

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 8, 2012

DOCKET**11-AFC-3**DATE MAY 08 2012RECD. MAY 08 2012Constance Farmer
Tetra Tech EC, Inc.
143 Union Blvd. Suite 1010
Lakewood, CO 80228

RE: **Application for Confidentiality, Supplemental Cultural Resources Report. Quail Brush Generating Project**
Docket No. 11-AFC-3

Dear Ms. Farmer:

On April 26, 2012, you submitted additional Applications for Confidentiality on behalf of Quail Brush Genco, LLC, ("Applicant"). The Application seeks confidential designation for the both the digital and hard copy versions of the "Draft Results of a Supplemental Cultural Survey for Quail Brush Genco".

Applicant states that the report and data specifically identify site locations, areas of archaeological sensitivity, and areas of potential cultural significance in the project area, and that:

"If the confidential locations of these resources are released to the public domain, there is potential risk of destruction and or looting of these 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 (Energy Commission) to keep the record confidential."

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

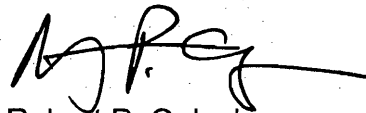
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Therefore, the Applicant's Confidentiality Application is granted in its entirety. The documents will be kept confidential for an indefinite period.

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
Eric Solorio, Commission Project Manager