

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

December 24, 2008

Sophia Rowlands  
Downey Brand  
555 Capitol Mall, 10<sup>th</sup> Floor  
Sacramento CA 95814

<b>DOCKET</b>	
08-AFC-2	
DATE	DEC 24 2008
RECD.	DEC 24 2008

RE: **Cultural / Archaeological Records: Application for Confidentiality,  
Beacon Solar Energy Project,  
Docket No. 08-AFC-2**

Dear Ms. Rowlands:

On December 1, 2008, Beacon Solar Energy Project (Beacon) filed an application for confidentiality to the above-captioned docket. Beacon seeks confidentiality for certain geomorphic maps, which contain the location of archaeological sites. Specifically, Beacon requests confidential designation for the maps submitted as a Supplemental Workshop Response to staff's Data Request 34W.

Beacon's application for confidentiality states, in part:

These maps identify confidential cultural resources information; specifically, they identify the location of archaeological and cultural sites. . . Publication of location and specific descriptions of these assets at best invites the curious, who may unwittingly disrupt or destroy the assets, and at worst encourages destruction or theft from these sites.

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 recognizes the confidentiality principles of federal law. (Gov. Code, § 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. § 470hh.) Non-disclosure of the archaeological and cultural resources, such as the information that you have submitted, is expressly in the public interest, to be kept confidential pursuant to the Archaeological Resources Protection Act. Therefore, Beacon's application for confidentiality will be granted in its entirety, and the maps submitted as supplemental workshop responses to staff's Data Request 34W will be kept confidential for an indefinite period.

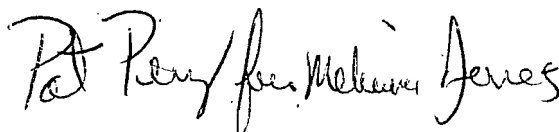
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**Please note that any subsequent submittals related to this application can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if Beacon files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.**

Persons may petition to inspect or copy the 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 Deborah R. Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

A handwritten signature in black ink that reads "Pat Perry for Melissa Jones". The signature is written in a cursive, flowing style.

MELISSA JONES  
Executive Director

cc: Docket Unit  
Erik K. Solorio, Project Manager