

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	254734
Document Title:	Application for Confidential Request_Revised Appendix I_Darden Clean Energy_DR Set 1 CUL-TRI
Description:	Confidential Application for the revised Appendix I, which has been updated in response to CEC data requests addressed in Response Set 1. Updated Appendix I documents include the Cultural Resources Technical Report, Appendix I-3 Research Design, and Appendix I-4 DPR Forms
Filer:	Evelyn Langsdale
Organization:	Rincon Consultants
Submitter Role:	Applicant Consultant
Submission Date:	2/28/2024 4:56:42 PM
Docketed Date:	2/29/2024

Subject: Application for Confidential Designation *Darden Clean Energy Project Revised Appendix I Cultural Resources Technical Report, Fresno County, California*. Docket number 23-OPT-02.

To whom it may concern:

IP Darden I, LLC c/o Intersect Power, LLC as applicant for the Darden Clean Energy Project, requests that the attached information be designated as confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. This information is being supplied to the California Energy Commission (CEC) in responses to data requests received from CEC on Appendix I of the Opt-in Application.

To support the Application for Confidential Designation, the following information has been provided and is consistent with the information requested in the Application for Confidential Designation (Title 20 Cal. Code. Regs., § 2505 Et Seq.) Revised 4/2023.

Applicant: IP Darden I, LLC c/o Intersect Power, LC

Address: 9450 SW Gemini Drive, PMB #68743 Beaverton, Oregon 97008-7105

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Darden Clean Energy Project Cultural Resources Technical Report, Fresno County, California (Updated January 2024). This includes Appendix I-3 and I-4, which have been updated to address data requests received from the CEC and addressed in Data Response Set 1, submitted to the docket on February 26, 2024.

1(b). Specify the part(s) of the record for which you request confidential designation.

The report and appendices identified in 1(a) in its entirety.

2. State and justify the length of time the Commission should keep the record confidential.

The report identified above should be kept confidential indefinitely to protect potential cultural resources and sites. If the descriptions of the locations of the sites are released to the public domain, there is potential for looting and destruction of that site.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The report identified above specifically identifies 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.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural resources and sites described in the reports. Such looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

The information disclosed in the confidential report identified in 1(a) has been aggregated and summarized in the Cultural Resources section of the opt-in application for the project. However, aggregation of the confidential report itself would potentially hinder CEC staff when performing their review and analysis.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The information contained within the report referenced in 1(a) has not been disclosed by the consultant to any parties beyond Applicant staff who are directly associated with the proposed project.

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 I am authorized to make the application and certification on behalf of the applicant.

A handwritten signature in black ink, appearing to read 'Breana Campbell-King', with a long horizontal flourish extending to the right.

Breana Campbell- King, MA, RPA
Rincon Consultants, Inc. Project Archaeologist