

DOCKETED	
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January 15, 2026

Via Email

Pedro Blanquer Jaraiz, Manager
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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 6, 2025 (TN 266331), covering the following materials submitted as part of the Draft Incidental Take Permit (ITP) Application for the Viracocha Hill Battery Energy Storage System Project:

- Confidential Figure 1 – *CNDDDB Records of Covered Species and Critical Habitat within 5 Miles of the Study Area*
- Confidential Figure 2 – *State-Listed Species Observations*
- Confidential Figure 3 – *Project Impacts*

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 precise coordinates of sensitive and state-listed species and critical habitat, and that disclosure could enable unlawful disturbance or collection of such 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 sought for confidential designation and explains that only these maps, not the accompanying narrative, reveal specific 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 exempted or prohibited by federal or state law,

including provisions protecting sensitive resource information such as the Archaeological Resources Protection Act (54 U.S.C. § 306131) and Public Resources Code section 5097.9 et seq. These statutes protect cultural and biological resource location data from public disclosure.

Government Code section 7922.000 (formerly section 6255) also permits withholding when “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure.” Here, the public interest in protecting sensitive species outweighs any interest in public access to precise location coordinates. Disclosure would create a risk of unauthorized collection, vandalism, or habitat disturbance, while the public’s interest in transparency is adequately served through the non-confidential narrative portions of the ITP application.

Application of Section 2505 Criteria

The application meets the requirements of section 2505(a)(1)(D). The figures contain data identifying the locations of state-listed species and critical habitat. Disclosure would reveal exact latitude-longitude coordinates of species occurrence points, which could directly lead to harm or exploitation of those species. The applicant has maintained the information as confidential, limiting access to employees, consultants, and regulatory agencies with appropriate jurisdiction, satisfying section 2505(a)(1)(G).

The applicant also asserts that aggregation or masking would defeat the analytical purpose of the figures, as generalization would obscure the very data used to evaluate potential project impacts. CEC precedent under the Siting Division recognizes that maps showing exact biological or cultural resource locations cannot be aggregated or redacted without rendering them meaningless for regulatory review.

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 for 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 a petition to inspect or copy records 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.

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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 stylized flourish at the end.

Drew Bohan
Executive Director