

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



May 16, 2012

Michael J. Carroll  
Latham & Watkins LLP  
650 Town Center Drive, 20<sup>th</sup> Floor  
Costa Mesa CA 92626

<b>DOCKET</b>	
<b>07-AFC-3C</b>	
DATE	MAY 16 2012
RECD.	MAY 16 2012

**RE: Application for Confidentiality,  
CPV Sentinel Energy Project,  
CUL-6 Cultural Resource Data  
Docket No. 07-AFC-03-C**

Dear Mr. Carroll:

On May 8, 2012, CPV Sentinel, ("Applicant"), filed an application for confidentiality in the above-captioned docket. The application seeks confidentiality for cultural resource data submitted in accordance with CUL-6. The data is in the form of a report titled: Department of Parks and Recreation 523 Form, Resource # p-33-019935.

The application states:

... The Submitted Record contains sensitive information related to cultural, paleontological, archaeological or historical objects, structures, landscapes, resources, sacred places, or sites of concern. . . If the information in the Submitted Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage the sensitive cultural, archaeological, or paleontological 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 [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 submitted in response to CUL-6 is expressly in the public interest.

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Therefore, Applicant's May 8, 2012, confidentiality application for the report titled Department of Parks and Recreation 523 Form, Resource # P-33-019935 is granted in its entirety. The record will be kept confidential for an indefinite period.

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  
Dale Rudquest