BLM Project Manager at (760) 833-7100, or email: CAPSSolarNextEraFPL@blm.gov.



Solar/Wind Energy Project Genesis - Ford Dry Lake / CACA048880

- Legend**
- Access Road
 - Gas Line
 - Genesis Tie Line on New Poles
 - Redundant Communication Line
 - Redundant Communication Line in Existing ROW
 - Transmission Interconnect
 - Transmission Interconnect on Existing Poles
 - Byline Energy Project Transmission Line
 - Gen-Tie Line
 - Interstate Highway
 - Electrical Cable Lines
 - Oil & Gas Pipelines
 - Natural Gas Lines
- Renewable Energy ROW**
- CACA048880
 - Project Facility Footprint
 - Other Solar Energy ROW Applications
 - COO Designated Utility Corridors
 - Section 368 Utility Corridors
- Land Status**
- Bureau of Land Management Lands
 - State Owned Land
 - Private/Other Ownerships
 - Land Donations
 - Conservation Lands & LWCF Funded Acquisitions

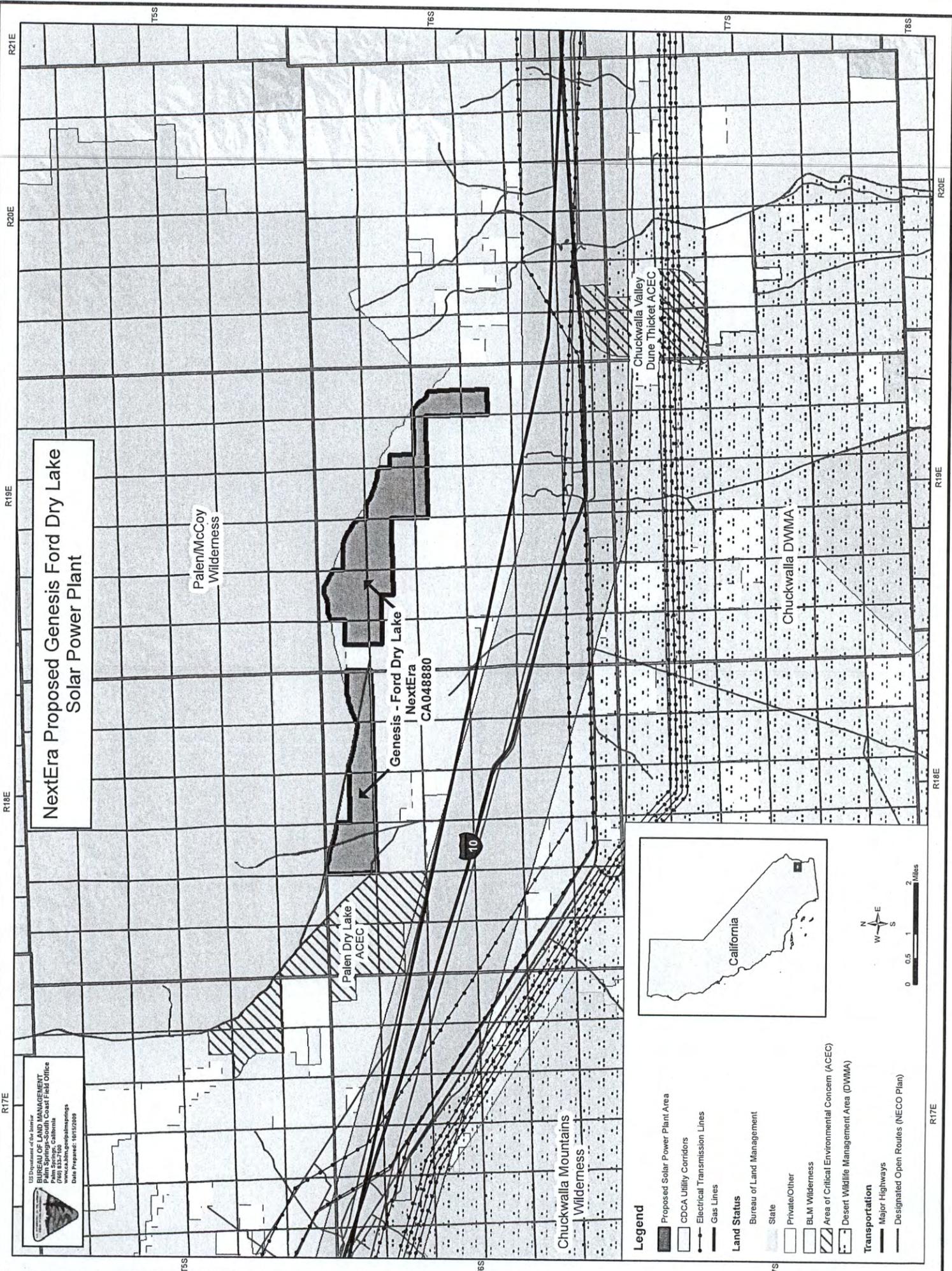


Site Development View



US Department of the Interior
BUREAU OF LAND MANAGEMENT
California Office
Sacramento, California
(916) 978-4400
www.ca.blm.gov
Date Prepared: 06/02/2010

Palm Springs-South Coast Field Office



NextEra Proposed Genesis Ford Dry Lake Solar Power Plant

US Department of the Interior
BUREAU OF LAND MANAGEMENT
 1400 South Bascom Avenue, Suite 100
 San Jose, California 95128
 (408) 533-7300
 www.blm.gov
 Data Prepared: 10/15/2009

