

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

February 29, 2012

DOCKET**11-AFC-3**

DATE FEB 29 2012

RECD. FEB 29 2012

Constance Farmer
Tetra Tech EC, Inc.
143 Union Blvd. Suite 1010
Lakewood, CO 80228

**RE: Application for Confidentiality, Cultural Resources Report. Quail
Brush Generating Project
Docket No. 11-AFC-3**

Dear Ms. Farmer:

On February 16, 2012, you submitted additional Applications for Confidentiality on behalf of Quail Brush Genco, LLC, ("Applicant"). The Application seeks confidential designation for the Supplemental Cultural Resources report.

Applicant states that the report and data identify the potential locations of cultural resource sites in the project area, and that:

"If the confidential locations of these resources are released to the public domain, there is potential risk of destruction and or looting of these resources."

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 California Energy Commission (Energy Commission) to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code, sec. 6254.10.) The Public Records Act also 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 above-referenced reports, is expressly in the public interest.

Therefore, the Applicant's Confidentiality Application is granted in its entirety. The documents will be kept confidential for an indefinite period.

Constance Farmer
February 29, 2012
Page 2

Any subsequent submittals related to cultural 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.

Be advised that 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 Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,



Robert P. Oglesby
Executive Director

cc: Docket Unit
Eric Solorio, Commission Project Manager