

**DOCKETED**

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<b>Project Title:</b>	Huntington Beach Energy Project - Compliance
<b>TN #:</b>	232559
<b>Document Title:</b>	Application for Confidential Designation CRR
<b>Description:</b>	N/A
<b>Filer:</b>	Jeff Miller
<b>Organization:</b>	AES
<b>Submitter Role:</b>	Applicant
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March 26, 2020

Mr. Joseph Douglas  
Compliance Project Manager  
California Energy Commission  
1516 9th Street  
Sacramento, CA 95814

Subject: Huntington Beach Energy Project (12-AFC-02C)  
Condition of Certification CUL-4 Cultural Resources Report

Dear Mr. Douglas

In accordance with Condition of Certification CUL-4, AES is submitting the attached Cultural Resources Report summarizing activities during the construction of the Huntington Beach Energy Project. AES is completing this submittal using the CEC's Confidential Document submittal process. The remainder of this letter includes our Application for Confidential Designation.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Miller', is positioned above the printed name.

Jeff Miller  
Compliance Manager  
AES Huntington Beach Energy Project

Cc: Stephen O'Kane/AES  
Natalie Clarke/AES  
Natalie Lawson/Cultural Resources Specialist, Paleowest

APPLICATION FOR CONFIDENTIAL DESIGNATION  
Huntington Beach Energy Project 12-AFC-02C (the "Applicant")

1. *Specifically indicate those parts of the record which should be kept confidential.*

The Applicant is requesting confidential designation of the entire Report as it includes descriptions of discovered Resources, maps and information for curation.

2. *State the length of time the record should be kept confidential, and provide justification for the length of time.*

The Information should be held confidential for the life of the Huntington Beach Energy Project in order to protect the information contained therein.

3. *Cite and discuss (i) the provisions of the Public Records Act or other law which allow the commission to keep the record confidential and (ii) the public interest in nondisclosure of the record.*

The Report should be kept confidential for the following reasons:

Pursuant to the National Historic Preservation Act, 54 U.S.C. 302303 (b) (1) and California Public Resources Code §§ 5020.4(a)(2) and 5024.6 (n), the California State Historical Resources Commission (SHRC) directs the State Historic Preservation Officer (SHPO) to maintain an inventory of historical resources in California. The SHPO meets this responsibility via the California State Historical Resources Information System (CHRIS).

All CHRIS Data that fall under an exemption to the California Public Records Act, or any other similar federal or state law, are protected by the Information Practices Act, or by any other federal or state law regarding public disclosure of information. This includes archaeological data that are either specific enough or of a nature that their disclosure will put one or more archaeological sites or resources in danger of being located and/or damaged, should the information deliberately or inadvertently be made available to the public or to unauthorized individuals.

All CHRIS information pertaining to historical resources may only be released by an Information Center to the following individuals:

- 1) Meets the minimum qualifications of a professional in the disciplines of Archaeology, Architectural History, Architecture, Historic Architecture, or History as defined by the Secretary of Interior's Standards, or;
- 2) Meets the requirements of the California State Personnel Board for the positions of Associate State Archaeologist or State Historian II; or
- 3) Meets the California Business and Professions Code requirements for a state licensed Landscape Architect, plus additional experience requirements added by the SHRC on July 31, 2009; or
- 4) Is working under the supervision of an individual who qualifies for access to CHRIS information under (A)(1), (A)(2), or (A)(3) criteria, and who assumes full responsibility for the disposition of said information.

Additionally, an individual requesting information pertaining to historical resources located on private property which they own. Access to CHRIS information may also be directed by a memorandum of agreement between an Information Center and, as appropriate, a local, state, or federal government agency, federally recognized Native American tribe, or other interested party or organization, where the Office of Historic Preservation (OHP) may be consulted in formulating such memoranda of agreement.

4. *State whether the information may be disclosed if it is aggregated with other information or masked to conceal certain portions, and if so the degree of aggregation or masking required.*

Due to the nature of the resources in question this is not a valid option.

5. *State whether and how the information is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant, and if so under what circumstances.*

the information has only been shared with Parties identified in the Report including CEC Staff, AES Personnel, Cultural Resources Specialist and Monitors, Native American Monitors and personnel conducting curation.

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 and belief. I am authorized to make this Application and Certification on behalf of the Applicant.

Dated: March 26, 2020

By:



Jeff Miller  
HBEP Compliance Manager  
AES Huntington Beach Energy, LLC