

## DOCKETED

<b>Docket Number:</b>	06-AFC-09C
<b>Project Title:</b>	Colusa Generating Station - Compliance
<b>TN #:</b>	202944
<b>Document Title:</b>	Response letter for Application for Confidentiality
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission / R. Oglesby
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/18/2014 3:54:52 PM
<b>Docketed Date:</b>	8/18/2014

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



August 14, 2014

Jerry Salamy  
CH2M Hill  
2485 Natomas Park Drive  
Suite 600  
Sacramento, CA 95833

RE: **Application for Confidentiality,  
Colusa Generating Station,  
Cultural Resources Survey  
Docket No. 06-AFC-09C**

Dear Mr. Salamy:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Russell City Energy Center, LLC ("Applicant"). The Application seeks confidential designation for the following cultural resources document:

- 1) *Phase I Cultural Resources Survey*, dated July 21, 2014

The application notes that disclosure of the survey results may enable thieves, vandals, or persons conducting unauthorized collection to locate cultural resource material on or near the project site.

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 site information and reports. Gov. Code, § 6254.10. The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code, § 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. § 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted in the survey, is expressly in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within the July 2014 survey is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Jerry Salamy  
August 14, 2014  
Page 2

Any subsequent submittals related to cultural 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,

A handwritten signature in blue ink, appearing to read "R. Oglesby", is positioned above the printed name.

Robert P. Oglesby  
Executive Director

cc: Docket Unit  
Eric Veerkamp, Energy Commission Compliance Project Manager