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CALIFORNIA ENERGY COMMISSION

2012 AUG 28 AM 9 19

DOCKET OFFICE

August 24, 2012

Mr. Rob Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

California Energy Commission

DOCKETED

09-AFC-8C

TN # 67039

AUG 24 2012

Subject: Confidential: Phase I LIDAR Report for the Unit 1 Buried Resource at the Genesis Solar Energy Project Riverside County, California;
Genesis Solar Energy Project (09-AFC-8)

Dear Mr. Oglesby:

The attached Phase I LIDAR Report for the Unit 1 Buried Resource at the Genesis Solar Energy Project is being submitted under confidential cover. This document is in support of Phase I of mitigation efforts being undertaken at the Genesis Solar Energy Project (09-AFC-8) as required by the Genesis Solar Energy Project Unit 1 Buried Resource Phase I and Phase II Mitigation Plan.

Enclosed is one (1) hard copy and four (4) electronic copies on CD. If you have any questions or require further information, please contact me at matt.tennyson@aecom.com or at (619) 233-1454.

Respectfully Submitted,

Matthew Tennyson, M.A., RPA
Alternate Cultural Resources Specialist, GSEP

APPLICATION FOR CONFIDENTIAL DESIGNATION

(Title 20 Cal. Code. Regs., § 2505 et seq.)

TO: ENERGY COMMISSION EXECUTIVE DIRECTOR, MS-39

ENERGY COMMISSION CONTRACT/DOCKET NO. (IF APPLICABLE):

09-AFC08

APPLICANT: Genesis Solar, LLC

ADDRESS: 700 Universe Boulevard
Juno Beach, FL 33408

- 1(a). Title, date, and description (including number of pages) of the information or data for which you request confidential designation. **Information or data seeking a designation of confidentiality must be included with this application.**

PHASE I LIDAR REPORT FOR THE UNIT 1 BURIED RESOURCE AT
THE GENESIS SOLAR ENERGY PROJECT
RIVERSIDE COUNTY, CALIFORNIA

- 1(b). Specify the part(s) of the information or data for which you request confidential designation.

This document contains maps that show the location of cultural resources. Cultural resource locations are confidential and not meant for public distribution.

2. State and justify the length of time the Energy Commission should keep the information or data confidential.

Cultural resource location should be kept Confidential in perpetuity. Furthermore, the Bureau of Land Management has proprietary ownership of this information and controls how it is disseminated.

- 3(a). State the provision(s) of the Public Records Act (Gov. Code, § 6250 et seq.) or other law that allows the Energy Commission to keep the information or data confidential, and explain why the provision(s) apply to that material.

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 resource site locations must be kept confidential in order to preserve them.

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

Cultural resource locations are kept confidential to prevent vandalism and any other unlawful disturbance to sites. Confidentiality is important in preserving sites for future research and/or Native American religious practice.

4. State whether the information or data can 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.

If maps showing Confidential resource locations are removed, then the document can be disclosed.

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

It has not been disclosed to anyone not authorized to view it.

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 on behalf of the applicant.

Dated: 8/30/2012

Signed: Matt P. [Signature]

Name (print or type): [Enter text here.]

Title: (print or type) [Enter text here.]

Representing: [Enter text here.]

Include additional signature blocks if there are multiple partners in the project with shared responsibilities for making the request.