

DOCKETED

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Project Title:	El Segundo Power Redevelopment Project Compliance
TN #:	201616
Document Title:	CEC Response to Application for Confidential Designation of Biological Resources Map
Description:	N/A
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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

January 31, 2014

John A. McKinsey
Locke & Lord LLP
500 Capitol Mall, Suite 1800
Sacramento, CA 95814

RE: **El Segundo Energy Center**
Application for Confidential Designation: Biological Resources Map in
Docket No. 00-AFC-14C

Dear Mr. McKinsey:

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

Biological Resources Map at a scale greater than 1:350,000

The application states:

The Confidential Information contains data obtained from the California Natural Diversity Database, that assists in identifying the potential locations of biological resources that might be present in and around the proposed project site and the ESEC facility in general. California Natural Diversity Database Data Use Guidelines advise against publishing maps that depict special species or habitat locations at a scale larger than 1:350,000 (specifically, maps that contain information in the "polygon" layer) to prevent others from using the detailed information to harm a special status species or its habitat.

In this case the subject map is at a scale of 1:50,000 and contains even greater detail than what can be seen on a 1:350,000 scaled map.

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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Title 20 section 2505(b) requires the Commission to abide by confidential designations made by other governmental entities. In this case the California Natural Diversity Database is a database developed and maintained by the California Department of Fish and Wildlife (CDFW). Given CDFW's finding that maps at a certain scale, including the map you have submitted, present a risk to biological resources and that such maps should be treated as confidential, the Energy Commission will also designate the subject map as confidential under the same terms.

Any subsequent submittals related to biological 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
Craig Hoffman, Compliance Project Manager
Anwar Ali, Biological Resources
Ann Crisp, Biological Resources

APPENDIX A

See attached.