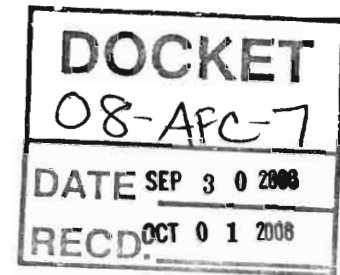


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

September 30, 2008



Jerry Salamy
CH2MHill
2485 Natomas Park Dr, Ste. 600
Sacramento, California 95833

RE: **Paleontological Resources Application for Confidentiality,
GWF Energy, LLC,
Docket No. 08-AFC-7**

Dear Mr. Salamy:

On September 10, 2008, GWF Energy, LLC, filed an application for confidentiality on behalf of the GWF Tracy Combined Cycle Power Plant project (Docket No. 08-AFC-7). The application seeks confidentiality for the paleontological figures PAL- and PAL-2 of the Application for Certification (hereinafter referred to as "the Figures"). GWF states that the Figures:

... should be kept confidential indefinitely to protect potential paleontological resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. ... The public interest will be served by nondisclosure by preventing looting of the resource sites described in the Paleontological Figures.

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, 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 paleontological resources, such as the information that you have submitted in the Report, is expressly in the public interest.

Therefore, GWF's August 6, 2008, confidentiality application for the Paleontological Resource Assessment is granted in its entirety. The Report will be kept confidential for an indefinite period.

Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the need for a new application under

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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 Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,



MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager