

**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

September 30 2008

James Allan  
William Self Associates, Inc.  
PO Box 2192  
Orinda, California 94563

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

Dear Mr. Allan:

On September 8, 2008, the City of Palmdale filed an Application for Confidentiality on behalf of the Palmdale Hybrid Power Plant (Docket No. 08-AFC-9). The Application seeks confidentiality for portions of the Cultural Resources Technical Report for the City's Application for Certification (hereinafter referred to as "Technical Report"). Specifically, the City requests confidential designation of the following portions of the Technical Report:

- Location information for archaeological sites in the Survey Results section and in Table 15
- All of Figure 7 (Maps 1 and 2)
- Attachment 4 (Photos)
- Attachment 5 (DPR 523 Forms)
- Attachment 8 (Records Search Maps)
- Attachment 9 (DPR forms of Previously Recorded Sites)
- Attachment 10 (Cultural Resource Reports from Previous Studies)

You state that the Technical Report:

. . . specifically identifies archaeological site locations and areas of potential cultural significance. . . If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

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

Therefore, Palmdale's September 8, 2008, confidentiality application for portions of the Technical Report is granted in its entirety. The portions of the Technical Report identified above 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 Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,



MELISSA JONES  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager