

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 12, 2009

DOCKET**09-AFC-8**

DATE NOV 12 2009

RECD NOV 12 2009

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

RE: **Application for Confidentiality**
Genesis Solar Energy Project Cultural Resources
Docket No. 09-AFC-8

Dear Ms. Farrell:

On October 12, 2009, Genesis Solar, LLC, filed an application for confidentiality to the above-captioned docket, on behalf of Genesis Solar Energy Project ("Applicant"). The application seeks confidentiality for the data adequacy supplemental cultural resource information. Specifically, Applicant requests confidentiality for the following documents:

1. Department of Parks and Recreation 523 Forms
2. Maps for Appendix H: Class III Archaeological site locations
3. Draft Historical Resources Inventory

Applicant states that the data adequacy supplemental cultural resource information should be kept confidential indefinitely because:

If the confidential locations of these cultural resources are released to the public domain, there is a potential risk of destruction and/or "looting" (stealing of artifacts) of these resources. . . 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.

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

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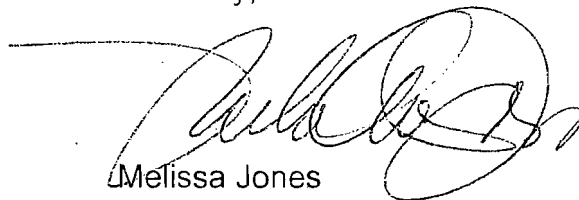
all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural and archaeological resources, such as the information that you have submitted in the data adequacy supplement, is expressly in the public interest.

Therefore, Applicant's October 12, 2009, confidentiality application for the three documents 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", written over a horizontal line.

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager