

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

April 2, 2007

Dr. James M. Allan, Ph.D., RPA
William Self Associates, Inc.,
P.O. Box 2192, 61 Avenida de Orinda
Orinda, CA 94563

DOCKET	
07-AFC-1	
DATE	APR 02 2007
RECD.	APR 03 2007

**RE: Cultural Resources Application for Confidentiality,
Victorville 2 Hybrid Power Project,
Docket No. 07-AFC-1**

Dear Dr. Allan:

On March 19, 2007, the City of Victorville (Victorville), filed an application for confidentiality on the above referenced project (Docket No. 07-AFC-1). The application seeks confidentiality for the Cultural Resources Assessment Report, Victorville 2 Hybrid Power Project (hereinafter referred to as "Report"). Victorville states that the Report:

. . . should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

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 [Energy] Commission to keep the record confidential."

The California Public Records Act recognizes the confidentiality principles of federal law. (Gov. Code, sec. 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 cultural resources, such as the information that you have submitted in the Report, is expressly in the public interest.

Therefore, Victorville's March 19, 2007, confidentiality application for cultural resources is granted in its entirety. The Report will be kept confidential for an indefinite period.

Any subsequent submittals related to paleontological 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.

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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 Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager