

DOCKETED	
Docket Number:	19-SPPE-03
Project Title:	Sequoia Data Center
TN #:	230475
Document Title:	Response Application Confidential Designation Cultural Resources Data
Description:	***Supersedes TN230473**
Filer:	Liza Lopez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	11/1/2019 10:20:25 AM
Docketed Date:	11/1/2019



October 31, 2019

Mr. Scott A. Galati
DayZen, LLC
1720 Park Place Drive
Carmichael, CA 95608

**APPLICATION FOR CONFIDENTIAL DESIGNATION: CULTURAL
RESOURCES DATA, DOCKET NO. 19-SPPE-03**

Dear Mr. Galati:

The Energy Commission is in receipt of C-1 Santa Clara LLC's (Applicant) Application for Confidentiality for cultural resource reports from the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) listed in Attachment A to this letter.

The application states that the reports should be kept confidential indefinitely to protect potential cultural resources and sites. According to the application, if the descriptions and locations of the sites are released to the public domain, there is potential for unauthorized collection or looting of the sites. The application also states that the public interest will be served by nondisclosure by preventing looting of the cultural resources and sites described in the reports, because such looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

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."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports as well as records of Native American places, features, and objects. (Gov. Code §§6254(r), 6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code §6254(k).)

Mr. Scott A. Galati
October 31, 2019
Page 2

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.)

Protection of cultural resources location information to prevent looting and unauthorized collection is in the public interest and expressly covered under the law. Therefore, the requested confidentiality of location information contained in the cultural resource reports is granted in its entirety. Resource location data will be kept confidential for an indefinite period. Portions of the reports that do not provide location information or otherwise disclose information that would allow one to locate the archaeological resource may be publically disclosed.

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).

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the Executive Director may disclose or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, or raising, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506-2508.

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

Attachment A

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-005311	Voided - E-786 SCL	1980	Robert Cartier and Charlene Detlefs	Archaeological Evaluation of the San Jose Municipal Airport.	Archaeological Resource Management	43-000433
S-008345	Caltrans - 04393-389131; Caltrans - 04393-396171; Voided - E-828 SCL	1980	Mara Melandry	Archaeological Survey Report, 04-SCL-101, Portions of P.M. 38.3/52.5, Improvements to Route 101 Between Route 17 in San Jose and Embarcadero Road in Palo Alto, Santa Clara County, 04393-389131, 04393-396171	California Department of Transportation, District 04	43-000441
S-008521	Submitter - ARS 79-78; Voided - E-1026 SCL	1979	Katherine Flynn	Archaeological reconnaissance of approximately 9 miles of Central Expressway from De La Cruz Boulevard to San Antonio Road (WO #872824) (letter report)	Archaeological Resource Service	
S-010001	Voided - S-10163; Voided - S-10251	1988	Rebecca Loveland Anastasio, Angela M. Banet, Donna M. Garaventa, Robert M. Harmon, and Michael R. Fong	A Cultural Resources Assessment for Proposed Widening and Improvements to Highway 101 Between Highways 280/680 and Trimble Road/De La Cruz Avenue, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	43-000681, 43-000682, 43-000683, 43-000684, 43-000685, 43-000686, 43-000687, 43-000736
S-010001a		1988	Rebecca Loveland Anastasio, Angela M. Banet, Donna M. Garaventa, R. M. Harmon, Michael R. Fong, and Mella J. Rothwell	A Historic Properties Survey Report for Proposed Widening and Improvements to Highway 101 Between Highways 280/680 and Trimble Road/De La Cruz Avenue, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	
S-010001b		1988	Rebecca Loveland Anastasio, Angela M. Banet, Donna M. Garaventa, R. M. Harmon, Michael R. Fong, and Mella J. Rothwell	Historic Properties Survey Report for Proposed Widening and Improvements to Highway 101 Between Highways 280/680 and Trimble Road/De La Cruz Avenue, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	
S-010154	Voided - S-009205; Voided - S-009538	1988	Rebecca Loveland Anastasio, Donna M. Garaventa, Stuart A. Guedon, Robert M. Harmon, and Mella J. Rothwell	Historic Property Survey of the Proposed Central Expressway Commuter Lane Project Located in the Cities of Santa Clara, Sunnyvale, and Mountain View in Santa Clara County, California	Basin Research Associates, Inc.	43-000030, 43-000046, 43-000047, 43-000048, 43-000049, 43-000705, 43-000706, 43-000707, 43-000708, 43-000710, 43-000711, 43-000712, 43-000713, 43-000714, 43-000715, 43-000716, 43-000717

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-010154a		1987	Rebecca Loveland Anastasio, Donna M. Garaventa, Stuart A. Guedon, Robert M. Harmon, and Mella J. Rothwell	Historic Property Survey of the Proposed Central Expressway Commuter Lane Project Located in the Cities of Santa Clara, Sunnyvale, and Mountain View in Santa Clara County, California	Basin Research Associates, Inc.	
S-010154b		1987	Rebecca Loveland Anastasio, Donna M. Garaventa, Stuart A. Guedon, Robert M. Harmon, and Mella J. Rothwell	Historic Property Survey of the Proposed Central Expressway Commuter Lane Project Located in the Cities of Santa Clara, Sunnyvale, and Mountain View in Santa Clara County, California	Basin Research Associates, Inc.	
S-014230	IC Record Search Nbr - 60800-92-62	1992	Robert Cartier, Allika Ruby, Jason Bass, and Mike Kelley	Evaluation of Archaeological Resources for the San Jose/Santa Clara Nonpotable Water Reclamation Project	Archaeological Resource Management	43-000026, 43-000027, 43-000057, 43-000058, 43-000318, 43-000349, 43-000423, 43-000448, 43-000451, 43-000473, 43-000529, 43-000554, 43-000561, 43-000564, 43-000576, 43-000588, 43-000614, 43-000623
S-014599	Voided - S-14883	1992	Donna M. Garaventa, Steven J. Rossa, Melody E. Tannam, and Deborah M. DiPasqua	Cultural Resources Assessment for the San Jose International Airport Runway 12R/30L Expansion Project EIR, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	
S-014599a		1992	James C. Bard	Completion of Archaeological Monitoring, Runway Expansion, San Jose International Airport (SJIA) (letter report)	Basin Research Associates, Inc.	
S-015935	IC Record Search Nbr - 60800-93-161	1993	Robert Cartier	Cultural Resource Evaluation of the De La Cruz Boulevard Project in the City of Santa Clara, County of Santa Clara	Archaeological Resource Management	
S-018377	IC Record Search Nbr - 60800-95-299	1996	Robert Cartier, Lynne Eckert, Jeanne Goetz, and Jon Reddington	Cultural Resource Evaluation of the Santa Clara Pipe Alignment for the South Bay Water Recycling Project	Archaeological Resource Management	
S-019072	Voided - S-18541; Voided - S-23080	1996	Colin I. Busby, Donna M. Garaventa, Melody E. Tannam, and Stuart A. Guedon	Historic Properties Treatment Plan, South Bay Water Recycling Program.	Basin Research Associates, Inc.	43-000024, 43-000057, 43-000217, 43-000423, 43-000529, 43-000966
S-019072a		1996	Colin I. Busby, Donna M. Garaventa, Melody E. Tannam, and Stuart A. Guedon	Supplemental Report: Historic Properties Affected or Potentially Affected by the South Bay Water Recycling Program	Basin Research Associates, Inc.	

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-019072b		1999	Colin I. Busby	South Bay Water Recycling Program - Cultural Resources Program, Subcontract No. 728106.3024, Monitoring Closure Report - Phase 1 (letter report)	Basin Research Associates, Inc.	
S-020327		1998	Mark G. Hylkema	Extended Phase I Archaeological Survey Report, Subsurface Presence/Absence Testing at the Woolen Mills Chinatown Site (CA-SCL-807H) and Three Storm Water Detention Basins, for the Route 87 Guadalupe Corridor Freeway Project, City of San Jose, Santa Clara County, California: 04-SCL-87 PM 6.3/9.4, 04-SCL-101 PM	California Department of Transportation, District 4	43-000990
S-022819		2000	Wendy J. Nelson, Maureen Carpenter, and Julia G. Costello	Cultural Resources Survey for the Level (3) Communications Long Haul Fiber Optics Project, Segment WS05: San Jose to San Luis Obispo	Far Western Anthropological Research Group, Inc.; Foothill Resources, Ltd.	27-001191, 27-001219, 27-001243, 27-001889, 27-002242, 27-002322, 35-000024, 35-000036, 35-000111, 43-000106, 43-000109, 43-000141, 43-000455, 43-000573, 43-000575, 43-001071
S-022948		2000	Miley Paul Holman	Archaeological Backhoe Trenching of the Exodus Property, Santa Clara, Santa Clara County, California (letter report)	Holman & Associates	
S-023087		1999	Stuart Guedon	Archaeological Monitoring Closure Report, Westside Interim Long-Term and Employee Parking Lot (Airport Master Plan Update, Phase 1, Project T-1), San Jose International Airport, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	
S-023934		2001		Cultural Resources Investigations for XO California, Inc. Fiber Optic Installations in San Francisco and Santa Clara Counties	Jones & Stokes	
S-025173	Submitter - 347-20	2002	John Holson, Cordelia Sutch, and Stephanie Pau	Cultural Resources Report for San Jose Local Loops, Level 3 Fiber Optics Project in Santa Clara and Alameda Counties, California	Pacific Legacy, Inc.; William Self Associates, Inc.	43-000019, 43-000026, 43-000058, 43-000141, 43-000308, 43-000369, 43-000382, 43-000387, 43-000398, 43-000423, 43-000433, 43-000444, 43-000448, 43-000451, 43-000473, 43-000476, 43-000479, 43-000530, 43-000565, 43-000623, 43-000624, 43-000709, 43-000925, 43-001013, 43-001024, 43-001056, 43-001071, 43-001102

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-025327		2002	John A. Nadolski and Michelle St. Clair	Archaeological Investigations for the 650 Walsh Avenue, Santa Clara Wireless Communications Site, CA 2261D	Pacific Legacy, Inc.	
S-027280		2003	Jeff Rosenthal and Richard T. Fitzgerald	Subsurface Archaeological Survey Along the Guadalupe River and Phase 1.5 Test Excavation at CA-SCL-828 as Part of the Guadalupe Parkway Reevaluation, San Jose, California: EA 4874G1, 4-SCL-101 K.P. 63.3/66.0	Far Western Anthropological Research Group, Inc.; Caltrans	43-001163
S-030599		2004		Archaeological Monitoring Report, Improvement of Runway 30L Extension - 2004 (Airport Master Plan Update), Norman Y. Mineta San Jose International Airport, City of San Jose, Santa Clara County, California	Basin Research Associates, Inc.	
S-030858		2005	Carolyn Losee	New Tower ("NT") Submission Packet, FCC Form 620, Paragon Mechanical, SJ-026-01	Archaeological Resources Technology	43-001731
S-033061	Submitter - SWCA Cultural Resources Report Database No. 06-507; Submitter - SWCA Report No. 10715-	2006	Nancy Sikes, Cindy Arrington, Bryon Bass, Chris Corey, Kevin Hunt, Steve O'Neil, Catherine Pruet, Tony Sawyer, Michael Tuma, Leslie Wagner, and Alex Wesson	Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project, State of California	SWCA Environmental Consultants	01-000027, 01-000040, 01-000087, 01-000088, 01-000089, 01-000090, 07-000138, 27-000802, 27-001191, 27-001207, 28-000467, 43-000106, 43-000141, 43-000449, 43-000573, 43-000575, 43-000754, 43-000928, 43-001071, 48-000208, 48-000211, 48-000214, 48-000441, 48-000549, 49-001583, 57-000194, 57-000198, 57-000297, 57-000301, 57-000307
S-033061a		2006		Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project, State of California	SWCA Environmental Consultants	
S-033061b		2007	Nancy E. Sikes	Final Report of Monitoring and Findings for the Qwest Network Construction Project (letter report)	SWCA Environmental Consultants	
S-034231		2006	Colin I. Busby	Renzel Airfield Improvements (2005), Taxiway "Y", "Z", and NC Storm Sewer Improvements - Norman Y. Mineta San Jose International Airport, City of San Jose, Santa Clara County, California, Archaeological Monitoring Closure Report (letter report)	Basin Research Associates, Inc.	

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-035004		2008	Miley Holman and Ian Alexander	A Report of Findings from Mechanical Subsurface Archaeological Testing of the Santa Clara 535 Reed Street Project Area, Santa Clara, Santa Clara County, California	Holman & Associates	
S-036715	Submitter - Project 07-SCAO-092.3	2009		Historic Property Survey Report/Finding of Effect, South Bay Water Recycling (SBWR) Stimulus Projects, Santa Clara Industrial 1, City of Santa Clara, Santa Clara County	Basin Research Associates, Inc.	
S-036717		2009		Historic Property Survey Report/Finding of Effect, South Bay Water Recycling (SBWR) Stimulus Projects, Santa Clara Industrial 2, City of Santa Clara, Santa Clara County	Basin Research Associates	
S-038425	Submitter - Project Number CNU3755	2001	Lorna Billat	Collocation Submission Packet, Paragon Mechanical, CNU3755, 2460 De La Cruz Blvd. Santa Clara City and County	EarthTouch, Inc.	43-001731
S-040756	Caltrans - EA 04-234-26470K	2012	Philip Kajjankoski, Jack Meyer, and Julia Costello	Extended Phase 1 Subsurface Archaeological Explorations for the US 101/ De La Cruz Boulevard/Trimble Road Interchange Improvement Project, San Jose, Santa Clara County, California; 04-SCL-101 PM 40.5/41.5, EA 04-234-26470K	Far Western Anthropological Research Group, Foothill Resources, Ltd.	43-000649
S-040756a		2012	Philip Kajjankoski	Historical Resources Compliance Report for the US 101/De La Cruz Boulevard/Trimble Road Interchange Improvement Project, San Jose, Santa Clara County, California, 04-SCL-101 PM 40.5/41.5, EA 04-234-26470K	Far Western Anthropological Research Group, Inc.	
S-045670	Caltrans - EA 2G7100; Caltrans - Project No. 0412000459; OHP PRN - FHWA 2014 0527 001	2014	Kathleen Kubal	Historic Property Survey Report, US 101 Express Lanes Project, Santa Clara County, California, Project No. 0412000459/EA 2G7100, 04-SCL-101 PM 16.00/52.55, 04-SCL-85 PM 23.0/24.1	URS Corporation	43-000032, 43-000040, 43-000072, 43-000175, 43-000181, 43-000183, 43-000189, 43-000247, 43-000250, 43-000251, 43-000252, 43-000339, 43-000345, 43-000415, 43-000416, 43-000441, 43-000560, 43-000568, 43-001001, 43-001095, 43-001163, 43-001473
S-045670a		2014	Kathleen Kubal	Supplemental Historic Property Survey Report, US 101 Express Lanes Project, Project No. 0412000459/EA 2G7100, 04-SCL-101 PM 16.00/52.55 - 04-SCL-85 PM 23.0/24.1, Santa Clara County, California	URS Corporation	

