

<b>DOCKETED</b>	
<b>Docket Number:</b>	97-AFC-02C
<b>Project Title:</b>	Sutter Power Plant Application for Certification
<b>TN #:</b>	256687
<b>Document Title:</b>	App for Confidential Designation for Sutter Decarb Project Bio Resources –Tech Memo Special-Status Species Habitat Assessment
<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>	6/4/2024 4:50:06 PM
<b>Docketed Date:</b>	6/4/2024



June 4, 2024

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

RE: **Sutter Energy Center (97-AFC-02C): Application for Confidential Designation for Sutter Decarbonization Project Biological Resources – Technical Memorandum Special-Status Species Habitat Assessment**

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, CCFC Sutter Energy, LLC (the “Applicant”) hereby submits this *Application for Confidential Designation* for the *Biological Resources – Technical Memorandum Special-Status Species Habitat Assessment*, prepared in support of the *Petition for Modification: Sutter Decarbonization Project*, which contains locational information of special-status species.

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  
Jeffery D. Harris  
Ellison Schneider Harris & Donlan LLP

Attorneys for Applicant

**APPLICATION FOR CONFIDENTIAL DESIGNATION**  
**Sutter Energy Center (97-AFC-02C)**

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*

CCFC Sutter Energy, LLC (the “Applicant”) seeks confidential designation for special-status species locational information (the “Information”) contained in the *Biological Resources – Technical Memorandum Special-Status Species Habitat Assessment*, submitted in support of the *Petition for Modification: Sutter Decarbonization Project*.

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain special-status species.

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 directed that the *Biological Resources – Technical Memorandum Special-Status Species Habitat Assessment* be submitted under confidential cover as certain figures within the document 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 Sutter Energy Center’s *Petition for Modification: Sutter Decarbonization Project* 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.

