

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-AFC-02
<b>Project Title:</b>	Willow Rock Energy Storage Center
<b>TN #:</b>	254788
<b>Document Title:</b>	WRESC Application for Confidential Designation Paleontological Resources Information
<b>Description:</b>	N/A
<b>Filer:</b>	Eric Janssen
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	3/1/2024 5:35:59 PM
<b>Docketed Date:</b>	3/4/2024



March 1, 2024

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

RE: **Willow Rock Energy Storage Center (21-AFC-02) Application for Confidential Designation of Paleontological Resources Information**

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 Appendix 5.8A: Willow Rock Energy Storage Center Paleontological Resources, of the Supplemental Application for Certification of the Willow Rock Energy Storage Center.

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  
Jessica Melms  
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Willow Rock Energy Storage Center (21-AFC-02)**

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*

GEM A-CAES LLC (the “Applicant”) seeks confidential designation for the following paleontological resources information (“the Information”):

<b>Appendix Number</b>	<b>Description of Information for Which Confidential Designation is Requested</b>	<b>Subject Area</b>	<b># of Confidential Pages</b>
5.8A	Confidential Paleontological Locality Records	Paleontological Resources	All pages

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain paleontological 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 in order to protect the paleontological 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.*

The Paleontological Resources Preservation Act of 2009 provides that “information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure” under the Freedom of Information Act and any other law, unless otherwise determined by either the Secretary of the Interior or the Secretary of Agriculture. (16 U.S.C. §§ 470aaa-4, 470aaa-8.) The Applicant is unaware of any such determination for the resources described above.

Further, 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 paleontological resources sites by entities conducting unauthorized collection or disturbance of such resources.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

The Applicant considered whether it would be possible to aggregate or mask the information. It may be possible to disclose general information contained within Appendix 5.8A; however, the specific locational and other sensitive information should not be disclosed.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

The Information is accessible only to the Applicant's employees or consultants working on behalf of the WRESC, and regulatory agencies and other entities that have regulatory oversight or other responsibilities over either the Information or the WRESC.

*I certify under penalty of perjury that the information contained in this Application for Confidential Designation is true, correct, and complete to the best of my knowledge and belief. I am authorized to make this Application and Certification on behalf of the Applicant GEM A-CAES LLC.*

Dated: March 1, 2024

ELLISON SCHNEIDER HARRIS & DONLAN LLP

By:  /s/

Samantha G. Neumyer

Attorneys for the Applicant