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-045670b		2014	Nancy E. Sikes, Molly Valasik, Amy Glover, Jay Rehor, and Kathleen Kubal	Archaeological Survey Report, US 101 Express Lanes Project, Project No. 0412000459/EA 2G7100, US 101 PM 16.00/52.55 - SR 85 PM 23.0/R24.1, Santa Clara County, California	Cogstone Resource Management, Inc.; URS Corporation	
S-045670c		2014	Jay Rehor	Extended Phase I Study, US 101 Express Lanes Project, Project No. 0412000459/EA 2G7100, US 101 PM 16.00/52.55 - SR 85 PM 23.0/R24.1, Santa Clara County, California	URS Corporation	
S-045670d		2014	Karin G. Beck	Historical Resources Evaluation Report, US 101 Express Lanes Project, Project No. 0412000459/EA 2G7100, US 101 PM 16.00-52.55, SR 85 PM 23.0-24.1, Santa Clara County, California	URS Corporation	
S-045670e		2014	Carol Roland-Nawi	FHWA 2014 0527 001 Determinations of Eligibility for the Proposed US 101 Express Lanes Project, Santa Clara County, California	California Office of Historic Preservation	
S-046600	Submitter - CA-DGP048A	2015	Lorna Billat	New Tower ("NT") Submission Packet, FCC Form 620, Silicon Valley Power, CA-DGP048A	EarthTouch Inc.	43-003529
S-046600a		2015	Dana Supernowicz	Architectural Evaluation Study of the Silicon Valley Power Project, DGP Development Site No. DGP048A, 815 Comstock Street, Santa Clara County, California	Historic Resource Associates	
S-048099		2016	Sunshine Psota	Results of Archaeological Monitoring and Presence/Absence Trenching for SF-1 Data Center Addendum at 555 Reed Street in Santa Clara, Santa Clara County (letter report)	Holman & Associates	

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-048738		2011	Denise Jurich and Amber Grady	California High-Speed Train Project, Environmental Impact Report/Environmental Impact Statement, Draft: San Francisco to San Jose Section, Archaeological Survey Report, Technical Report	PBS&J	38-000015, 38-004638, 38-005487, 38-005488, 41-000009, 41-000105, 41-000230, 41-000231, 41-000281, 41-000310, 41-000311, 41-000465, 41-000491, 41-000497, 41-000498, 41-000506, 41-001350, 41-001351, 41-001541, 41-001582, 41-002116, 41-002147, 41-002160, 41-002395, 41-002396, 41-002397, 41-002398, 41-002399, 41-002400, 41-002401, 41-002402, 41-002488, 41-002489, 41-002490, 41-002491, 41-002492, 41-002493, 41-002494, 41-002495, 41-002496, 41-002497, 41-002498, 41-002499, 41-002500, 41-002501, 41-002502, 41-002503, 41-002504, 41-002505, 41-002506, 41-002507, 41-002508, 41-002509, 41-002510, 41-002511, 41-002512, 41-002513, 41-002514, 41-002515, 41-002516, 41-002517, 41-002518, 41-002519, 41-002520, 41-002521, 41-002522, 41-002523, 41-002524, 41-002525, 41-002526, 41-002527, 41-002528, 41-002529, 41-002530, 41-002531, 41-002532, 41-002533, 41-002534, 41-002535, 41-002536, 41-002537, 41-002538, 41-002539, 41-002540, 41-002541, 41-002542, 41-002543, 41-002544, 41-002545, 41-002546, 41-002547, 41-002548, 41-002549, 41-002550, 41-002551, 43-000021, 43-000028, 43-000042, 43-000050, 43-000595, 43-000619, 43-000669, 43-002193, 43-003137, 43-003172, 43-003475, 43-003477, 43-003577, 43-003690, 43-003691, 43-003692, 43-003693, 43-003694, 43-003695, 43-003696, 43-003697, 43-003698, 43-003699, 43-003700, 43-003701, 43-003702, 43-003703, 43-003704, 43-003705, 43-003706, 43-003707, 43-003708, 43-003709, 43-003710, 43-003711, 43-003712, 43-003713, 43-003714, 43-003715, 43-003716, 43-003717, 43-003718, 43-003719,

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-048738a		2011	Amber Grady and Richard Brandi	California High-Speed Train Project Environmental Impact Report/Environmental Impact Statement, Draft: San Francisco to San Jose Section Historic Architectural Survey Report, Technical Report	PBS&J	43-003721, 43-003722