

DOCKETED

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Document Title:	Response to Application for Confidentiality - Cultural Resources
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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

April 06, 2016

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

RE: **Application for Confidential Designation of Cultural Resources
Records
Pomona Repower Project
Docket No. 16-SPPE-01**

Dear Ms. Foster:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of AltaGas Pomona Energy Inc. (Applicant). The application seeks confidential designation for the following document:

- 1) *Confidential Appendix 4.3B (Attachment A)*

The application states:

Attachment A . . . pertains to cultural resources within the [Pomona Repower Project ("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.

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 California Energy Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code, § 6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, § 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. § 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted, is expressly in the public interest.

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Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within Attachment A 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 Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Dockets Unit, California Energy Commission
Leonidas Payne, California Energy Commission, Project Manager, Siting,
Transmission and Environmental Protection Division
Lisa DeCarlo, California Energy Commission, Senior Staff Counsel