

DOCKETED

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STATE OF CALIFORNIA
Energy Resources
Conservation and Development Commission

In the matter of:

Amendment for the **BLYTHER SOLAR
POWER PROJECT**

DOCKET NO. 09-AFC-06C

COLORADO RIVER INDIAN TRIBES

Application for Confidential Designation

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Application for Confidential Designation

Pursuant to 20 CCR § 2505 and the California Energy Commission's Standing Order re: Proceedings and Confidentiality Applications – Procedural Requirements for Filing, Service, and Docketing Documents with the Energy Commission, the Colorado River Indian Tribes (CRIT or the Tribes), a federally recognized Indian tribe, hereby apply to designate the following documents confidential for purposes of the above-captioned proceeding:

1. Exhibit 4012: Statement of Weldon B. Johnson, Sr.
2. Exhibit 4013: Statement of Stacia Bailey

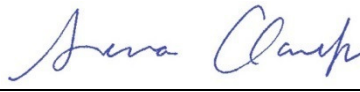
CRIT requests that these records be kept confidential indefinitely. CRIT members and Tribal Elders shared this information with CRIT counsel based on the understanding that it would be kept confidential, as it contains private information regarding religious practices and sacred sites. Numerous state and federal laws protect the confidentiality of Native American sacred site information, including the California Public Records Act (Gov. Code § 6254.10), the Archaeological Resources Protection Act (16 U.S.C. § 470hh) and the National Historic Preservation Act (16 U.S.C. § 470w-3(a)) (both federal acts incorporated into the Public Records Act by Gov. Code § 6254(k)).

CRIT recognizes that CEC Staff Counsel may take the position that these statements are not protected by these specific laws, as the statements contain information that relates only indirectly to sacred sites. While CRIT disagrees with this narrow interpretation, CRIT requests that the Commission take the same approach as in the Palen Solar Electric Generating System proceeding. In this approach, the Commission would consider these documents as confidential for the purposes of this proceeding. To the extent any other parties would like to review the documents, they would be subject to a non-disclosure agreement provided by CRIT. None of the Tribal Elders making statements intend to testify; the testimony of Wilene Fisher-Holt, CRIT's cultural resource witness, has been made publically available.

This information is kept confidential by those persons supplying testimony, except with other CRIT members and members of other affiliated tribes and with Tribal staff and counsel for the purpose of protecting CRIT culture.

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. I am authorized to make this application and certification on behalf of CRIT.

DATED: November 13, 2013
AT: San Francisco, CA

By: 

Sara A. Clark

DECLARATION OF SERVICE

I, Sean Mulligan, declare that on November 13, 2013, I submitted copies of the Application for Confidential Designation and Exhibits 4012-4013 dated November 13, 2013.

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- I successfully uploaded the document to the Energy Commission's e-filing system and I personally delivered the document or deposited it in the US mail with first class postage to those persons for whom a physical mailing address but no e-mail address is shown on the attached Proof of Service List. [The e-filing system will serve the other parties and Committee via e-mail when the document is approved for filing.] **or**
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California Energy Commission – Docket Unit
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: November 13, 2013

/s/ Sean Mulligan
[Name]