

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	259064
Document Title:	CEC response letter to Bureau of Land Management – Barstow Field Office’s Application for Confidentiality, dated August 1, 24
Description:	N/A
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September 9, 2024

Via Email

Alexis Francois
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, California 92311
afrancois@blm.gov

**Application for Confidential Designation: Soda Mountain Solar Project
Docket No. 24-OPT-03**

Dear Alexis Francois:

The California Energy Commission (CEC) has received Bureau of Land Management – Barstow Office’s Application for Confidentiality, docketed August 1, 2024, (TN 258263) covering the following records:

- Historical Resources Assessment Report for the Soda Mountain Solar Project, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024.
- Cultural Resources Inventory of a Segment of the Blue Bell Mine Road, Soda Mountain Solar Project San Bernardino County, California. BLM Report No. 680-09-24. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2013.
- Addendum – Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024.

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), “if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.”

Discussion

The applicant states the documents are mandated to be held in confidentiality under 36 Code of Federal Regulations part 800. The applicant states the records specifically identify areas of potential archaeological resources and sites of cultural significance. The applicant requests that the records be confidential in their entirety for an indefinite period to protect potential archaeological and cultural resources and sites. The applicant states that the public interest will be served by protecting the information from disclosure to prevent potential harm to, or destruction or looting of, the sites described in these documents.

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C. § 306131.)

The 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.

Executive Director's Determination

Protection of archeological and cultural resource location information to prevent looting and unauthorized collection is in the public interest and expressly covered under the law. The applicant has made a reasonable claim that the documents identified above, containing information on cultural and archeological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the documents listed above 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