

**DOCKETED**

<b>Docket Number:</b>	23-AFC-03
<b>Project Title:</b>	Black Rock Geothermal Project (BRGP)
<b>TN #:</b>	251171
<b>Document Title:</b>	CEC's Response Letter re June 20, 2023 Confidentiality Application
<b>Description:</b>	N/A
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July 26, 2023

**Via Email**

Samantha G. Neumyer  
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**Application for Confidential Designation:  
Black Rock Geothermal Project  
Docket No. 23-AFC-03**

Dear Samantha G. Neumyer:

The California Energy Commission (CEC) has received Black Rock Geothermal Project's (applicant) Application for Confidentiality, dated June 20, 2023 (TN 250685), covering the following data:

- DA 5.2-1b - Distribution and occupancy of Yuma Ridgway's rails within proposed geothermal development areas in Imperial Valley, California
- DA 5.2-1c - Figure DA 5.2-1c, California Natural Diversity Database Occurrences within 1 Mile

The applicant seeks confidentiality for the data pursuant to California Code of Regulations, title 20, section 2505(a)(4) as a repeated application.

California Code of Regulations, title 20, section 2505(a)(4) provides: "Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC pursuant to section 2508, or for which an application for confidential designation was granted by the executive director pursuant to 2505(a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved."

**Report titled, *Distribution and Occupancy of Yuma Ridgway's rails within Proposed Geothermal Development Areas in Imperial Valley, California***

This report contains an analysis of the Yuma Ridgway's rails along with eight figures comprising various maps. The applicant identifies California Code of Regulations section 2505(a)(4) "Repeated Application" as the basis for confidentiality. The application also notes that a public version of the biological resource's maps was filed into the proceeding's docket.

**Executive Director's Determination**

This report is not substantially similar to information previously deemed confidential by the CEC in response letter TN 250014, dated May 5, 2023, docket No. 23-AFC-03. However, CEC biological resources staff reviewed the report and found that the report does not present a threat to biological resources because the location information is not of sufficient detail to allow one to locate sensitive resources. With regards to the eight maps contained in the report labeled Figures 1-8, staff did find that Figures 6 and 8 contain maps of sufficient detail to potentially locate Yuma Ridgway's rails, a special status species. Therefore, the application for confidentiality is denied as to the report except for Figures 6 and 8. A redacted report with Figures 6 and 8 removed will be docketed by staff with the maps maintained as confidential indefinitely.

**DA 5.2-1c – Figure DA 5.2-1c, California Natural Diversity Database Occurrences within 1 Mile**

Here, the applicant has attested under penalty of perjury that the information contained in the application is substantially similar to information previously deemed confidential by the CEC under section 2505(a)(3)(A) and that all the facts and circumstances relevant to confidentiality remain unchanged. The previous application was granted May 5, 2023, in response letter TN 250014, docket No. 23-AFC-03.

**Executive Director's Determination**

Confidential designation is consistent with the California Department of Fish and Wildlife's determination that Figure DA 5.2-1c should not be publicly available due to the resolution of the map detailing the location of vulnerable species.

Therefore, the CEC designates the data as confidential indefinitely. This confidentiality period is consistent with the period previously granted.

Be advised that under the California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy records is issued by the CEC's chief counsel. Under the California Code of Regulations, title 20, section 2507, the executive director may disclose, or release records previously designated as confidential in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set in the California Code of Regulations, title 20, sections 2506 to 2507.

If you have questions, please email [confidentialityapplication@energy.ca.gov](mailto:confidentialityapplication@energy.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal flourish extending to the right.

Drew Bohan  
Executive Director