

DOCKETED

Docket Number:	23-AFC-01
Project Title:	Morton Bay Geothermal Project (MBGP)
TN #:	250686
Document Title:	Application for Confidential Designation for AFC Data Adequacy Supplement Set 2
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	6/20/2023 3:15:50 PM
Docketed Date:	6/20/2023



June 20, 2023

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

RE: **Morton Bay Geothermal Project (23-AFC-01) Application for Confidential Designation for AFC Data Adequacy Supplement Set 2**

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, Morton Bay Geothermal LLC (the "Applicant") hereby submits this *Application for Confidential Designation* for Data Adequacy Supplement Set 2, of the Application for Certification of the Morton Bay Geothermal Project.

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

Sincerely,

/s/

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

Attorneys for Applicant

**APPLICATION FOR CONFIDENTIAL DESIGNATION
Morton Bay Geothermal Project (23-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.*
 - b. *Parts of the information or data for which you request confidential designation*

Morton Bay Geothermal LLC (the “Applicant”) seeks confidential designation for the following biological resources information (the “Information”) submitted on behalf of the Morton Bay Geothermal Project (“MBGP”):

AFC Appendix Number	Title	AFC Subject Area/ Description
5.2-1	Figure DA 5.2-1, Desert Pupfish Habitat	Biological Resources Figures depicting locations of special-status species.
5.2-3c	Distribution and occupancy of Yuma Ridgway’s rails within proposed geothermal development areas in Imperial Valley, California	Biological Resources Figures depicting locations of special-status species.

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 figures contain sensitive information regarding biological resources.

