

DOCKETED

Docket Number:	09-AFC-05C
Project Title:	Abengoa Mojave Compliance
TN #:	212804
Document Title:	Application for Confidential Designation - CUL-4: Cultural Resources Report
Description:	Appendix A-DPRs is too large to upload. Contact the Docket Unit for a CD.
Filer:	Sabrina Savala
Organization:	Abengoa Mojave Solar, LLC.
Submitter Role:	Applicant
Submission Date:	8/16/2016 11:44:15 AM
Docketed Date:	8/16/2016

ABENGOA SOLAR

Mojave Solar LLC
42134 Harper Lake Road
Hinkley, California 92347

Phone: 636.519.3680



August 11, 2016

Confidential

By US Mail

Docket Unit
Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
MS-9. Sacramento, CA 95814

RE: 09-AFC-5C, Mojave Solar Project
Application for Confidential Designation – CUL-4: Cultural Resources Report
(Submittal number CUL4-00-00)

Dear Mr. Oglesby:

Mojave Solar LLC ("MSLLC") is the owner of the Mojave Solar Project located in unincorporated San Bernardino County, California (the "Project"). In compliance with Condition of Certification CUL-7 of the CEC License for the Project (09-AFC-5C), MSLLC's consultant, SWCA, prepared a document entitled Cultural Resources Report (the "CRR"), which is enclosed. Pursuant COMPLIANCE-8 and the contents of the CRR, MSLLC requests that the Cultural Report be designated confidential pursuant to 20 CCR Section 2505.

In support of its application for confidential designation, MSLLC provides the following information:

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Mojave Solar Project (09-AFC-5C), CUL-4: Cultural Resources Report. August 2016. Pages: 70 for main document, and also the entirety of Appendix A: DPR Series 523 Forms and of Appendix B: Artifact Catalog (Digital)

1(b). Specify the part(s) of the record for which you request confidential designation.

Based upon the evaluation by the CRS and designation of the report, MSLLC requests confidential designation for the entire *Cultural Resources Report*. In particular, the report contains confidential cultural resource locality information, which cannot be shared with the public.

2. State and justify the length of time the Commission should keep the record confidential.

The CRR should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The CRR specifically identifies site locations and areas of potential cultural significance. Archaeological and other heritage resources can be damaged or destroyed through uncontrolled public disclosure of information regarding their location. This document contains sensitive information regarding the nature and location of archaeological sites that should not be disclosed to the general public or unauthorized persons.

Information regarding the location, character, or ownership of a cultural resource is exempt from the Freedom of Information Act pursuant to 54 USC Section 307103 (National Historic Preservation Act) and 16 USC Section 470(h)(h) (Archaeological Resources Protection Act).

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the archeological and other heritage resource sites described in the CRR. Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

It is believed that the California Energy Commission staff could incorporate a generalized summary of the information contained in the CRR to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

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5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

MSLLC has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the Project. Per other project legal requirements, the document will also be submitted to the U.S. Department of Energy and Bureau of Land Management, per Section 106 of the National Historic Preservation Act and the associated *Monitoring and Discovery Plan*, also with a request for confidential treatment.

This document has been marked "confidential" and has a policy that it must be segregated for other Project files.

I have been authorized to make this application and certification on behalf of MSLLC. With my signature to this letter, 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.

A handwritten signature in blue ink, appearing to be "JMR".

Thank you.

Jose Manuel Bravo Romero
Manager
Quality & Environment Department

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ASI Operations LLC

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Attachments: Two electronic copies (DVD) containing: CUL-4 Cultural Resources Report for the Mojave Solar Project (09-AFC-5C), Appendix A-DPRs and Appendix B-Artifact Catalog in PDF format.

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Subject: 09-AFC-5C
Condition Number: CUL-4
Description: Cultural Resources Report - **Confidential**
Submittal Number: CUL4-00-00

August 11, 2016

Dale Rundquist, CPM
(09-AFC-5C)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Dale.Rundquist@energy.ca.gov

Dear Mr. Rundquist,

Pursuant to Condition of Certification CUL-4, enclosed for your review and approval is the Cultural Resources Report for the Mojave Solar Project.

As stated in the Verification for CUL-4, this is submitted under confidential cover. The request to the CEC Executive Director for confidential designation precedes this letter.

In accordance with the requirements of the Monitoring and Discovery Plan submitted to the Bureau of Land Management, as cooperating agency with the Department of Energy per their January 2010 MOU, this document is also being submitted to the DOE and BLM under confidential cover.

Sincerely,

Jose Manuel Bravo Romero
Manager
Quality & Environment Department

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