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| Project Title: | Compass Energy Storage Project |
| TN #: | 256806 |
| Document Title: | CEC response letter regarding application for confidential designation, dated April 11, 2024 |
| Description: | N/A |
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June 11, 2024

Via Email

Renee Robin
Compass Energy Storage, LLC
1360 Post Oak Blvd., Suite 400
Houston, Texas 77056
Renee.robin@engie.com

**Application for Confidential Designation: Compass Battery Energy Storage Project, Biological Resources
Docket No. 24-OPT-02**

Dear Renee Robin:

The California Energy Commission (CEC) has received Compass Energy Storage, LLC's (applicant) Application for Confidentiality, dated April 11, 2024 (TN 255636) covering Confidential Figure 4.2-6, Biological Resources, July 2023. Figure 4.2-6 includes California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB) maps showing locations of rare plants, animals, and natural communities. The application requests that the information be confidential in its entirety and indefinitely, alleging potential harm to the biological resources if the locations of rare species of plants and animals were known to the public.

The CNDDDB contains language within the database that restricts public disclosure of maps of certain resolution and CDFW has met with CEC staff to confirm the need to protect these maps. Consistent with this direction from CDFW, CEC staff directed the applicant to submit maps of certain resolution under confidential cover. The application notes that the confidential information includes details regarding special status and common species occurrences and locations in the areas surveyed around the project site and obtained from the CNDDDB, as well as information obtained from surveys conducted on behalf of the applicant.

Under California Government Code section 7922.000 an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure. As stated in the application, 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.

Executive Director's Determination

The applicant has made a reasonable claim that Figure 4.2-6 showing should be maintained as confidential indefinitely which is consistent with the directions from CDFW. As such, the applicant's request for confidential designation of Figure 4.2-6 is granted.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director