



COMPLETED

CONFIDENTIAL



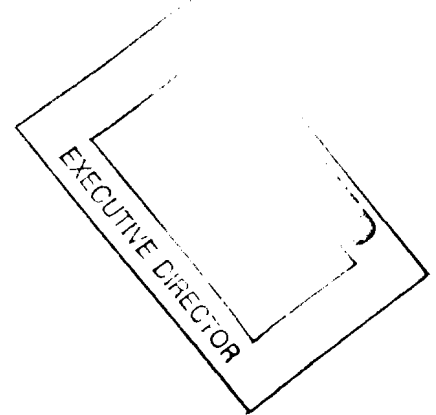
Consultants in Archaeology and Historic Preservation

www.williamself.com

July 23, 2007

Mr. B.B. Blevins
Executive Director
California Energy Commission
Dockets Office, 4th floor
1516 Ninth Street
Sacramento, CA 95814

DOCKET	
07-AFC-1	
DATE	JUL 23 2007
RECD.	JUL 27 2007



Subject: Request for Confidential Designation
Confidential Responses to Data Request Set 1 (1-111), Data Requests 24 – 50: Cultural Resources; Victorville 2 Hybrid Power Project (07-AFC-1), San Bernardino County, California.

Docket Number: 07-AFC-1

Dear Mr. Blevins,

The City of Victorville (City), San Bernardino County, California is the owner of the proposed Victorville 2 Hybrid Power Project (VV2 Project). As part of the City’s consultant team preparing the Application for Certification (AFC), William Self Associates, Inc. (WSA) undertook a cultural resource assessment for the VV2 Project. This work was performed under subcontract to ENSR Corporation, who prepared the AFC under contract to Inland Energy, Inc. who submitted the AFC on behalf of the City. On June 21, 2007, the California Energy Commission (CEC) provided a set of data requests, 26 of which pertained to the Cultural Resources discussed in the AFC. WSA has responded to those Data Requests in the enclosed documents. The City requests that the attached responses and documentation be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as *Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources.*

In support of its application for confidential designation, WSA provides the following information:

APPLICANT: City of Victorville
ADDRESS: City Hall
14343 Civic Drive
Victorville, CA 92393

William Self Associates, Inc.

E-mail: jallan@williamself.com

CORPORATE OFFICE: San Francisco Bay Area

PO Box 2192, 61 Avenida de Orinda

Orinda CA 94563

Phone: 925-253-9070/ 925-254-3553 fax

1(a). *Title, date and description (including number of pages) of the record for which you request confidential designation.*

Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources, July 30, 2007. Responses to Data Requests 24-50: (Cultural Resources) prepared under subcontract to ENSR Corporation. Pages: 92, plus 4 CDs and attachments.

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

- Response to Data Request 29 (a): *Figure 5, Map 1.*
- Response to Data Request 38: *Figure 5, Map 2*
- Response to Data Request 40: Requested Archaeological Survey Reports (Attachment 40-1 [CD])
- Response to Data Request 41: Requested Archaeological Site Records (Attachment 41-1 [CD])
- Response to Data Request 42: Requested letters from the SBAIC outlining the data sources reviewed for the records search and the summary of findings (Attachment 42-1).
- Response to Data Request 43: Requested copy of the SBAIC map showing the extent of coverage by previous cultural resources investigations (Attachment 43-1).
- Response to Data Request 44: Requested copies of historic maps provided by the SBAIC as part of the record search (Attachment 44-1).
- Response to Data Request 45: Revised Figure 5, Maps 1 – 5 (Attachment 45-1).
- Response to Data Request 46: Archeological Testing Plan (Attachment 46-1).

The attached submittal includes the above-mentioned material that was removed from the AFC as supplied to the CEC for publication.

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

The Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

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

The responses to the Data Requests listed above and contained in the *Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources* specifically identify site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254 (e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254 (r) of the Government Code.

3(b). *Discuss the public interest in nondisclosure of the record. if the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it*

would be lost, the value of the information to the applicant, and the cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural resource sites described in the responses to *Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources*. Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

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 City believes CEC staff will require the specific information contained in the *Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources*, to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, the City believes the CEC can incorporate a generalized summary of the information contained in the *Confidential Response to Victorville 2 Hybrid Power Project (07-AFC-01), San Bernardino County, California. CEC Staff Data Request Numbers 24-50. Technical Data Request: Cultural Resources* to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

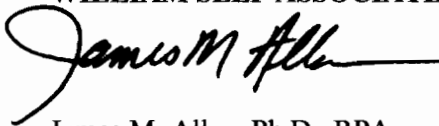
5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

The City has not disclosed any of the subject information to anyone other than its employees, contractors, attorneys, and consultants working on the Victorville 2 Hybrid Power Project. It will be marked "Confidential", stored separately from other VV2 Project files, and will be made available on a "need-to-know" basis as determined by a designated representative of the City or its consultants/attorneys/contractors.

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.

Sincerely,

WILLIAM SELF ASSOCIATES, INC.



James M. Allan, Ph.D., RPA
Principal