

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 30, 2009

DOCKET**09-AFC-10**

DATE NOV 30 2009

RECD. DEC 02 2009

Robert Gladden
Galati Blek, LLP
455 Capitol Mall, Ste 350
Sacramento CA 95814

RE: **Application for Confidentiality, Cultural Resources**
Rice Solar Energy Project
Docket No. 09-AFC-10

Dear Mr. Gladden:

On October 22, 2009, Rice Solar Energy, LLC, filed an application for confidentiality to the above-captioned docket, on behalf of Rice Solar Energy Project ("Applicant"). The application seeks confidentiality for Appendices to the Application for Certification related to cultural resources (hereinafter referred to as "Appendices"), specifically:

1. Appendix 5.3B Cultural Resources Inventory Report, with additional Appendices
2. Appendix 5.3C Cultural Resources Literature Search Result
3. Appendix 5.3E Cultural Resources Maps

Applicant states that the Appendices should be kept confidential indefinitely because:

If the descriptions of the locations of the sites are released to the public domain, there is a potential for looting of that site. . . Such looting would preclude scientific study of the sites to gain data about the cultural resources area.

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 provides for the nondisclosure of archaeological site information and reports. Gov. Code, sec. 6254.10. The Public Records Act also 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 cultural and archaeological resources, such as the information that you have submitted in the data adequacy supplement, is expressly in the public interest.

Therefore, Applicant's October 22, 2009, confidentiality application for the three Appendices listed above is granted in its entirety. The documents will be kept confidential for an indefinite period.

Any subsequent submittals related to archaeological 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', is written over a circular stamp. The signature is fluid and cursive.

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager