

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	214360
<b>Document Title:</b>	Response to Application for Confidentiality - Archaeological Resources Technical 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>	11/3/2016

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

November 3, 2016

Michael Carroll  
Latham & Watkins LLP  
650 Town Center Drive, 20th Floor  
Costa Mesa, California 92626-1925

RE: **Application for Designation of Confidential Supplement to  
Archeological Resources Technical Report  
Puente Power Project  
Docket No. 15-AFC-01**

Dear Mr. Carroll:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of NRG Energy Center Oxnard LLC. (Applicant). The application seeks confidential designation for the following document (Confidential Record):

- 1) *NRG's Supplement to the Confidential Archaeological Resources Technical Report for the Puente Power Project.*

The application states:

The Confidential Record contains sensitive information related to cultural, archaeological, paleontological or historical objects, structures, landscapes, resources, sacred places, or sites of concern to local Native Americans or other ethnic groups, or resources or objects described in California Public Resources Code §§ 5097.9 or 5097.993.

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. sec. 470hh.) Non-disclosure of

Michael Carroll  
November 3, 2016  
Page 2

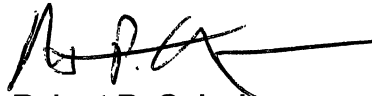
archaeological, paleontological, and cultural resources, such as the location information that you have submitted, is expressly in the public interest. Therefore, the application seeking confidentiality of archaeological, paleontological, and cultural resources site location information contained within the Confidential Record is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Any subsequent submittals related to archaeological, paleontological, and 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  
Shawn Pittard, California Energy Commission