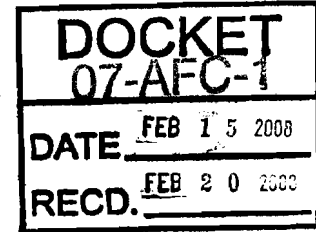


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

February 15, 2008

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



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

Dear Dr. Allan:

On January 11, 2007, William Self Associates, Inc. (WSA) filed an application for confidentiality on behalf of the Victorville 2 Hybrid Power Project (VV2 Project) (07-AFC-1) with the California Energy Commission. The application seeks confidentiality for its "Supplemental Response to CEC Staff Cultural Resources Data Request 41." The confidentiality application states, in part:

This submittal of this supplemental response to Data Request 41 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 unauthorized exploration and "pot hunting" of these recorded sites . . . . The Supplemental Responses to Data Request 41 comprises archaeological site records that specifically identify site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254 (e) and 6254(k).

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 the cultural resource information that WSA has submitted is expressly in the public interest. Therefore, WSA's confidentiality application is granted in its entirety, and the information will be kept confidential for an indefinite period.

**Please note: any subsequent submittals related to cultural resources can be deemed confidential as specified in this letter without the need for a new**

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**application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if WSA files a certification under penalty of perjury that the new information is substantially similar to that which is granted confidential status by this determination.**

Finally, persons may petition to inspect or copy the 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 further questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Jones", written over a circular stamp or seal.

MELISSA JONES  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager