

DOCKETED

Docket Number:	03-AFC-02C
Project Title:	Los Esteros Phase II Compliance
TN #:	201805
Document Title:	CEC Response to Application for Confidential Designation of Final Paleontological Resources Report
Description:	N/A
Filer:	Janice Titgen
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/27/2014 4:59:39 PM
Docketed Date:	2/27/2014

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

February 21, 2014

Jeffrey D. Harris
Ellison, Schneider & Harris L.L.P.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816

RE: **Application for Confidential Designation of Final Paleontological Resources Report
Los Esteros Critical Energy Facility
Docket No. 03-AFC-2C**

Dear Mr. Harris:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Los Esteros Critical Energy Facility ("Applicant"). The Application seeks confidential designation for the following document:

- 1) Final Paleontological Resources Report

The application states:

It is in the public interest to keep [location information] confidential to ensure these resources are protected from unauthorized collection.

A properly filed application for confidentiality shall be granted under the 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 Energy Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological and paleontological site information and reports. Gov. Code, sec. 6254.10. The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of paleontological resources, such as the location information that you have submitted is expressly in the public interest. Therefore,

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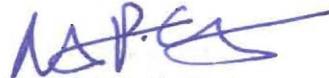
Applicant's confidentiality application seeking confidentiality of paleontological resource site location information contained within the Final Paleontological Resources Report is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506.

If you have any questions concerning this matter, please contact Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit
Christine Stora, Energy Commission Compliance Project Manager