Palen/McCoy
Wilderness

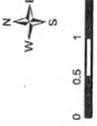
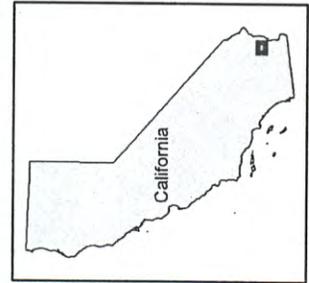
Genesis - Ford Dry Lake
| NextEra
CA048880

Palen Dry Lake
ACEC

Chuckwalla Valley
Dune Thicket ACEC

Chuckwalla DWMA

Chuckwalla Mountains
Wilderness



Legend

- Proposed Solar Power Plant Area
- CDCA Utility Corridors
- Electrical Transmission Lines
- Gas Lines

Land Status

- Bureau of Land Management
- State
- Private/Other
- BLM Wilderness
- Area of Critical Environmental Concern (ACEC)
- Desert Wildlife Management Area (DWMA)

Transportation

- Major Highways
- Designated Open Routes (NECO Plan)



Ray Brady/WO/BLM/DOI
08/19/2010 12:40 PM

To Phil Allard/WO/BLM/DOI@BLM, Bud
Cribley/WO/BLM/DOI@BLM, Carl
Rountree/WO/BLM/DOI@BLM, Celia
cc Kelly Odom/WO/BLM/DOI@BLM

bcc

Subject Re: Genesis Solar Project (AKA NextEra and Ford Dry Lake)



This provides my electronic surname for the Genesis NOA.

Sent from my BlackBerry Wireless Handheld
Phil Allard

----- Original Message -----

From: Phil Allard

Sent: 08/19/2010 12:23 PM EDT

To: Bud Cribley; Carl Rountree; Celia Boddington; Claudia Walker; Craig
Leff; Edwin Roberson; Faith Bremner; Ian Senio; Janet Lin; Johanna Munson;
Lauren Luckey; Linda Resseguie; Michael.Hickey@exchange.sol.doi.gov; Mike
Nedd; Mike Pool; Mitchell Leverette; Phil Allard; Ray Brady; Robert Hellie;
Tim Spisak

Cc: Kelly Odom; Faith Bremner

Subject: Genesis Solar Project (AKA NextEra and Ford Dry Lake)

Kelly scheduled a fast track meeting for this notice for Monday 8/23. However, we need to get this cleared (or at least to Exec. Sec.) by COB Friday to stay on schedule. The Solicitor's Office has surnamed by email. Please send an email to indicate your surname, or I will stop by your office with the package. We need surnames from WO 170 (normally Rob Hellie), WO200, WO 300, and WO 600.

Faith,

I assembled the physical package here using the database. could you please bring me or fax me a copy of the signature page showing Tom Pogacnik's Signature? I also am making the SOL edits.

Thanks to all for your help. If I get things done I will ask Kelly to cancel the meeting.

[attachment "8.18.10Genesis NOA FEIS brief paper.docx" deleted by Ray Brady/WO/BLM/DOI]

[attachment "8.18.10Genesis FEIS NOA.docx" deleted by Ray Brady/WO/BLM/DOI]

Phil



"Sosin, Amy"
<AMY.SOSIN@sol.doi.gov>

08/19/2010 11:20 AM

To "Allard, Phil" <Phil_Allard@blm.gov>

cc

bcc

Subject Genesis FR NOA

Phil – I have reviewed the Genesis/Ford Dry Lake Notice of Availability and have attached the document with a few minor comments (making sure that the protest process is associated with the proposed plan amendment and not the project as a whole). Please consider this e-mail my surname for the package. If you need an actual signature on an actual folder, just let me know. Thanks.

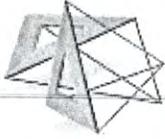
Amy

Amy Sosin

Office of the Solicitor
Renewable Energy Group
202.208.7043
amy.sosin@sol.doi.gov



81810Genesis FEIS NOA (2) + abs comments.docx



Ian Senio/WO/BLM/DOI
08/19/2010 12:44 PM

To Phil_Allard@blm.gov@BLM
cc
bcc

Subject Re: Genesis Solar Project (AKA NextEra and Ford Dry Lake)


Not sure you were asking for my surname, but I had previously reviewed it and provided my edits then.

Phil Allard/WO/BLM/DOI

Phil Allard/WO/BLM/DOI
08/19/2010 12:23 PM

To Bud Cribley/WO/BLM/DOI@BLM, Carl Rountree/WO/BLM/DOI@BLM, Celia Boddington/WO/BLM/DOI@BLM, Claudia B Walker/WO/BLM/DOI@BLM, Craig Leff/WO/BLM/DOI@BLM, Edwin Roberson/WO/BLM/DOI@BLM, Faith M Bremner/WO/BLM/DOI@BLM, Ian Senio/WO/BLM/DOI@BLM, Janet H Lin/WO/BLM/DOI@BLM, Johanna Munson/WO/BLM/DOI@BLM, Lauren Luckey/WO/BLM/DOI@BLM, Linda Resseguie/WO/BLM/DOI@BLM, Michael.Hickey@exchange.sol.doi.gov, Mike Nedd/WO/BLM/DOI@BLM, Mike Pool/WO/BLM/DOI@BLM, Mitchell Leverette/WO/BLM/DOI@BLM, Phil Allard/WO/BLM/DOI@BLM, Ray Brady/WO/BLM/DOI@BLM, Robert Hellie/WO/BLM/DOI@BLM, Tim Spisak/WO/BLM/DOI@BLM
cc Kelly Odom/WO/BLM/DOI@BLM, Faith M Bremner/WO/BLM/DOI@BLM
Subject Genesis Solar Project (AKA NextEra and Ford Dry Lake)

