

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

July 23, 2009

DOCKET	
08-AFC-5	
DATE	JUL 23 2009
RECD	JUL 23 2009

Michael Trotta
LSA Associates, Inc.
Pacific Center
703 Palomar Airport Rd., Ste 260
Carlsbad, CA 92011

**RE: Cultural Resources: Application for Confidentiality,
Solar Two Project
Docket No. 08-AFC-5**

Dear Mr. Trotta:

On June 23, 2009, Stirling Energy Systems ("Applicant") filed an application for confidentiality to the above-captioned docket, on behalf of the Solar Two Project. Applicant seeks confidentiality for an Appendix to the Application for Certification for the Solar Two Project, titled "Cultural Resources Site Location and Cultural Content Ground Truth Task: Levels I and II Evaluations and Recommendations" and accompanying maps.

The application for confidentiality states that the information is exempt from disclosure under Section 304 of the National Historic Preservation Act (16 U.S.C. 470w-3(a)). The application goes on to state:

Public access to the location of prehistoric and historic resources on Bureau of Land Management land may allow the vandalism of sensitive resources to occur.

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.) Furthermore, the Public Records Act specifically exempts disclosure of records of Native American graves, cemeteries, and sacred places. 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, Solar Two Project's application for confidentiality will be granted in its entirety and the Appendix identified above will be kept confidential for an indefinite period.

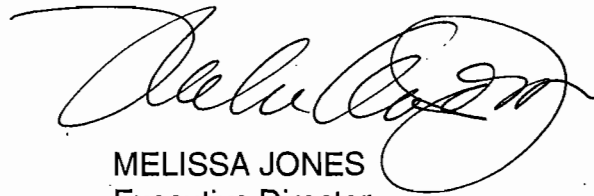
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Please note that any subsequent submittals related to this application can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if Applicant 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, appearing to read 'Melissa Jones', with a large, stylized flourish at the end.

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager