

DOCKETED

Docket Number:	02-AFC-01C
Project Title:	Sonoran Energy Project (formerly Blythe Energy Project Phase II) - Compliance
TN #:	206150
Document Title:	Response to Application for Confidentiality
Description:	AltaGas Sonoran Energy Inc. Cultural Resources Data
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

September 18 2015

Melissa A. Foster
Stoel Rives LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814

**RE: Application for Confidentiality, Cultural Resources Records
 AltaGas Sonoran Energy Inc.
 Cultural Resources Data
 Docket No. 02-AFC-01C**

Dear Ms. Foster:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of AltaGas Sonoran ("Applicant"). The Application seeks confidential designation for the following documents:

- 1) Cultural Resources Records , Volume 1 and Volume 2

The application states:

The cultural records pertain to cultural resources within the Project area, and which may be impacted by the Project. This information includes confidential maps of cultural resources sites and confidential results of a field survey, literature search, and archival research regarding potential cultural resources. Disclosure of such information could heighten the risk of unauthorized excavation of such resources, and/or unauthorized removal of the same from locations of potential resources referenced in the report.

A properly filed application for confidentiality shall be granted under the 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 Energy Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site

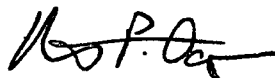
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information and reports. Gov. Code, sec. 6254.10. The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted is expressly in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within volume 1 and volume 2 is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit
Mary Dyas, Energy Commission Compliance Project Manager