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[attachment "8.18.10Genesis NOA FEIS brief paper.docx" deleted by Ian Senio/WO/BLM/DOI] [attachment "8.18.10Genesis FEIS NOA.docx" deleted by Ian Senio/WO/BLM/DOI]

Phil

Land and Minerals Management Correspondence Tracking System

Control No: Correspondence Date: Receive Date: Due Date:

From--> First Name: Last name: Agency:

To-->

ES Number: Audit Number: SigLevel:

Subject: FEDERAL REGISTER NOTICE OF AVAILABILITY OF THE FINAL EIS FOR THE GENESIS SOLAR, LLC GENESIS SOLAR ENERGY PROJECT AND PROPOSED CALIFORNIA DESERT CONSERVATION AREA PLAN AMENDMENT (CACA 048880, LLCAD06000, L51010000.FX0000,

Signature: EDITS NEEDED - AIRD 8/20; AS/LM 8/23; BRENDA 8/23

Comments: PLEASE EXPEDITE!! I CONFIRMED THAT THE PROPONENT INTENDS TO CONSTRUCT BOTH OVERHEAD AND UNDER GROUND FIBER OPTIC LINES. P.ALLARD 8/23/10

Reviewers
 Names 1: Aird, Brenda *Aird 8/23/10* 8/20/2010 3: Farquhar, Ned *NF* 8/24/10
 Dates 2: Cardinale, Richard *RC* 8/24/10 4: Lewis, Wilma

TO	SURNAME OR INITIAL	DATE	CON-CUR-RENCE	COMMENTS
WO 630 Regulatory Affairs				<i>FAST TRACK Project</i>
WO170 NLCS	<i>FOR [Signature]</i>	<i>IAN Senio by email 8/19/2010</i>		
SOL (DLW)		<i>8/20/2010</i>		
WO200 Renewable Resources & Planning	<i>[Signature]</i>	<i>AMY Sosin by email 8/19/2010</i>		
WO300 Minerals and Realty	<i>[Signature]</i>	<i>8/19/10</i>		
WO600 Communications	<i>[Signature]</i>	<i>RAY BRADY by email 8/19/2010</i>		
WO101 Director's Administrative Clearance	<i>[Signature]</i>	<i>8-19-2010</i>		
WO100 Director	<i>P. Allard</i>	<i>8/19/10</i>		
AS-LM	<i>[Signature]</i>	<i>8/20/2010</i>		
Exec. Sec.	<i>Ned Ph</i>	<i>8/24/10</i>		

Land and Minerals Management Correspondence Tracking System

Control No: Correspondence Date: Receive Date: Due Date:

From--> Agency:

To-->

ES Number: Audit Number: SigLevel:

Subject:

Signature:

Comments:

Reviewers

Names 1: 3:

Dates 2: 4:

Brows	Add	Delete	Sav	Searc	Du	Rec	Review r Report	SigLevel	Names	Quit
		Audi		Status						

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

- Manual Release
- Instruction Memorandum
- Information Bulletin
- Regulation
- Other - Memorandum

CLEARANCE SHEET

Instructions to Originating Office

Attach to copies of documents being submitted for clearance. List all reviewing officials by office code and office title. For Bureauwide Directives, list (550) - Directives and Information Services both before and after signing official.

Brief Description of Issuance (include Subject-Function Number and Heading)
 Notice of Availability of the Draft Environmental Impact Statement/Staff Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible CDCA Plan Amendment
SIGN ALL DOCUMENTS IN BLACK OR BLUE INK

ROUTING (Begin with Originator)			NON-CONCURRENCE ⊖
TO	SURNAME OR INITIAL	DATE	
WO-210 Andrew Strasfogel			Fast TRACK PROJECT URGENT
WO- 630 Kelly Odom	KDO	3/22/10	
DOI Solicitor	M. Hickey, subj to approval of DEIS	3/22/10	
NLCS	[Signature]	4/2/10	
AD 200	[Signature]	3/22/10	
AD 300	[Signature]	3/22/10	
AD 600	[Signature]	3/22/10	
BLM Director	R. [Signature]	4-2-10	
AS/LM	NPh	4/7/10	
Exec. Sec.			

Please call Kelly Odom, 912-7438 for pick-up.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

*Ned J. [unclear]
4/7/10*

[CACA 048880, LLCAD06000, L51010000.FX0000, LVRWB09B2520]

Notice of Availability of the Draft Environmental Impact Statement/Staff

Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible California Desert Conservation Area Plan Amendment.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) and the California Energy Commission (CEC) have prepared a Draft Environmental Impact Statement (EIS), Draft California Desert Conservation Area (CDCA) Plan Amendment, and Staff Assessment (SA) as a joint environmental analysis document for the Genesis Solar Energy Project (GSEP), Riverside County, California, and by this notice are announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS/SA and plan amendment within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability in the Federal Register. The BLM will announce future meetings or hearings and any other public

involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the GSEP by any of the following methods:

- E-mail: CAPSSolarNextEraFPL@blm.gov
- Mail or other delivery service: Allison Shaffer, Project Manager, Palm Springs South Coast Field Office, Bureau of Land Management, 1201 Bird Center Drive, Palm Springs, California 92262.

Copies of the GSEP Draft EIS/SA are available from the BLM at the above addresses.

FOR FURTHER INFORMATION CONTACT: Allison Shaffer, BLM project manager, at (760) 833-7100. See also "ADDRESSES" above.

SUPPLEMENTARY INFORMATION: NextEra Energy Resources has submitted a right-of-way (ROW) application to the BLM for development of the proposed GSEP on public lands, consisting of two concentrating solar electric generating power plants each producing 125 megawatts (MW) for a total output of approximately 250 MW of electricity at full development. The project would use a wet-cooling tower for power plant cooling. Water for the project (approximately 1,644 acre-feet per year) would be obtained from on-site wells. The project would include a 15-mile ^{±(l.c)} transmission line to ✓ bha the Colorado River Substation; 5.6 miles of this line would use the existing 230-kilovolt Blythe Energy Transmission Line. The total expected project footprint is about 1,800 acres of BLM-managed lands for the two power plants, and approximately 80 to 90 acres in support of ancillary facilities. The project is sited in an undeveloped area of the

Sonoran Desert, near Ford Dry Lake, north of Interstate 10 in Riverside County, approximately 25 miles west of Blythe, California, on lands managed by the BLM.

The BLM's purpose and need for the GSEP is to respond to NextEra's application ~~(under~~ ^{lha} Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar power facility on public lands in compliance with ~~FLPMA~~^v, BLM ROW regulations, and other applicable Federal laws. The BLM will decide whether to grant, grant with modification, or deny a ROW to NextEra for the proposed GSEP. The BLM will also consider amending the CDCA Plan (1980, as amended) in this analysis. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites proposed for power generation or transmission not identified in the Plan be considered through the BLM land use plan amendment process. If the BLM decides to grant a ROW for this project, the CDCA Plan would be amended as required.

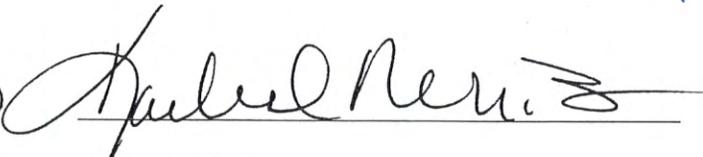
The proposed action is to authorize the GSEP and amend the CDCA Plan to designate the project area as available for solar energy projects. In addition to the proposed action, the BLM is analyzing an alternative that would reduce the project footprint by half, to approximately 900 acres of disturbance, by constructing only one power plant for a total output of 125 MW. The BLM is also analyzing a dry-cooling alternative. All three action alternatives would amend the CDCA Plan to designate the area as available for commercial solar energy development. As required under NEPA, the Draft EIS analyzes a No Action alternative that would not require a CDCA Plan amendment. The Draft EIS also analyzes alternatives that reject the project, but amend the CDCA Plan to either: 1) designate the project area as available for future solar energy power generation projects;

or 2) designate the project area as unavailable for future solar energy power generation projects. The BLM will take into consideration the provisions of the Energy Policy Act of 2005 and Secretarial Order 3283 Enhancing Renewable Energy Development on the Public Lands and Secretarial Order 3285 Renewable Energy Development by the Department of the Interior in responding to the NextEra application.

The BLM has entered into a Memorandum of Understanding with the CEC to conduct a joint environmental review of solar thermal projects that are proposed on Federal land managed by the BLM. The BLM and CEC have agreed to conduct joint environmental review of the project in a single combined NEPA/California Environmental Quality Act process and document. The Draft EIS/SA analyzes site-specific impacts of the proposed project on air quality; biological, cultural, water, soil, visual, paleontological, and geological resources; recreation; land use; noise; public health; socioeconomics; and traffic and transportation. The Draft EIS/SA also addresses hazardous materials handling, waste management, worker safety, fire protection, facility design engineering, efficiency, reliability, transmission system engineering, transmission line safety, and nuisance.

A Notice of Intent to Prepare an EIS/SA and Proposed Land Use Plan Amendment for the NextEra Genesis Solar Energy Project in Riverside County was published in the Federal Register on November 23, 2009 (74 FR 61167). The BLM held two public scoping meetings in Blythe, California, and Palm Desert, California, on December 10th and 11th, 2009. The formal scoping period ended December 23, 2009.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment ~~including your personal identifying information~~ may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

VGOO
3/22/10 

Karla D. Norris

Associate Deputy State Director

AUTHORITY: 40 CFR 1506.6, ~~40 CFR 1506.10~~, and 43 CFR 1610.2

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048880, LLCAD06000, L51010000.FX0000, LVRWB09B2520]

Notice of Availability of the Draft Environmental Impact Statement/Staff

**Assessment for the NextEra Energy Resources Genesis Solar Energy Project and
Possible California Desert Conservation Area Plan Amendment.**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) and the California Energy Commission (CEC) have prepared a Draft Environmental Impact Statement (EIS), Draft California Desert Conservation Area (CDCA) Plan Amendment, and Staff Assessment (SA) as a joint environmental analysis document for the Genesis Solar Energy Project (GSEP), Riverside County, California, and by this notice are announcing the opening of the comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS/SA and plan amendment within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability in the Federal Register. The BLM will announce future meetings or hearings and any other public

involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the GSEP by any of the following methods:

- change to solid bullets*
- E-mail: CAPSSolarNextEraFPL@blm.gov
 - Mail or other delivery service: Allison Shaffer, Project Manager, Palm Springs South Coast Field Office, Bureau of Land Management, 1201 Bird Center Drive, Palm Springs, California 92262.

