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TETRA TECH EC, INC.

Constance Farmer
Senior Environmental Project Manager

August 26, 2011

Robert Oglesby
Executive Director
California Energy Commission
Energy Facilities Siting and Environmental Protection Division
1516 9th Street, MS 2000
Sacramento, CA 95814

DOCKET
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EXECUTIVE DIRECTOR

SUBJECT: CONFIDENTIALITY REQUEST FOR THE QUAIL BRUSH GENERATION PROJECT APPLICATION FOR CERTIFICATION CULTURAL RESOURCES DATA

Dear Mr. Oglesby:

On behalf of Quail Brush Genco, LLC (the Applicant) and in support of cultural resource confidentiality, pursuant to 20 California Code of Regulations (CCR) §2505, please find enclosed 10 CDs of the Quail Brush Generation Project (Project) Application for Certification Appendix C – Cultural Resources Technical Report. The Project is a 100-megawatt peaker power plant to be located in Little Sycamore Canyon in the City of San Diego, San Diego County, California.

The Applicant requests that the cultural resource (AFC Section 4.1 and Appendix C) information be designated confidential pursuant to 20 CCR §2505. The information required by this regulatory section is outlined below.

- 20 CCR §2505 (1)(B): *Specifically indicate those parts of the record that should be kept confidential.*

Applicant requests confidential designation for Appendix C (Draft Cultural Resources Survey for Quail Brush Genco, LLC's Quail Brush Generation Project, San Diego, California) of the AFC. This request applies to both digital and hard copy versions of the document.

- 20 CCR §2505 (1)(C): *State the length of time the record should be kept confidential, and justification for the length of time.*

The cultural resource information (Appendix C of AFC) should be kept confidential indefinitely to protect identified cultural resources, including archaeological and historic objects, sites and districts, historic buildings and structures, cultural landscapes, and sites and resources of concern to local Native American or other public ethnic groups. If the confidential locations of



these cultural resources are released to the public domain, there is potential risk of destruction and/or “looting” (stealing of artifacts) of these resources.

- *20 CCR §2505 (1)(D): Cite and discuss the provisions of the Public Records Act or other law that allow the Commission to keep the record confidential.*

The cultural resources information (Appendix C of AFC) specifically identifies site locations, areas of archaeological sensitivity, and areas of potential cultural significance. It is thus protected under Government Code Sections 6254(e), 6254(k), and 6254(r).

- *20 CCR §2505 (1)(E): State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required. If the information cannot be disclosed even if aggregated or masked, the application shall justify why it cannot.*

Applicant believes the California Energy Commission Staff can incorporate a generalized summary of the information contained in the document (Appendix C of AFC) to properly state the basis for its analysis without disclosing information specific enough to facilitate damage and/or looting of sensitive resources. Damage and/or looting of cultural resources would preclude scientific study and data about the resource and would potentially impact the resources that are valued by Native Americans and other ethnic or religious groups and/or individuals. Further, the California Historical Resources Information System requires recipients of records search data not disclose the information in publicly distributed comments or to individuals who do not qualify for access to such information without written consent of the Information Center Coordinator, as specified in Section III(A-E) of the CHRIS Information Center Rules of Operation Manual.

- *20 CCR §2505 (1)(F): State how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

Applicant has disclosed generalized versions of the information to private property owners in a memo documenting the results of the cultural resources field survey. Specific location information and maps were not provided. Otherwise, the Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the AFC for the Project.

- *20 CCR §2505 (1)(G): Include a statement executed by the person primarily responsible for preparing the application that information contained in this application is true, complete, and correct to the best of their knowledge. State whether the applicant is a company, firm, partnership, trust, corporation, or other business entity, or an organization or association. State that the person preparing the request is authorized to make the application and certification on behalf of the entity, organization, or association.*

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. The Applicant is a private company and I am authorized to make this application and certification on their behalf.

Please contact me at (303) 980-3653 or connie.farmer@tetratech.com if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Connie Farmer". The signature is written in a cursive style with a long, sweeping underline.

Connie Farmer
Senior Environmental Project Manager

Enclosures:

1. Confidentiality Request Cover Letter and Form (10 CDs and one hard copy)
2. AFC Appendix C – Cultural Resources Technical Report: *Draft Cultural Resources Survey for Quail Brush Genco, LLC's Quail Brush Generation Project, San Diego, California* (10 CDs per Eric Solorio)

CC:

Eric Solorio, CEC Compliance Project Manager
Gary Palo, Cogentrix Energy LLC
Rick Neff, Cogentrix Energy LLC
Barry McDonald, Tetra Tech EC, Inc. Program Manager
Reid Farmer, Tetra Tech EC, Inc. Principal Investigator
Erin King, MA, RPA, Tetra Tech EC, Inc. Project Archaeologist