

DOCKETED	
Docket Number:	03-AFC-02C
Project Title:	Los Esteros Phase II Compliance
TN #:	261281
Document Title:	Los Esteros Critical Energy Facility (03-AFC-02C) Application for Confidential Designation for Biological Resources Information
Description:	N/A
Filer:	Amanda Coeey
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	1/24/2025 2:54:38 PM
Docketed Date:	1/24/2025



January 24, 2025

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

RE: **Los Esteros Critical Energy Facility (03-AFC-02C): Application for Confidential Designation for Biological Resources Information**

Dear Mr. Bohan:

Pursuant to Sections 2505 *et seq.*, of Title 20 of the California Code of Regulations, Los Esteros Critical Energy Facility, LLC, on behalf of Tanager Power, LLC, hereby submits this *Application for Confidential Designation* for biological resources figures contained in Appendix C, Biological Environmental Setting Assessment, to the *Petition for Modification: Tanager Battery Energy Storage System Project*.

Please contact us at (916) 447-2166 if you have any questions or require additional information. Thank you.

Sincerely,

/s/

Samantha G. Neumyer
Jeffery D. Harris
Ellison Schneider Harris & Donlan LLP

Attorneys for Los Esteros Critical Energy Facility,
LLC

**APPLICATION FOR CONFIDENTIAL DESIGNATION
Los Esteros Critical Energy Facility 03-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

On behalf of Tanager Power, LLC, Los Esteros Critical Energy Facility, LLC (the “Applicant”) seeks confidential designation for the following biological resources information (the “Information”) submitted in support of the *Petition for Modification: Tanager Battery Energy Storage System Project* (“*Petition*”).

Document	Title	Subject Area/ Description	# of Confidential Pages
<i>Petition, Appendix C</i>	Tanager BESS Project - Biological Environmental Setting Assessment	Biological Resources Figure BIO-5a Figure BIO-5b Figure BIO-6	3

The Information should be kept confidential in its entirety as it contains sensitive information regarding the location of certain biological 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 for the duration determined necessary by California Energy Commission (“CEC”) Staff to protect the biological resources information 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 Information includes details regarding special status and common species occurrences and locations in the areas surveyed on behalf of the Tanager Battery Energy Storage System Project (“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