Copies of the GSEP Draft EIS/SA are available from the BLM at the above addresses.

FOR FURTHER INFORMATION CONTACT: Allison Shaffer, BLM project manager, at (760) 833-7100. See also "ADDRESSES" above.

SUPPLEMENTARY INFORMATION: NextEra Energy Resources has submitted a right-of-way (ROW) application to the BLM for development of the proposed GSEP on public lands, consisting of two concentrated ^{100%} solar electric generating power plants each producing 125 megawatts (MW) for a total output of approximately 250 MW of electricity at full development. The project would use a wet-cooling tower for power plant cooling. Water for the project (approximately 1,644 acre-feet per year) would be obtained from on-site wells. The project would include a 15-mile ^{transmission} generation tie line to the Colorado River Substation; 5.6 miles of this generation tie line would use the existing infrastructure of the 230 kilovolt Blythe Energy Transmission Line. The total expected project footprint ^{is about} ~~aggregates approximately~~ 1,800 acres of BLM-managed lands for the two power plants, and approximately 80 ^{5 to 8} ~~90~~ acres in support of ancillary facilities. The project is sited in an undeveloped area of the Sonoran Desert, near Ford Dry Lake, north

of Interstate 10 in Riverside County, approximately 25 miles west of Blythe, California, on lands managed by the BLM.

The BLM's purpose and need for the GSEP is to respond to NextEra's application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, and decommission a solar ~~thermal~~^{power} facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws. The BLM will decide whether to ~~approve~~^{grant}, ~~approve~~^{grant} with modification, or deny a ROW ~~grant~~ to NextEra for the proposed GSEP. The BLM will also consider amending the CDCA Plan (1980, as amended) in this analysis. The CDCA Plan, while recognizing the potential compatibility of solar generation facilities on public lands, requires that all sites proposed for power generation or transmission not identified in the Plan be considered through the BLM land use plan amendment process. If the BLM decides to grant a ROW for this project, the CDCA Plan would be amended as required.

The proposed action is to authorize the GSEP and amend the CDCA Plan to designate the project area as available for solar energy projects. In addition to the proposed action, the BLM is analyzing an alternative that would reduce the project footprint by half, to approximately 900 acres of disturbance, by constructing only one power plant for a total output of 125 MW. The BLM is also analyzing a dry-cooling alternative. All three action alternatives would amend the CDCA Plan to designate the area as available for commercial solar energy development. As required under NEPA, the Draft EIS analyzes a No Action alternative that would not require a CDCA Plan amendment. The Draft EIS also analyzes alternatives that reject the project, but amend the CDCA Plan to either: 1) designate the project area as available for future solar energy power generation projects;

or 2) designate the project area as unavailable for future solar energy power generation projects. The BLM will take into consideration the provisions of the Energy Policy Act of 2005 and Secretarial Order 3283 Enhancing Renewable Energy Development on the Public Lands and ^{Secretarial Order} 3285 Renewable Energy Development by the Department of the Interior in responding to the NextEra application.

The BLM has entered into a Memorandum of Understanding with the CEC to conduct a joint environmental review of solar thermal projects that are proposed on Federal land managed by the BLM. The BLM and CEC have agreed to conduct joint environmental review of the project in a single combined NEPA/California Environmental Quality Act process and document. The Draft EIS/SA analyzes site-specific impacts of the proposed project on air quality, biological, cultural, water, soil, visual, paleontological, and geological resources, recreation, land use, noise, public health, socioeconomic, and traffic and transportation. The Draft EIS/SA also addresses hazardous materials handling, waste management, worker safety, fire protection, facility design engineering, efficiency, reliability, transmission system engineering, transmission line safety, and nuisance.

A Notice of Intent to Prepare an EIS/SA and Proposed Land Use Plan Amendment for the NextEra Genesis Solar Energy Project in Riverside County was published in the Federal Register on November 23, 2009 (74 FR 61167). The BLM held two public scoping meetings in Blythe, California, and Palm Desert, California, on December 10, 2009. The formal scoping period ended December 23, 2009.

resources
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Briefing Paper

1. State Office

California State Office.

2. What is the title of this notice?

Notice of Availability of the Draft Environmental Impact Statement/Staff Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible California Desert Conservation Area Plan Amendment.

3. What are the key issues raised by the underlying decision documents for this notice?

The Genesis project (Project) is one of the first large-scale commercial thermal solar generating plants that would be located on public land. Scoping comments on the proposed Genesis project from members of the public and other interested parties expressed concern regarding locating large-scale commercial solar projects on fragile landscapes in the California Desert. Key resource issues include:

Water – The Project proposes to use wet-cooled technology. During operation, the Project will require approximately 1,644 acre feet of water per year. The proponent is exploring technologies such as zero-liquid discharge in order to lower this consumptive use.

- Water would come from at least two on-site wells that would draw from the Chuckwalla Valley Groundwater basin, which has been determined to be detached from Colorado River Groundwater.
- Modeling shows that the water is not within (or near) the current accounting surface of the Colorado River. In the event that water drawdown is cumulatively significant in the future, the proponent has been working with the California State Water Board to develop an action plan and measures to address this issue.
- In the past, the Bureau of Reclamation (BOR) has proposed new regulations in support of expanding the boundary of the Colorado River Accounting Surface. The proposed regulations were withdrawn, although the BOR Boulder office has indicated that the regulations may be repropoed.

Biology - Both the Desert Tortoise (Federally- and State-listed species) and Mohave Fringe Toed Lizard (a BLM Sensitive Species and California Species of Concern) are species of concern on the project site. Several discussions have occurred between the proponent, the Bureau of Land Management (BLM), the United States Fish and Wildlife Service (FWS)-Carlsbad, and the California Fish and Game Commission related to mitigation requirements and the interpretation of the habitat maps and classifications outlined in the Northern and Eastern Colorado Desert Coordinated Management Land Use Plan (2002). Implementation of protocols for the new FWS Golden Eagle and Bald Eagle survey requirements could potentially affect the Project.

Cultural Resources - The proposed project footprint and associated ancillary facilities have been developed to avoid cultural resources, including the Ford Dry Lake and associated shore line.

4. Who are the primary users affected by or parties interested in the underlying decisions or actions? What are their concerns?

Because of the remoteness of this area, few authorized uses occur in the area other than a major utility corridor identified in the California Desert Conservation Area (CDCA) Plan. The site also has a minimal level of casual off-highway recreational touring on designated routes in the area. California Unions for Reliable Energy is a formal intervenor under the California Energy Commission's (CEC) proceedings.

5. Is tribal consultation appropriate under E.O. 13175, or other authorities? Will the proposed action potentially impact tribes or generate their interest? If so, what consultation or other communication/outreach are you planning?

Yes. Native American Tribal consultations will be conducted in accordance with policy and Tribal concerns will be given due consideration. The plan amendment process will include the consideration of any impacts on Indian trust assets. The BLM is currently developing a Programmatic Agreement in partnership with the California State Historic Preservation Officer.

6. Will this notice be controversial?

Various segments of the public that do not favor solar development on public lands in the California Desert are likely to oppose the proposed Genesis project. The BLM California State Office, California Desert District Office, and Palm Springs Field Office are coordinating with the CEC to work effectively with the public, partners, and groups to identify controversial issues prior to publication.

7. What will the underlying decision or action change? (Summarize changes to policy, management practices, allowable uses, differences between draft and final, etc.)

There are two decisions that the BLM may make regarding the proposed Genesis project. The CDCA Plan requires that proposed power generation or transmission facilities that are not already identified in that Plan be considered through the plan amendment process. Because the proposed Genesis project is not currently identified in the plan, a BLM land use plan amendment is required if the project were to be approved.

The second BLM decision is whether to approve the proposed right-of-way (ROW) grant for the Genesis project or a modified proposed project in configuration and megawatt (MW) output. Approval of the ROW grant would preclude other possible future land uses on the site for the life of the facility.

8. Will this notice need Communications Materials, e.g. a press release, Communications Plan? If so, enclose these materials with the notice package submitted.

Yes, a communications plan is attached.

9. What are the reasons for the timing of the notice and the consequence, if any, of delaying or canceling the release?

The BLM and the CEC are co-lead agencies in the preparation of the joint Draft Environmental Impact Statement (EIS)/Staff Assessment (SA). The CEC staff is ready to publish the SA and hold hearings before the Commission. The CEC and the BLM intend to hold joint public hearings on the Draft EIS/SA as the CEC moves through its decision-making process.

It is to the benefit of both agencies and the applicant that these proceedings be held jointly and concurrently to assure that the project can move expeditiously through the next permitting phase. The applicant would like to secure funding through the American Recovery and Reinvestment Act of 2009. The BLM needs to authorize the project before the end of 2010, if the applicant is to be eligible for this program.

10. How has this been analyzed under the National Environmental Policy Act (NEPA)?

In coordination with the CEC, the BLM prepared a Draft EIS for the proposed Genesis project in compliance with the requirements of NEPA. The CEC prepared the SA for the proposed Genesis Project in compliance with the requirements of the California Environmental Quality Act.

11. Is there any additional pertinent, descriptive information that reviewers need to know or would increase understanding?

The proposed Genesis project is in the Riverside East Solar Energy Study Area. The project would be constructed in two phases, each consisting of 125-MW power blocks.

The Applicant anticipates the U.S. Army Corps of Engineers to provide it with a Preliminary Determination of Non-Jurisdiction.

While the proponent has not committed to applying for a Department of Energy loan guarantee program (they are not currently dependent on it), it may still occur.

Nearly 10 miles of new 230-kilovolt (kV) transmission line will need to be constructed for the project. An additional 5.6 miles of the transmission line will use the existing infrastructure of the Blythe Energy Line, owned by FPL group and will interconnect to the proposed 230 kV Colorado River Substation. The power purchase agreement for this project is with Pacific Gas and Electric Company. NextEra Energy Resources, the proponent, is a wholly owned subsidiary of FPL Group.

12. List the names and positions of the people who have prepared, reviewed, and approved the notice and the underlying decisions and documents.

California State Office

Jim Abbott, Acting California State Director, (916) 978-4600
Tom Pogacnik, Deputy State Director, (916) 978-4637
Sandra McGinnis, Planning and Environmental Coordinator, (916) 978-4427

California Desert District Office

Jack Hamby, Acting District Manager, (951) 697-5214
Alan Stein, Deputy District Manager, (951) 697-5382

Palm Springs-South Coast Field Office

John Kalish, Field Manager, (760) 833-7100
Holly Roberts, Associate Field Manager, (760) 833-7149
Allison Shaffer, Project Manager, (760) 833-7104

Communications Plan

Notice of Availability of the Draft Environmental Impact Statement/Staff Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible California Desert Conservation Area Plan Amendment

1. PURPOSE:

The purpose of this communication plan is to provide guidance and direction for internal and external communications and public involvement activities associated with the release of the Draft Environmental Impact Statement (EIS)/Staff Assessment (SA) and possible land use plan amendment for the NextEra Genesis Solar Power Plant, Riverside County, California.

2. ISSUE:

NextEra Energy has applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) on public lands to construct a solar energy project 25 miles west of Blythe and 10 miles north of Interstate 10.

The applicant, NextEra, LLC has requested a ROW authorization to develop an 1,800-acre, 250-megawatt (MW) solar generation facility including a substation, administration, operations and maintenance facilities, evaporation ponds, surface storm water control facilities, and temporary construction lay down areas.

The project consists of two independent solar electric generating facilities with a combined electrical output of 250 MW. Electrical power would be produced using steam turbines fed from solar collectors. The steam generators receive heated transfer fluid from arrays of parabolic mirrors that collect energy from the sun. The project would use approximately 1,644 acre-feet per year of water in a wet cooling tower for power plant cooling. Water would be supplied from on-site groundwater wells. Cooling waste water blow-down would be piped to lined, on-site evaporation ponds.

Construction of the project, after any approval by the California Energy Commission and issuance of a ROW by the BLM, would begin in late 2010 and be completed in approximately 37 months.

The Draft EIS/SA analyzes effects to air quality; biological, cultural, water, soil, visual, paleontological, and geological resources; recreation; land use; noise; public health; socioeconomics; and traffic and transportation. The Draft EIS/SA also addresses hazardous materials handling, transmission system engineering, transmission line safety, and nuisance.

The California Desert Conservation Area Plan (1980, as amended) requires that all sites associated with power generation or transmission not identified in the plan be considered through the plan amendment process.

3. KEY AUDIENCES

County Government

Riverside County

Elected Officials

Senator Dianne Feinstein
Senator Barbara Boxer
Representative Mary Bono Mack
Riverside County Board of Supervisors

Advisory Councils

BLM Desert District Advisory Council
Desert Managers Group

Interest Groups

Sierra Club
Center for Biological Diversity
Wilderness Society

State Agencies

California Public Utilities Commission
State Historic Preservation Officer
California Department of Fish and Game
CEC
Caltrans

Other Federal Agencies

U.S. Fish and Wildlife Service
National Park Service

Tribal Interests:

Native American Tribal consultations will be conducted in accordance with policy and Tribal concerns will be given due consideration. The plan amendment process will include the consideration of any impacts on Indian trust assets.

4. OUTREACH

TIMING

Publication of the Notice of Availability initiates a public comment period of 90 days. During the comment period, the BLM and the CEC will solicit public comment on issues, concerns, potential impacts, alternatives, and mitigation measures that were addressed in the document. The formal comment period will end on DATE TO BE SET.

Advance notification of public officials will begin the day before publication of the Notice of Availability.

5. MEDIA / PUBLIC

At least one BLM/CEC joint public hearing/meeting will be held on the project during the comment period. The CEC has a formal process for reaching a Decision on the project that includes the release of the Commissions Presiding Members Proposed Decision (PMPD). The BLM anticipates combining a Draft EIS public meeting with the CEC hearing on the PMPD during the course of the 90-day comment period. The hearing/meeting will likely be held in Sacramento although the option remains for additional meetings closer to the project site.

Public notification will include notification through the *Federal Register*, news releases to print and electronic media throughout Southern California, public notification at the next meeting of the BLM's 15-member California Desert District Advisory Council, whose members in turn will distribute the notice to their constituents, news releases published on BLM's State website and in News Bytes, which is BLM California's electronic newsletter that is sent to more than 50,000 individual, groups, organizations and members of the public not only in Southern California but also throughout the entire State.

Announcements will be made of the exact times, dates and locations for any hearings/meetings will be announced at least 15 days prior to the event.

CONTACTS

BLM Process

Allison Shaffer, BLM Project Manager, Palm Springs South Coast Field Office
CAPSSolarNextEraFPL@BLM.GOV
(760) 833-7100

California Energy Commission Process

Mike Monasmi, CEC Project Manager Siting, Transmission and
Environmental Protection Division
mmonasmi@energy.state.ca.us
(916) 654-4894

News Media Inquiries

Stephen Razo, (951) 697-5217



David Briery, (951) 697-5220

Project Information

<http://www.ca.blm.gov/palmsprings>

Questions and Answers

Q. What role will the California Energy Commission play in the overall National Environmental Policy Act (NEPA) process?

Under California law, the Energy Commission is responsible for reviewing the Application for Certification filed for thermal power plants with capacity over 50 megawatts (MW), and also has the role of lead agency for the environmental review of such projects under the California Environmental Quality Act (CEQA). The Energy Commission conducts this review in accordance with the administrative adjudication provisions of their regulations governing site certification proceedings which have been deemed CEQA equivalent by the California Secretary of Resources. The proposed project will be reviewed jointly by the Commission and the BLM.

Q. What role will the BLM play in the overall NEPA process?

Under Federal law, the BLM is responsible for processing requests for rights-of-way to authorize such electric generation projects and associated transmission lines on land it manages. The BLM must comply with the requirements of NEPA to ensure that environmental impacts associated with construction, operation, and decommissioning of the proposed project will be identified, analyzed, and considered in the application process.

