

**DOCKETED**

<b>Docket Number:</b>	23-AFC-03
<b>Project Title:</b>	Black Rock Geothermal Project (BRGP)
<b>TN #:</b>	249880
<b>Document Title:</b>	Black Rock Geothermal Project Application for Confidential Designation for Confidential Bio Resources GIS Files
<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>	4/26/2023 2:06:39 PM
<b>Docketed Date:</b>	4/26/2023



April 26, 2023

Mr. Drew Bohan  
Executive Director  
California Energy Commission  
715 P Street  
Sacramento, CA 95814

RE: **Black Rock Geothermal Project (23-AFC-03) Application for Confidential Designation for Confidential Biological Resources GIS Files**

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, Black Rock Geothermal LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Confidential Biological Resources GIS files in support of the Application for Certification of the Black Rock Geothermal Project.

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

Sincerely,

/s/

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Samantha G. Neumyer  
Christopher T. Ellison  
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

**APPLICATION FOR CONFIDENTIAL DESIGNATION  
Black Rock Geothermal Project (23-AFC-03)**

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

Black Rock Geothermal LLC (the “Applicant”) seeks confidential designation for the following biological resources information (the “Information”) submitted on behalf of the Black Rock Geothermal Project (“BRGP”):

<b>Title</b>	<b>AFC Subject Area/ Description</b>
Biological Resources GIS files	Biological Resources

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain biological resources.

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

The Information should be held confidential indefinitely to protect the biological 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.*
  - (b) *the public interest in nondisclosure of the material submitted for confidential designation. If the material contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please state how it would be lost, the value of the information to the applicant and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

California Energy Commission Staff has directed the Applicant to submit the Information under confidential cover as the GIS files contain sensitive information regarding biological resources. The Information includes details regarding special status and common species occurrences and locations in the areas surveyed on behalf of the BRGP obtained from the California Natural Diversity Database (“CNDDDB”), in addition to information obtained from surveys conducted on behalf of the Applicant. California Government Code Section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. The public interest in nondisclosure outweighs that of disclosure, as disclosure may enable the location of sensitive biological resources sites by entities conducting unauthorized collection or disturbance of such resources.

