

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512**DOCKET****09-AFC-5**DATE MAY 19 2010RECD. JUN 16 2010

May 19, 2010

James Allan  
William Self Associates, Inc.  
PO Box 2192  
Orinda CA 94563

RE: **Application for Confidentiality, Cultural Resources  
Palmdale Hybrid Power Project  
Docket No. 09-AFC-5**

Dear Mr. Allan:

On March, 17, 2010, you submitted an Application for Confidentiality on behalf of the City of Palmdale ("Applicant") for the Palmdale Hybrid Power Project (Docket No. 09-AFC-5). The application seeks confidential designation for the document titled "Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites" ("the documents").

Applicant states that the documents identify the locations of the cultural resource sites, and that:

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.

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 resources, such as the information that you have submitted in the above documents, is expressly in the public interest.

Therefore, the City of Palmdale's March 17, 2010, confidentiality application is granted

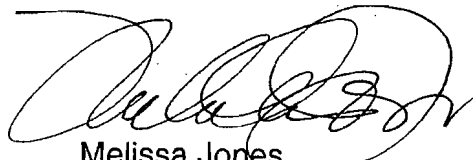
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in its entirety. The documents will be kept confidential for an indefinite period.

**Any subsequent submittals related to paleontological 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', written over a circular stamp or seal.

Melissa Jones  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager