

DOCKETED	
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Project Title:	Viracocha Hill Battery Energy Storage System Project
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January 21, 2026

Via Email

Pedro Blanquer Jaraiz
Manager
Reclaimed Wind LLC
600 W Broadway, Suite 700
San Diego, CA 92101
pedro.blanquer@ignis.es

**Application for Confidential Designation – Sensitive Species Occurrence
Location Information - Viracocha Hill Battery Energy Storage System
Project
Docket No.: 25-OPT-01**

Dear Mr. Blanquer Jaraiz:

The California Energy Commission (CEC) has received Reclaimed Wind LLC's (applicant) Application for Confidentiality docketed October 7, 2025 (TN 266353), covering the following materials submitted as part of the Comprehensive Biological Survey Report for the Viracocha Hill Battery Energy Storage System (BESS) Project:

- Confidential Figure 1 – *CNDDDB Plant Occurrences within 10 Miles of the Project Area*
- Confidential Figure 2 – *CNDDDB Wildlife Occurrences within 10 Miles of the Project Area*
- Confidential Figure 3 – *Burrowing Owl Survey Result*

Confidentiality Claims

The applicant requests that the above-described figures be designated confidential indefinitely under California Code of Regulations, title 20, section 2505, and Government Code sections 7927.705 and 7922.000. The applicant asserts that these figures contain detailed California Natural Diversity Database (CNDDDB) coordinates of sensitive and state-listed species and that disclosure could lead to unauthorized collection or disturbance of those resources.

Discussion

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 applicant identifies each figure for which confidentiality is requested and explains that only those figures, not the narrative portion of the report, contain precise CNDDDB location data. This satisfies section 2505(a)(1)(A)–(B).

Government Code section 7927.705 authorizes state agencies to withhold information when disclosure is prohibited under federal or state law, including laws protecting sensitive cultural and biological resource information such as the Archaeological Resources Protection Act (54 U.S.C. § 306131) and Public Resources Code section 5097.9 et seq. These provisions safeguard the locations of biological resources whose exposure could result in harm or exploitation.

Government Code section 7922.000 (formerly section 6255) also allows agencies to withhold records when “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.” In this case, the public interest in protecting sensitive and state-listed species outweighs the public interest in releasing the figures. Disclosure would enable precise geolocation of habitats and invite disturbance or illegal collection, while the public’s need for transparency is fully met through the non-confidential narrative and summary data.

The applicant meets the requirements of section 2505(a)(1)(D). The figures show exact species occurrence coordinates and survey results that—if released—could directly threaten protected resources. The applicant has maintained the information as confidential, limiting access to employees, consultants, and regulatory agencies with jurisdiction, satisfying section 2505(a)(1)(G).

The applicant also asserts that aggregation or masking would not protect the underlying data without rendering the figures meaningless. This position is consistent with Commission precedent under prior siting, AFC, and SPPE determinations, which recognize that exact species or cultural-site maps cannot be generalized without defeating their scientific purpose.

Executive Director Determination

The applicant has made a reasonable claim that the Public Records Act and other provisions of law authorize the CEC to keep the record confidential pursuant to California Code of Regulations, title 20, section 2505(a)(3)(A).

Accordingly, the CEC grants the application for confidential designation for the figures identified above. This confidentiality designation shall remain in effect indefinitely, consistent with prior Commission determinations protecting biological and cultural resource location data.

Data may be disclosed only in aggregated or generalized form such that the location of any specific biological resource cannot be identified.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on such a petition is issued by the CEC’s Chief Counsel. Under section 2507, the Executive Director may disclose or release records

previously designated as confidential in certain circumstances. The procedures and criteria for disclosing or releasing records are set forth in sections 2506–2508.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director