



TETRA TECH EC, INC.

<b>DOCKET</b> <b>99-AFC-8C</b>
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December 15, 2008 (revised)  
(original submitted 12/01/08)

Melissa Jones  
 Executive Director  
 California Energy Commission  
 Energy Facilities Siting and Environmental Protection Division  
 California Energy Commission  
 1516 9th Street, MS 2000  
 Sacramento, CA 95814

DEC 15 2008  
 EXECUTIVE DIRECTOR

COMPLETED

**Subject: CONFIDENTIAL COVER SUBMITTAL OF THE REVISED DRAFT AMENDMENT TO CULTURAL RESOURCES INVENTORY OF THE PROPOSED BLYTHE ENERGY PROJECT TRANSMISSION LINE (Docket 99-AFC-8C), RIVERSIDE COUNTY, CALIFORNIA**

Dear Ms. Jones:

On behalf of Blythe Energy, LLC (the Applicant) in support of cultural condition CUL-7, please find enclosed five hard copies (unbound) and a CD of the *Revised Draft Amendment to Cultural Resources Inventory of the Proposed Blythe Energy Project Transmission Line, Riverside County, California (BEPTL Cultural Report)*, cultural resource report for the Blythe Energy Project Transmission Line (99-AFC-8C) project located on private land and land managed by the Bureau of Land Management (BLM, Palm Springs-South Coast Field office). This report is in response to minor realignments of the transmission line ROW, Southern California Edison communication changes, and additional laydown areas. The BLM is the lead federal agency for NEPA, and the California Energy Commission is the lead state agency for CEQA. The Applicant requests that the BEPTL Cultural Report be designated confidential pursuant to 20 CCR Section 2505.

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

*Revised Draft Amendment to Cultural Resources Inventory of the Proposed Blythe Energy Project Transmission Line, Riverside County, California, dated November 2008; pp. 189*

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

Applicant request confidential designation for the entire BEPTL Cultural Report (including Appendices).



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

The BEPTL Cultural Report should be kept confidential indefinitely to protect known cultural resources, including archaeological and historic objects, sites and districts, historic buildings and structures, cultural landscapes, and sites and resources of concern to local Native American or other public ethnic groups. If the confidential locations of these cultural resources are released to the public domain, there is potential risk of destruction and/or "looting" (stealing of artifacts) of these resources.

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 provisions (s) apply to the record.

The Cultural Resources Report specifically identifies site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254(e), 6254(k), and 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 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 damage and/or looting of the cultural resources sites described in the BEPTL Cultural Report. Damage and/or looting of cultural resources would preclude scientific study and data about the resource and would potentially impact the resources that are valued by Native Americans and other ethnic or religious groups and/or individuals.

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.

Applicant believes the California Energy Commission Staff can incorporate a generalized summary of the information contained in the BEPTL Cultural Report to properly state the basis for its analysis without disclosing information specific enough to facilitate damage and/or looting of sensitive resources.

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 applicant. If it has, explain the circumstances under which disclosure occurred.

Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the Conditions of Certification for the Project.

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. (Cal. Code Regs., title 20, § 2505(a)(1)(G).)

Please contact me at (916) 853-4575 or [jenna.farrell@tteci.com](mailto:jenna.farrell@tteci.com) if you have any questions or comments.

Sincerely,



Jenna Farrell  
Cultural Resource Specialist

Enc. Report and response to comment hard copies and CD  
cc. Gary Hickey, Blythe Energy, LLC, Mary Dyas, CEC Compliance Project Manager