

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

October 30 , 2008

Cara Corsetti
SWA
625 Fair Oaks Avenue, Suite 190
South Pasadena, CA 91030

DOCKET	
08-AFC-9	
DATE	OCT 30 2008
RECD.	OCT 30 2008

**RE: Paleontological Resources Application for Confidentiality,
City of Palmdale
Docket No. 08-AFC-9**

Dear Ms. Corsetti:

On September 29, 2008, the City of Palmdale (City) filed an application for confidentiality on behalf of the Palmdale Hybrid Power Project (Docket No. 08-AFC-9). The application seeks confidentiality for the Paleontological Resources Technical Report (hereinafter referred to as "the Report"). City states that the Report:

... 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 Report.

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.

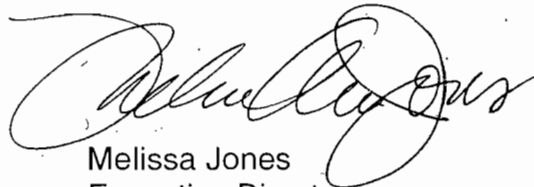
Therefore, the City's September 29, 2008, confidentiality application for the Paleontological Technical Report is granted in its entirety. The Report will be kept confidential for an indefinite period.

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Any subsequent submittals related to paleontological 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 Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones", written in a cursive style.

Melissa Jones
Executive Director

cc: Docket Unit
John Kessler,
Energy Commission Project Manager