

## DOCKETED

<b>Docket Number:</b>	13-AFC-01
<b>Project Title:</b>	Alamitos Energy Center
<b>TN #:</b>	201614
<b>Document Title:</b>	CEC Response to Application for Confidential Designation re Cultural Resources
<b>Description:</b>	N/A
<b>Filer:</b>	Janice Titgen
<b>Organization:</b>	California Energy Commission
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**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

January 30, 2014

Samantha G. Pottenger  
Ellison, Schneider & Harris LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816

RE:           **Application for Confidential Designation for Cultural Resources  
Alamitos Energy Center  
Docket No. 13-AFC-01**

Dear Ms. Pottenger:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Alamitos Energy Center ("Applicant"). The Application seeks confidential designation for the following documents:

- 1) Appendix 5.3B – Cultural Resources Inventory Report;
- 2) Appendix 5.3C – Literature Search Results; and
- 3) Appendix 5.3E – Full Results Maps

The application states:

The public interest in nondisclosure is that disclosure may enable location of these resources by thieves, vandals, or persons conducting unauthorized collection of materials. . . . The Applicant considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless.

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."

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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 location information that you have submitted is expressly in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within Appendices 5.3B, 5.3C, and 5.3E 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 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 Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,



Robert P. Oglesby  
Executive Director

cc: Docket Unit  
Keith Winstead, Energy Commission Project Manager