

CALIFORNIA ENERGY COMMISSION

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January 9, 2009

Jenna Farrell
Tetra Tech EC, Inc.
10860 Gold Center Drive, Suite 200
Rancho Cordova, CA 95670

DOCKET	
99-AFC-8C	
DATE	JAN 0 9 2009
RECD.	JAN 0 7 2009

**RE: Revised Cultural Resources Mitigation and Monitoring Plan
Application for Confidentiality
Blythe Energy Project Transmission Line
Docket No. 99-AFC-8C**

Dear Ms. Farrell:

On December 19, 2008, Tetra Tech EC Inc., filed an application for confidentiality to the above-captioned docket, on behalf of Blythe Energy, LLC (Blythe). Blythe seeks confidentiality for the Revised Cultural Resources Mitigation and Monitoring Plan/Historic Properties Treatment Plan (CRMMP/HPTP), dated December, 2008, including Appendices.

Blythe's application for confidentiality states, in part:

The CRMMP/HPTP should be kept confidential indefinitely to protect know (sic) 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. . . . The CRMMP/HPTP 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).

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, § 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. § 470hh.) Non-disclosure of the archaeological and cultural resources, such as the

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information that you have submitted, is expressly in the public interest, to be kept confidential pursuant to the Archaeological Resources Protection Act. Therefore, Blythe's application for confidentiality will be granted in its entirety, and the CRMMP/HPTP, including Appendices, will be kept confidential for an indefinite period.

Please note that any subsequent submittals related to this application 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 Blythe files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Persons may petition to inspect or copy the 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 R. Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,



MELISSA JONES
Executive Director

cc: Docket Unit
Mary Dyas, Energy Commission Project Manager