

DOCKETED

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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

November 3, 2016

Scott A. Galati
DayZen, LLC
2501 Capitol Avenue, Suite 201
Sacramento, CA 95816

RE: **Application for Confidential Designation: Cultural Resources
Stanton Energy Reliability Center
Docket No. 16-AFC-01**

Dear Mr. Galati:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Stanton Energy Reliability Center, LLC (Applicant). The application seeks confidential designation for the following:

- 1) *Appendix 5.3B Cultural Resources Survey Report; and*
- 2) *Appendix 5.3C CHRIS Literature Search Results, Parts 1 and 2.*

The application states:

The reports identified above specifically identify areas of potential cultural and historical significance. It is thus protected under Government Code Sections 6254(e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254(r) of the Government Code.

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).)

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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 cultural resources, such as the location information that you have submitted, is expressly in the public interest.

Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within the Appendix 5.3B Cultural Resources Survey Report and Appendix 5.3C CHRIS Literature Search Results is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

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 Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit, California Energy Commission
John Heiser, California Energy Commission, Project Manager, Siting,
Transmission and Environmental Protection Division
Lisa DeCarlo, California Energy Commission, Senior Staff Counsel