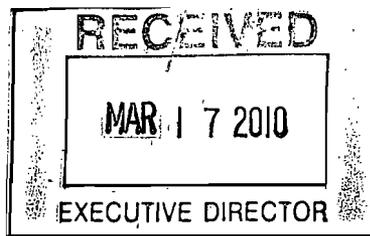




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CONFIDENTIAL

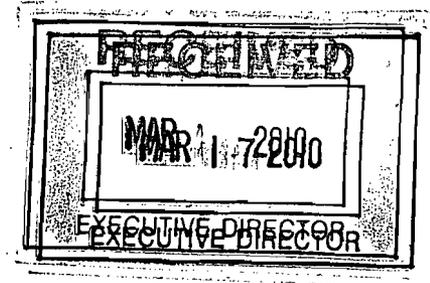
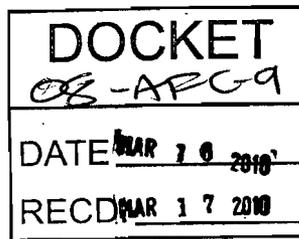


Consultants in Archaeology and Historic Preservation

www.williamself.com

March 16, 2010

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



Subject: Request for Confidential Designation
Figures for the Assessment of Potential PHPP Impacts to Five Additional
Archaeological Sites

Docket Number: 08-AFC-9

COMPLETED

Dear Ms. Jones,

The City of Palmdale (City), Los Angeles County, California is the Applicant for the proposed Palmdale Hybrid Power Project (PHPP). As part of the City's consultant team preparing the Application for Certification (AFC), William Self Associates, Inc. (WSA) undertook a cultural resource assessment for the PHPP of five additional archaeological sites that were identified by CEC staff as having the potential to be impacted by Project construction. This work was performed under subcontract to AECOM Inc., who prepared the AFC under contract to Inland Energy, Inc. who submitted the AFC on behalf of the City. The City requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as "Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites."

In support of its application for confidential designation, WSA provides the following information:

APPLICANT: City of Palmdale
ADDRESS: Palmdale City Hall
38300 Sierra Highway
Palmdale, CA 93550

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

"Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites."
Pages: 6.

William Self Associates, Inc.

E-mail: jallan@williamself.com

CORPORATE OFFICE: San Francisco Bay Area
PO Box 2192, 61 Avenida de Orinda
Orinda CA 94563
Phone: 925-253-9070/ 925-254-3553 fax

1(b). Specify the part(s) of the record for which you request confidential designation.

Locational information for archaeological sites provided in the six Figures.

- The Site Overview Map shows the location of all five sites in relation to the project area.
- The Site LAn-805 map shows the location of CA-LAn-805: This site is 35 m to the north of the survey corridor for the transmission line. The Applicant found no evidence during the survey that the site exists in the corridor. Consequently, the installation of poles within the surveyed corridor will not physically impact the site.
- The Site LAn-878 map shows the location of CA-LAn-878: This site is over 70 m outside of the survey corridor and is located in a new housing development. The Applicant found no evidence during the survey that the site exists in the corridor. Consequently, the gas pipeline trench within the surveyed corridor will not physically impact the site.
- The Site LAn-2772 map shows the location of CA-LAn-2772: This site is over 50 m outside of the survey corridor and on the opposite side of the paved road from the survey corridor. The Applicant found no evidence during the survey that the site exists in the corridor. The gas line trench within the surveyed corridor will not physically impact the site.
- The Site 19-1709 map shows the location of 19-1709: This site is over 150 m outside of the survey corridor and located in a new housing development. The Applicant found no evidence during the survey that the site exists inside the corridor. The project will not physically impact the site.
- The Site 19-2717 map shows the location of 19-2717: This site is located inside a fenced, restricted area on the Air Force Plant 42 Base, on the south side of Avenue M. The Applicant could not access the site and could see nothing from the fence, so it was not possible to update the site record. Drilling a hole for a transmission pole is not likely to impact the site physically.

The attached submittal includes the above-mentioned material that was not originally part of the AFC as supplied to the CEC for publication.

2. State and justify the length of time the Commission should keep the record confidential.

The “Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites” should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

We request that the submitted record be designated confidential pursuant to California Government Code § 6254(r), which exempts certain information related to archaeological and cultural resources from disclosure under the California Public Records Act. The Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites identify locations of sensitive archaeological and cultural resources potentially containing significant information related to

archaeological or historical objects, structures, landscapes, resources, or sites of concern to local Native American or other ethnic groups, or resources described in California Public Resources Code §§ 5097.9 or 5097.993. If the information in the submitted record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage the sensitive archaeological or cultural resources.

According to the Energy Commission's regulations, an application for confidential designation "shall be granted if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential." (Title 14, California Code of Regulations, § 2505(a)(3)(A) (emphasis added).) Accordingly, we request that this application be granted based on the applicability of Gov. Code § 6254(r).

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural resource sites described in the "Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites." Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The City believes CEC staff will require the specific information contained in the confidential version of the "Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites," to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, the City believes the CEC can incorporate a generalized summary of the information contained in the "Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites" to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The City has not disclosed any of the subject information to anyone other than its employees, contractors, attorneys, and consultants working on the Palmdale Hybrid Power Project. It will be marked "Confidential", stored separately from other PHPP files, and will be made available on a "need-to-know" basis as determined by a designated representative of the City or its consultants/attorneys/contractors.

Request for Confidential Designation

March 12, 2010

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I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct and complete to the best of my knowledge and that I am authorized to make the application and certification.

Sincerely,

WILLIAM SELF ASSOCIATES, INC.

A handwritten signature in cursive script that reads "James M. Allan" followed by a horizontal line.

James M. Allan, Ph.D., RPA
Principal