Q. What is the planned power output of this project?

After completion of construction, the generating capacity would be approximately 250 MW.

Q. What is the expected production life of a project such as this?

The facility would be expected to operate for approximately 30 years.

Q. Will renewable projects receive the same level of scrutiny as conventional energy development?

Yes. Renewable energy projects and electric transmission proposals will be reviewed to ensure consistency with Federal land use planning efforts and will require compliance with all laws and regulations. The review of these projects will include compliance with the requirements of NEPA and other laws, and provide opportunities for public review and comment as part of the decision-making process. These review procedures will ensure that we are permitting environmentally sound renewable energy projects and electric transmission projects on the public lands.

[proposed news release]

BLM Initiates Environmental Review of Solar Power Project in Eastern Riverside County

The Bureau of Land Management (BLM) and the California Energy Commission (CEC) today released for public comment a Draft Environmental Impact Statement (EIS)/Staff Assessment (SA) for the NextEra Energy Resources Genesis Solar Power Plant in Riverside County, California.

NextEra Energy has applied to the BLM for a right-of-way on public lands to construct a solar energy power plant. The proposed NextEra Genesis solar project would be constructed on approximately 1,800 acres of public land 25 miles west of Blythe and north of Interstate 10.

Construction of the 250-megawatt project, with approval by the CEC and issuance of a right of way grant by the BLM, would begin in late 2010. Construction would take approximately 37 months.

The BLM, as the lead agency under the National Environmental Policy Act, and the CEC, as the lead agency under the California Environmental Quality Act, have jointly prepared a Draft EIS/SA and possible amendment to the California Desert Conservation Area Plan to analyze the site-specific impacts of the proposed project on specially designated areas, air quality; biological, cultural, water, soil, visual, paleontological, and geologic resources; recreation; land use; noise; public health; socioeconomics; and traffic and transportation. The Draft EIS/SA also addresses hazardous materials handling, waste management, worker safety, fire protection, facility design engineering, efficiency, reliability, transmission system engineering, transmission line safety, and nuisance. The Draft EIS/SA is available online at [CEC webpage?] and by contacting BLM at [Palm Springs? CDD? For paper copies.]

The Environmental Protection Agency's publication of a Notice of Availability in the *Federal Register* on [insert date] initiates a comment period of 90 days, ending June xx, 2010. The BLM and the CEC will issue a decision expected later in the year.

Further details can be found at the BLM renewable energy website:

http://www.blm.gov/ca/st/en/fo/cdd/alternative_energy.html or at:

<http://www.ca.blm.gov/palmsprings>. For information contact Allison Shaffer, (760) 833-7100, or CAPSSolarNextEraFPL@blm.gov



Andrew
Strasfogel/WO/BLM/DOI
03/15/2010 05:18 PM

To Kelly Odom/WO/BLM/DOI@BLM
cc
bcc

Subject Re: NOA of the Draft EIS/Staff Assessment for the NextEra
Energy Resources Genesis Solar Energy Project and
Possible CDCA Plan Amendment 

See attached. WO-210 review has been completed for this NOA.

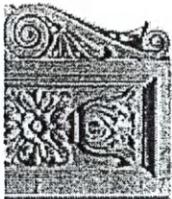


NextEra Briefing Paper.docx



10.03.15 Genesis NOA DEIS.docx

Kelly Odom/WO/BLM/DOI



Kelly Odom/WO/BLM/DOI
03/15/2010 12:38 PM

To Marci Todd/WO/BLM/DOI@BLM, Andrew
Strasfogel/WO/BLM/DOI@BLM
cc Linda Resseguie/WO/BLM/DOI@BLM
Subject NOA of the Draft EIS/Staff Assessment for the NextEra
Energy Resources Genesis Solar Energy Project and
Possible CDCA Plan Amendment

Please review the subject notice and let me know when WO-210 approves it to set up a renewable energy fast-track meeting. This notice is currently available for review on the FR database.

Thanks!

Kelly D. Odom
Regulatory Affairs Division
Bureau of Land Management
1620 L. Street, NW, Suite 401
Washington DC 20036
(202) 912-7438 (Phone)
(202) 653-5287 (Fax)

BLM Director's Office Correspondence Tracking Sheet

Orig. Ofc ID:

To: Robert V. Abbey, Director, BLM

Date Received: 4/1/2010

From: Celia Boddington, AD-Communications (600)

Date of Letter:

Through:

WO#: WO-600

Subject: Notice of Availability of the Draft Environmental Impact Statement/Staff Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible CDCA Plan Amendment

Comments:

Action	Person	Date
Delivered to	AS-LM	4/5/2010
Surnamed by	Bob Abbey	4/2/2010
Hand-delivered to	Phil Allard	4/1/2010

Note: Correspondence that has no actions associated with it, will not appear in this report

Monday, April 05, 2010

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BLM Director's Office Correspondence Tracking Sheet

Orig. Ofc ID: **600-1568**

To: Robert V. Abbey, Director, BLM

Date Received: 4/1/2010

From: Celia Boddington, AD-Communications (600)

Date of Letter:

Through:

WO#: WO-600

Subject: Notice of Availability of the Draft Environmental Impact Statement/Staff Assessment for the NextEra Energy Resources Genesis Solar Energy Project and Possible CDCA Plan Amendment

Comments:

Action	Person	Date
Hand-delivered to	Phil Allard	4/1/2010

Note: Correspondence that has no actions associated with it, will not appear in this report

Thursday, April 01, 2010

kodom