

DOCKETED

Docket Number:	09-AFC-06C
Project Title:	Blythe Solar Power Project - Compliance
TN #:	203504
Document Title:	Response Letter for Confidential Designation: Report of Cultural Resources Monitoring for Limited Notice to Proceed Activities
Description:	N/A
Filer:	Patty Paul
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	1/7/2015 10:35:33 AM
Docketed Date:	1/7/2015

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

January 7, 2015

Mr. Matthew Tennyson
AECOM
1420 Kettner, Boulevard, Suite 500
San Diego, CA 92101

RE: **Blythe Solar Energy Center**
Application for Confidential Designation: Report of Cultural Resources
Monitoring for Limited Notice to Proceed Activities for the Blythe Solar
Power Project
Docket No. 09-AFC-06C

Dear Mr. Tennyson:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of the Blythe Solar Energy Center ("Applicant"). The Application seeks confidential designation for the following document:

- 1) Report of Cultural Resources Monitoring for Limited Notice to Proceed Activities for the Blythe Solar Power Project (09-AFC-06C).

The application states:

This report includes the location of cultural resources, including descriptions and maps, which must remain confidential... in order to preserve them and must not be disclosed without removing the sensitive cultural resource locational information and maps.

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 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

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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. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within the report is granted. 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
Mike Monasmith, Energy Commission Project Manager