

COMPLETED



October 02, 2008

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

DOCKET 07-AFC-1C	
DATE	OCT 0 2 2008
RECD.	OCT 0 8 2008

Re: Docket 07-AFC-1C: Victorville 2 Hybrid Power Project
Application for Confidential Designation - Cultural Resources Mitigation and
Monitoring Plan

Dear Ms. Jones:

The City of Victorville ("Applicant") is the owner of the proposed Victorville 2 Hybrid Power Project in the City of Victorville, California (the "Project"). In support of Condition of Certification CUL-3 for the Project, Applicant's consultant prepared a document entitled *Confidential Cultural Resources Monitoring and Mitigation Plan for Victorville 2 Hybrid Power Project, San Bernardino County, California* (the "CRMMP"), which is enclosed. Applicant requests that the CRMMP be designated confidential pursuant to 20 CCR Section 2505.

In support of its application for confidential designation, Applicant provides the following information:

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

Confidential Cultural Resources Monitoring and Mitigation Plan for Victorville 2 Hybrid Power Project, San Bernardino County, California, dated September 30, 2008. Pages: 106.

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

Applicant requests confidential designation for the entire CRMMP.

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

The Cultural Resources Report should be kept confidential indefinitely to protect known cultural resources, including archaeological and historical objects, sites and districts, historic buildings and structures, cultural landscapes, and sites and resources of concern to local Native American or other ethnic groups. If the descriptions of the locations of the resources are released to the public domain, there is a risk of looting.

- 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 Cultural Resources Report specifically identifies site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254(e), 6254(k), and 6254(r).

- 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 cost 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 resource sites described in the CRMMP. Such looting would preclude scientific study of the sites to obtain data about the cultural resources that they contain and would potentially damage resources that are valued by Native American and other ethnic groups.

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.*

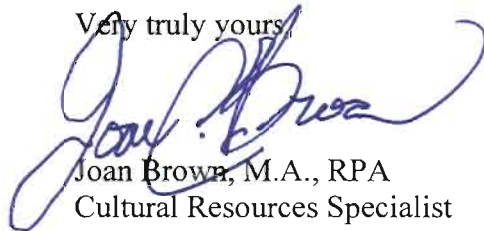
Applicant believes the California Energy Commission staff can incorporate a generalized summary of the information contained in the CRMMP to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

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.*

Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the Conditions of Certification for the Project. Moreover, this information has not been disclosed to persons employed by or working for Applicant except on a “need-to-know” basis. Applicant has marked this information “confidential” and has instituted a policy that it be segregated from other Project files.

I have been authorized to make this application and certification on behalf of Applicant. With my signature to this letter, 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.

Very truly yours,



Joan Brown, M.A., RPA
Cultural Resources Specialist
SWCA Environmental Consultants

Enclosure