

DOCKETED	
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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 24 , 2018

Samantha G. Neumyer
Ellison, Schneider & Harris LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816

RE: **Application for Confidential Designation for Cultural Resources
Documentation
King City Energy Center Project
Docket No. 01-EP-06C**

Dear Ms. Neumyer:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Gilroy Energy Center, LLC (Applicant). The application seeks confidential designation for *Cultural Resources Data Recovery Investigation Buried Hearth KC-01-01*.

The application states:

"[T]he public interest in nondisclosure is to prevent the location of sensitive cultural and paleontological resources sites from disclosure to potential thieves, vandals, or persons conducting unauthorized collection of materials. . . . The [Applicant] considered whether it would be possible to aggregate or mask the information. However, no feasible method of aggregating or masking the information could be identified that would not either disclose the information or render the information provided useless."

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 and paleontological 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-

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disclosure of cultural and paleontological 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 Resources Data Recovery Investigation Buried Hearth KC-01-01* is granted in its entirety. Resource site location data will be kept confidential indefinitely.

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 Jennifer Martin-Gallardo, Senior Attorney, at (916) 651-3748.

Sincerely,

A handwritten signature in green ink, appearing to read 'Drew Bohan', with a long horizontal flourish extending to the right.

Drew Bohan
Executive Director

cc: Docket Unit
Anwar Ali, Siting Division, Project Manager
Jennifer Martin-Gallardo, Senior Attorney