

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	253477
Document Title:	CEC's response letter re confidentiality application, dated November 7, 2023
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/4/2023 9:49:02 AM
Docketed Date:	12/4/2023



December 4, 2023

Via Email

Breana Campbell-King
IP Darden I, LLC
c/o Intersect Power, LLC
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**Application for Confidential Designation
Darden Clean Energy Project
Docket No. 23-OPT-02**

Dear Breana Campbell-King:

The California Energy Commission (CEC) has received the IP Darden I, LLC and Affiliates c/o Intersect Power, LLC (applicant) Application for Confidentiality (TN 253027), dated November 7, 2023, covering the following information:

- Appendix R Species Observed and with Potential to Occur and 10-mile CNDDDB (Appendix R)

The applicant states that the Appendix R should be kept confidential because it contains the maps of rare plants, animals, and natural communities from the California Department of Wildlife (CDFW) California Natural Diversity Database (CNDDDB). The applicant states that the applicant has not disclosed the maps in a project-specific context to any parties beyond the applicant staff who are directly associated with the Darden Clean Energy Project.

The applicant asserts that the public interest in nondisclosure of the information outweighs disclosure because if the maps were made public, individuals of the species or their habitats may be harmed by collection, harvest, or be destroyed. Thus, it could impact the persistence of these resources and limit future recreational viewing or scientific study.

A properly filed application for confidentiality shall be granted under 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 CNDDDB contains language within the database that restricts public disclosure of maps to the public or non-subscribers without permission from CDFW unless they are displayed in a certain resolution. The CEC staff consulted with CDFW regarding the maps in Appendix R and the CDFW advised that the maps can be made public. Therefore, confidentiality is denied for Appendix R. Within 14 days of the date of this letter, please file Appendix R in docket No. 23-OPT-02 to ensure public access.

You may request that the CEC determine the confidentiality of records for which the executive director denied confidential designation. You have 14 days to request that the CEC determine the confidentiality of the record. If you make such a request, the CEC will conduct a proceeding pursuant to the provisions in the California Code of Regulations, title 20, section 2508.

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Bohan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Drew Bohan
Executive Director