

DOCKETED	
Docket Number:	26-SPPE-01
Project Title:	RB Inyokern Data Center (RBIDC)
TN #:	271079
Document Title:	Appendix M Supplement - Application for Confidential Designation
Description:	Appendix Supplement — Data Response Set 1
Filer:	Kyle Mohr
Organization:	R&L Capital Inc
Submitter Role:	Applicant Representative
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June 29, 2026

Dockets Unit
California Energy Commission
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Re: Application for Confidential Designation — Docket No. 26-SPPE-01, RB Inyokern Data Center, Supplement to Supporting Document Appendix M

Dear Executive Director:

Pursuant to 20 CCR § 2505, R & L Capital, Inc. (“Applicant”) submits this Application for Confidential Designation for a Supplement to Supporting Document Appendix M (79 pages total, including cover and divider sheets), filed concurrently in the above-referenced proceeding. This supplement comprises two subsections as labeled on its cover and divider sheets — Appendix M.1 Supplement (Records Search Results) and Appendix M.2 Supplement (Records Search Results and DPR Forms) — together with the AB 52 tribal outreach letters and tribal response correspondence assembled in the same package. The materials consist of cultural resources records search results, California Department of Parks and Recreation (DPR) site records identifying the locations of recorded archaeological resources, and Native American tribal consultation correspondence, each qualifying for confidentiality under the statutes governing archaeological site information and Native American tribal consultation information.

1. Contact Information (20 CCR § 1208.1)

Applicant: R & L Capital, Inc.
Prepared and submitted by: Kyle Mohr, Authorized Representative
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Proceeding Name: RB Inyokern Data Center, Application for Small Power Plant Exemption
Docket Number: 26-SPPE-01

2. Title, Date, and Description of Information (20 CCR § 1208.1)

A. Appendix M.1 Supplement — Records Search Results

Records search responses dated January 2026. Consists of the cultural resources records search results for the Phase I Survey of the Inyokern Data Center Project, comprising the Native American Heritage Commission (NAHC) Sacred Lands File request correspondence and the Southern San Joaquin Valley Information Center (SSJVIC) California Historical Resources Information System (CHRIS) records search response, together with the accompanying lists of previously recorded reports and cultural

resources within and surrounding the study area and the associated location maps. This material identifies the locations of recorded archaeological resources. Prepared by ASM Affiliates, Inc.

B. Appendix M.2 Supplement — Records Search Results and DPR Forms

Recorded January 2026. Consists of the confidential records search results and California Department of Parks and Recreation (DPR 523) site record forms documenting cultural resources recorded within the study area, including continuation sheets, sketch maps, and location maps that disclose the precise locations, UTM and GPS coordinates, and site boundaries of recorded archaeological resources. Prepared by ASM Affiliates, Inc.

C. AB 52 Tribal Outreach Letters and Tribal Response Correspondence

Tribal outreach letters dated March 18, 2026; tribal response correspondence dated March 20 through April 1, 2026. Consists of the four AB 52 tribal outreach letters transmitted by ASM Affiliates, Inc. on behalf of the Applicant to the Native American tribes identified on the NAHC tribal consultation contact list — the Kern Valley Indian Community, the Tejon Indian Tribe, the Tubatulabals of Kern Valley, and the Tule River Indian Tribe — each describing the proposed project, its location and Area of Potential Effects, and the records search results, and inviting the tribe to identify any tribal cultural resources concerns; together with the written response received from the Tejon Indian Tribe, through its Tribal Historic Preservation Officer, stating that the Tribe has no knowledge of tribal cultural resources within the project Area of Potential Effects and recommending that the project proceed as planned, and the related transmittal correspondence. No responses have been received from the Kern Valley Indian Community, the Tubatulabals of Kern Valley, or the Tule River Indian Tribe to date. Prepared by ASM Affiliates, Inc.

3. Parts for Which Confidential Designation Is Requested (20 CCR § 2505(a)(1)(B))

Applicant requests confidential designation for the entire supplement — the Appendix M.1 Supplement, the Appendix M.2 Supplement, and the accompanying AB 52 tribal outreach letters and tribal response correspondence — in its entirety. The protected subject matter — archaeological site location information, records search and CHRIS data, DPR site records, and Native American tribal consultation records — permeates each document, and redaction cannot meaningfully separate sensitive from non-sensitive content without rendering the records useless or risking inadvertent partial disclosure.

4. Length of Time Confidentiality Is Requested (20 CCR § 2505(a)(1)(C))

Applicant requests permanent confidential designation for all materials in this supplement. The risk of harm to tribal cultural resources, sacred sites, and tribal consultation relationships from disclosure does not diminish with time, and the governing statutes impose no sunset on the confidentiality protections applicable to this category of information.

5. Statutory Basis for Confidential Treatment (20 CCR § 2505(a)(1)(D))

The records in this supplement are exempt from disclosure under the following provisions. Government Code § 7927.005 (formerly § 6254.10) exempts records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency — including records obtained through a consultation

process between a California Native American tribe and a state or local agency — and is the primary basis for protecting the records search results, the CHRIS data, and the DPR site records. Government Code § 7927.000 (formerly § 6254, subd. (r)) exempts records of Native American graves, cemeteries, and sacred places, and of Native American places, features, and objects. Public Resources Code § 21082.3(c) protects information submitted by, or developed in consultation with, a California Native American tribe in the course of AB 52 consultation and requires the tribe's written consent before such information is included in a public document; that consent has not been sought or obtained for public disclosure. Public Resources Code §§ 5097.9 and 5097.993 further protect Native American cultural and sacred site information. These provisions apply because the supplement discloses the precise locations and boundaries of recorded archaeological resources and reflects the substance of confidential government-to-tribe consultation.

6. Trade Secret / Competitive Advantage (20 CCR § 2505(a)(1)(D))

Not applicable. This supplement does not contain trade secrets or commercial competitive advantage information.

7. Aggregation or Masking (20 CCR § 2505(a)(1)(E))

This supplement cannot be meaningfully disclosed in aggregated or masked form. The protected material — the archaeological site locations, coordinates, and boundaries disclosed in the records search results and DPR site records, and the substance of the AB 52 tribal outreach and the Tejon Indian Tribe's written consultation response — is the substance of each document. Public Resources Code § 21082.3(c) further requires tribal written consent before release of tribal cultural resource consultation information, which has not been sought or obtained for public disclosure.

8. Applicant's Handling and Prior Disclosure (20 CCR § 2505(a)(1)(F))

Applicant treats all materials in this supplement as confidential, with access limited to authorized personnel, counsel, and retained consultants with a need to know. The records search results and DPR site records are treated as confidential archaeological records, are not publicly distributed, and have been handled in accordance with the CHRIS conditions governing archaeological site location data. The tribal outreach letters were transmitted by ASM Affiliates, Inc. to the four consulting tribes on behalf of the Applicant in the context of AB 52 consultation; any disclosures to consulting tribes under AB 52 are themselves statutorily protected. The Tejon Indian Tribe response was received directly in the course of AB 52 consultation and has been treated as confidential by the Applicant since receipt. No disclosure has been made that would waive the statutory protections asserted in this Application.

9. Entity and Authorization (20 CCR § 2505(a)(1)(G))

R & L Capital, Inc. is a corporation, and the undersigned is authorized to submit this application on its behalf.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge.

Respectfully submitted,

Kyle Mohr
Authorized Representative
R & L Capital, Inc.
(760) 264-5760
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Enclosures (filed concurrently as confidential documents as Supplement to Supporting Document Appendix M):

1. Appendix M.1 Supplement — Records Search Results (January 2026).
2. Appendix M.2 Supplement — Records Search Results and DPR Site Record Forms (January 2026).
3. AB 52 Tribal Outreach Letters (March 18, 2026) and Tribal Response Correspondence (Tejon Indian Tribe, March 20–April 1, 2026).