

DOCKETED

Docket Number:	89-AFC-01
Project Title:	Application for Certification for Luz IX and X Projects
TN #:	216671
Document Title:	Luz' Application for Confidential Designation
Description:	Paleontologic Resource Assessment
Filer:	Patty Paul
Organization:	Luz SEGS IX and X
Submitter Role:	Applicant
Submission Date:	3/23/2017 1:34:23 PM
Docketed Date:	3/23/2017

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ALLAN J. THOMPSON
PARTNER

September 14, 1989

DOCKET	
89-AFC-1	
DATE:	SEP 14 1989
RECD:	SEP 14 1989

VIA MESSENGER

Mr. Gary Heath
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Re: Luz SEGS IX and X / 89-AFC-1

Enclosed please find an original and thirteen (13) copies of Luz' Application for Confidential Designation of the Paleontologic Resource Assessment and Application for Confidential Designation of the Cultural Resource Investigation for filing with the California Energy Commission in the above-captioned matter.

Also enclosed is one copy each of the above-listed reports.

Please return a stamped copy of each application to our offices in the envelope provided.

Sincerely,

Allan J. Thompson/lm

Allan J. Thompson

AJT:lm
Enclosures
LUZ2/L-02

LAW OFFICES OF
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September 14, 1989

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814

APPLICATION FOR CONFIDENTIAL DESIGNATION
(20 California Administrative Code, Section 2505)

Applicant (name of individual, business entity, or other
organization owning the record):

Luz Development and Finance Corporation

Address:

Luz Development and Finance Corporation
924 Westwood Boulevard, Suite 1000
Los Angeles, California 90024

Phone: (213) 208-7444

1. (a) Title, date, and description (including number of pages) of the record.

A cover page and 54-page document entitled "Cultural Resource Investigation: Five Sections West of Harper Lake, San Bernardino County" and dated August 1, 1989.

- (b) Specify the part(s) of the record for which you request confidential designation.

The entire document entitled "Cultural Resource Investigation: Five Sections West of Harper Lake, San Bernardino County" should be kept confidential.

2. State and justify the length of time the Commission should keep the record confidential.

The Commission should keep this document confidential in perpetuity due to the sensitive nature of the material contained in the report. Should this report become part of

the public record, the possibility exists that members of the general public may attempt to locate and remove or destroy the cultural resources described in the report.

3. (a) State the provision(s) of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) applies to the record.

The Public Records Act (Cal. Gov't Code § 6250 et seq.) and, specifically, Cal. Gov't Code § 6255; California Public Resources Code § 25218(e); Cal. Evid. Code § 1040; and this Commission's rules (Cal. Admin. Code, Tit. 20, § 2505) allow for the confidential designation of certain documents where disclosure of the information would be contrary to the public interest. As explained in (b) below, nondisclosure of the nature and location of sensitive, culturally significant artifacts or areas is in the public interest.

Additionally, Cal. Gov't Code 6254.10 reflects the state policy that archaeological site locations are to be kept confidential. The report identifies by map and description several archaeological sites; disclosure of such information would violate the policy expressed in 6254.10.

- (b) Discuss the public interest in non-disclosure of the record.

The resources represented by the community and related sites of Harper Lake/Lockhart Ranch have valuable historical associations with the region. As many as six of the sites, identified in the above-referenced report, may contain significant archaeological remains or deposits. It is in the public interest to keep confidential the nature and location of sensitive cultural resources. In fact, Congress has expressly declared that the nondisclosure of archaeological site location data is in the public interest in enacting the Archaeological Resources Protection Act, 16. U.S.C. 470 et seq., and particularly 470hh, which is recognized by the State of California.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The material contained in the above-referenced document may be disclosed if aggregated with other material or masked to conceal certain sensitive sections. If the Commission's staff finds that it is in the public interest to disclose a portion of the document, Applicant will work with the staff to determine which portions should be aggregated or masked prior to disclosure.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

A limited number of copies of the attached document have been produced. Copies are retained by Greenwood and Associates, who prepared the report; ENSR Consulting and Engineering, Luz' environmental consultant; Jackson, Tufts, Cole and Black, Luz' counsel; and Luz. These copies have not been loaned or given to any party who is not employed by or affiliated with the Applicant.

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 and that I am authorized to make the application and certification on behalf of the applicant.

Dated: September 14, 1989

By Allan J. Thompson /lm
Allan J. Thompson
Attorney for Luz Development and
Finance Corporation

ATTACH THIS APPLICATION TO THE RECORD FOR WHICH CONFIDENTIALITY IS REQUESTED.

EKE/ag
14294/009/LT001.EKE

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
Application for Certification) DOCKET NO. 89-AFC-1
for Luz Engineering Corpora-)
tion's LUZ SEGS IX & X Projects)
_____)

PROOF OF SERVICE

I, Lisette Meyer, declare that on September 14, 1989 I deposited two "Applications for Confidential Designation" for the above-captioned project in the United States mail at San Francisco, California, with first class postage thereon fully prepaid and addressed to the following, with the exception of those being sent to the California Energy Commission which were delivered by courier.

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Charles R. Imbrecht, Chairman
Presiding Committee Member
1516 Ninth Street, MS-34
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I am and was at the time of the attached paper(s) over the age of 18 and not a party to the proceeding. I declare under penalty of perjury that the foregoing is true and correct.

M. Luette Meyer

14294E/22