

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-AFC-01
<b>Project Title:</b>	Pecho Energy Storage Center
<b>TN #:</b>	240703
<b>Document Title:</b>	Application for Confidential Designation for AFC Appendix 53B Cultural Existing Conditions Report
<b>Description:</b>	N/A
<b>Filer:</b>	Amanda Cooley
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	11/23/2021 1:06:02 PM
<b>Docketed Date:</b>	11/23/2021



November 23, 2021

Mr. Drew Bohan  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

RE: **Pecho Advanced Compressed Air Energy Storage Facility Project (21-AFC-01) Application for Confidential Designation for AFC Appendix 5.3B Cultural Existing Conditions Report**

Dear Mr. Bohan:

Pursuant to Sections 2501 *et seq.*, of Title 20 of the California Code of Regulations, Pecho LD Energy Storage, LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Appendix 5.3B, *Cultural Existing Conditions Report*, of the Application for Certification of the Pecho Advanced Compressed Air Energy Storage Facility Project.

Please contact us at (916) 447-2166 should you have any questions or require additional information. Thank you.

Sincerely,

/s/

\_\_\_\_\_  
Samantha G. Neumyer  
Jeffery D. Harris  
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

Cc: Linda Barrera, CEC Chief Counsel

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Pecho Advanced Compressed Air Energy Storage Facility Project, (21-AFC-01)**

1. *Specifically indicate those parts of the record which should be kept confidential.*
  - a. *Title, date, and description (including number of pages) of the information or data for which you request confidential designation.*

Pecho LD Energy Storage, LLC (the “Applicant”) seeks confidential designation for the following:

<b>Title</b>	<b>Date</b>	<b>Description</b>	<b># of Pages</b>
Appendix 5.3B, <i>Cultural Existing Conditions Report</i>	October 2021	Appendix 5.3B is the technical appendix supporting the cultural resources section of the Application for Certification of the Pecho Advanced Compressed Air Energy Storage Facility Project (“Project”).	1,585

Please note that for the purposes of uploading the document to the CEC’s e-filing system, Appendix 5.3B was divided into nine 30MB or smaller sized files.

- b. *Parts of the information or data for which you request confidential designation.*

Appendix 5.3B should be kept confidential in its entirety as it contains sensitive and confidential information regarding cultural resources, including tribal cultural resources and archaeological resources.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

This information should be held confidential indefinitely in order to protect the cultural resources identified therein.

3. *Cite and discuss:*

- a. *the provisions of the Public Records Act or other law that allow the Commission to keep the information or data confidential, and explain why the provision applies to the material.*

The Public Records Act exempts from disclosure (1) information regarding Native American places, features, and objects and (2) archaeological site information and reports maintained by or in the possession of agencies. (See, Govt. Code §§ 6254(r), 6254.10.) These provisions apply to the material because Appendix 5.3B contains information regarding both Native American places, features and objects, and archaeological site information and reports maintained as confidential by the California Office of Historic Preservation and California Department of Parks and Recreation.

- b. *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise*

