

DOCKETED	
Docket Number:	25-OPT-01
Project Title:	Viracocha Hill Battery Energy Storage System Project
TN #:	264796
Document Title:	CEC response to Viracocha Application for Conf Designation - Cultural
Description:	N/A
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Organization:	California Energy Commission
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July 14, 2025

Via Email

Antonio Arturo Sieira Mucientes
Manager
Reclaimed Wind LLC
600 W Broadway, Suite 700
San Diego, CA 92101

**Application for Confidential Designation Viracocha Hill HESS Project c/o
Reclaimed Wind, LLC
Docket No. 25-OPT-01**

Dear Antonio Arturo Sieira Mucientes:

The California Energy Commission (CEC) has received Reclaimed Wind, LLC's (applicant) Application for Confidentiality (TN# 264341) dated June 6, 2025, covering the following documents:

- Appendix 5.3A – Cultural Resources Technical Report (CRTR)
- Appendix 5.3A, Appendix A – Property Maps
- Appendix 5.3A, Appendix D – Records Search Results
- Appendix 5.3A, Appendix F – DPR Forms

The applicant states that the documents contained in Appendix 5.3A - Cultural Resources Technical Report, and accompanying appendixes should be kept confidential indefinitely, in its entirety, to protect potential cultural resources and sites. The applicant asserts confidentiality under Government Code Sections 7928.000 and 7927.005 and argues that protection provided is analogous to that given to Native American sacred places under Section 7922.000 (previously Section 6254(r)) of the Government Code. The applicant asserts that if the descriptions of the locations of the sites are released to the public domain, there is potential for looting and destruction of that site.

Confidentiality Claims

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [California Energy] Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and records of Native American places, features, and objects and reports maintained by, or in the possession of, the Department of Parks and Recreation, the

Antonio Arturo Sieira Mucientes:

July 14, 2025

Page 2

State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code, §§ 7927.000, 7927.005.) The California Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code § 7927.705.)

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C. § 306131.)

The California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

Executive Director's Determination

The applicant has made a reasonable showing that the cultural resource information contained in Appendix 5.3A and accompanying appendixes should be maintained as confidential indefinitely.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Drew Bohan', with a stylized, sweeping underline.

Drew Bohan
Executive Director