

## DOCKETED

<b>Docket Number:</b>	09-AFC-05C
<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	212201
<b>Document Title:</b>	Response to Application for Confidentiality - Paleontological Resources Report
<b>Description:</b>	N/A
<b>Filer:</b>	Sabrina Savala
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	7/8/2016

**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

July 8, 2016

José Manuel Bravo  
Abengoa Solar  
ASI Operations LLC  
42134 Harper Lake Rd  
Hinkley, CA 92347

RE:           **Application for Designation of Confidential Paleontological  
Resources Report  
Abengoa Mojave Compliance  
Docket No. 09-AFC-05C**

Dear Mr. Bravo:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Abengoa Solar (Applicant). The application seeks confidential designation for *PAL-7: Paleontological Resources Report for the Mojave Solar Project* (Confidential Record).

The application states:

[The Confidential Record] specifically identifies site locations and areas of potential paleontological significance.

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 California 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 paleontological resources, such as the location information contained in the Confidential Record, is expressly in the public interest. Therefore, Applicant's request for confidentiality of paleontological resource site location information contained within the Confidential Record is granted in its entirety.

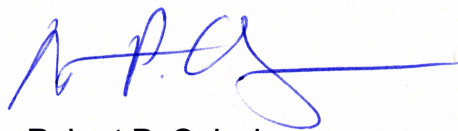
José Manuel Bravo  
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The paleontological resource site information will be kept confidential for an indefinite period. Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the 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 Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. P. Oglesby', with a long horizontal flourish extending to the right.

Robert P. Oglesby  
Executive Director

cc: Docket Unit, California Energy Commission  
Dale Rundquist, California Energy Commission, Compliance Project Manager