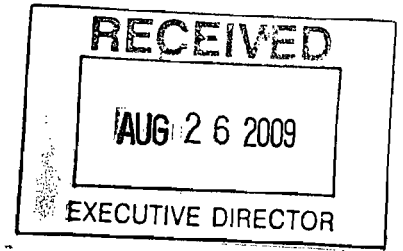


COMPLETED

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| DOCKET | |
| 09-AFC-5 | |
| DATE | <u>AUG 24 2009</u> |
| RECD | <u>AUG 26 2009</u> |



Transmittal

Date: August 24, 2009 Project No. 08080191.01

To: Ms. Melissa Jones Sent Via: FedEx
Executive Director
California Energy Commission
1516 Ninth Street MS 39
Sacramento, CA 95814

From: Trina Meiser, Architectural Historian

Subject: Mojave Solar Project (Docket No. 09-AFC-5) Application for Confidentiality

Distribution: Confidential

Enclosed are two revised digital copies of the confidential Attachments to the Mojave Solar Project Cultural Resources Technical Report, and the revised Application for Confidentiality per the Deficient or Incomplete Application for Confidentiality notice dated August 18, 2009.

Three hard copies of the confidential Attachments were submitted in a separate package, and this revised Application for Confidentiality also concerns those documents.

Please contact me if you have any questions concerning the contents of this package.

Thank you,

A handwritten signature in black ink, appearing to read "Trina Meiser". The signature is fluid and cursive.

Trina Meiser
Architectural Historian D +1 619.764.6904 M +1 765.702.1987
New email: <mailto:Trina.Meiser@aecom.com>

EDAW is evolving.
Beginning October 2009, EDAW will become Design + Planning at AECOM
as we continue to create exemplary environments.

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August 24, 2009

VIA FedEx

Ms. Melissa Jones
Executive Director
California Energy Commission
1516 Ninth Street MS 39
Sacramento, CA 95814

Subject: Application for Confidentiality of the Mojave Solar Project Cultural Resource Technical Report, Attachments 2–5, in Support of the Mojave Solar Project Application for Certification (Docket No. 09-AFC-5)

Dear Ms. Jones:

Under California Code of Regulations Title 20 Section 2505, Mojave Solar, LLC is submitting this application for confidential designation of the attached documents in connection with the Mojave Solar Project (Project) Application for Certification (AFC).

Mojave Solar, LLC requests that the attached documents (see list below) containing sensitive cultural resources information be kept confidential.

- Cultural Resources Technical Report, Attachment 2 – Records Search
- Cultural Resources Technical Report, Attachment 3 – Contact Program
- Cultural Resources Technical Report, Attachment 4 – Results Maps
- Cultural Resources Technical Report, Attachment 5 – Site Records

Mojave Solar, LLC requests that the California Energy Commission (CEC) keep this information confidential permanently. The requested time frame is consistent with the definition of public records contained in California Code of Regulations Section 6254.10, which indicates that:

Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

The attached documents provide just the type of information discussed in the above-cited Government code section. Consistent with the intent of California Code of Regulations Section 6254.10, such information should be considered confidential permanently.

Ms. Melissa Jones
California Energy Commission
August 24, 2009
Page 2

Cultural resources are assets providing insight into prior cultures and lose a great deal of value if they are improperly disturbed. Publication of the location and specific descriptions of the assets may invite the curious, who may unwittingly disrupt or destroy the assets. Even worse, publishing the location may encourage destruction of or theft from the sites. Thus, to protect the integrity of these sites, site descriptions and locations should be kept confidential.

Mojave Solar, LLC and its consultant EDAW AECOM have taken steps to keep the information regarding sensitive cultural resources confidential through limited handling of files and protected storage of files. Information has been disclosed on a need-to-know basis only, with information marked as confidential and the explicit instruction that information therein contained was to be treated as confidential. No persons besides the applicant, its employees, or its environmental consultants have had access to the confidential information. The Project's permitting attorney, Shane Conway of Ellison, Schneider & Harris, received the information for the purpose of understanding the project's exposure to risk, and is, to date, the only person beyond Mojave Solar, LLC, EDAW AECOM, and the CEC to receive the files. There has been no mass distribution of the files. (Pursuant to California Code of Regulations Section 2505 (a)(1)(F).)

The information in a non-confidential, summary form is already included in the cultural section of the AFC. Making the information contained in the attached documents public would render the information useless, and Mojave Solar, LLC believes that the CEC and its staff will need the detailed information provided in these reports to properly carry out their analysis. The public document included in the AFC can serve as a summary for the CEC's analysis without disclosing information that could lead to damage of the sites.

For the reasons specified above and the specific statutory protection provided for cultural records, the CEC should designate the attached documents as confidential.

I state 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 that I am authorized to make the application on behalf of Mojave Solar, LLC.

Yours sincerely,



Trina Meiser
Architectural Historian