



WSA

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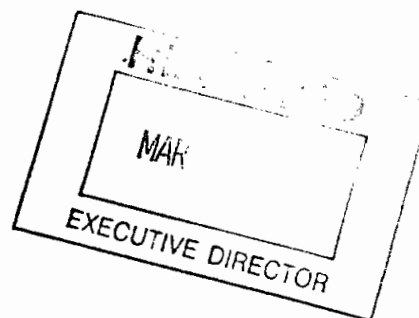


Consultants in Archaeology and Historic Preservation

March 8, 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	MAR 0 8 2007
RECD.	MAR 1 3 2007



Subject: Request for Confidential Designation
Draft Confidential Cultural Resources Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California.

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. The City requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as *Draft Confidential Cultural Resources Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California.*

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

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

Draft Confidential Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California, February 2007. Cultural resource assessment report prepared under subcontract to ENSR Corporation. Pages: 116, plus appendices.

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

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

Locational information for archaeological sites provided in the Survey Results section and in Table 11, and all of Figure 5 (Maps 1 to 4), Appendix D (Photos), and Appendix E (State of California DPR 523 Forms), of the *Draft Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California*, have been removed from the version of the report published as Appendix I of the AFC. 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 *Draft Confidential Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California*, 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 *Draft Confidential Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California*, specifically identifies 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 *Draft Confidential Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California*. 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 version of the *Draft Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California*, 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 *Draft Confidential Cultural Resource Assessment Report, Victorville 2 Hybrid Power Project, San Bernardino County, California* to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

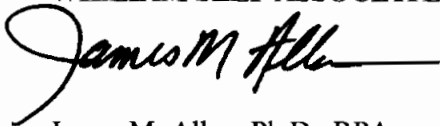
5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

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.

A handwritten signature in black ink, appearing to read "James M. Allan", with a horizontal line extending to the right.

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