

DOCKETED

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July 3, 2019

Scott A. Galati
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**APPLICATION FOR CONFIDENTIAL DESIGNATION: APPENDIX A TO
ATTACHMENT 6 OF THE FEBRUARY 2019 MONTHLY COMPLIANCE
REPORT FOR THE STANTON ENERGY RELIABILITY CENTER, DATED
MARCH 13, 2019, DOCKET NO. 16-AFC-01**

Dear Mr. Galati:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Stanton Energy Reliability Center, LLC (Applicant). The application seeks confidential designation for *Appendix A to Attachment 6 of the February 2019 Monthly Compliance Report for the Stanton Energy Reliability Center, dated March 13, 2019.*

The application states:

The reports...should be kept confidential indefinitely to protect potential cultural resources and sites. If the descriptions of the locations of the sites are released to the public domain, there is potential for looting of that site... Such looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

The reports identify and describe culturally sensitive materials discovered during construction. They are thus protected under Government Code Sections 6254(e) and 6254 (k). Protection provided is analogous to that given to Native American sacred places under Section 6254 (r) of the Government Code.

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 California Energy Commission to keep the record confidential."

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The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code § 6254.10.) The Public Records Act also 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. sec. 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted, is expressly in the public interest.

Therefore, Applicant's confidentiality application seeking confidentiality of Appendix A to Attachment 6 of the February 2019 Monthly Compliance Report is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural resources can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any questions concerning this matter, please contact Jared Babula, at (916) 651-1462 or Jared.babula@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

cc: Docket Unit
Jared Babula, Senior Attorney
Dr. Thomas Gates, Cultural Resources Unit
John Heiser, Energy Commission Project Manager