

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

March 7, 2013

California Energy Commission

DOCKETED
07-AFC-3C

TN 69869

MAR 08 2013

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

RE: **Application for Confidentiality,
CPV Sentinel Energy Project,
CUL-4 Cultural Resources Report
Docket No. 07-AFC-3C**

Dear Mr. Carroll:

On February 14, 2013, CPV Sentinel, ("Applicant"), filed an application for confidentiality in the above-captioned docket. The application seeks confidentiality for a cultural resources report submitted in accordance with CUL-4.

The application states:

. . . The confidential report 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 confidential report 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 resource location and data, such as the information submitted in response to CUL-4 is expressly in the public interest.

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Therefore, Applicant's confidentiality application for the cultural resources report submitted in accordance with CUL-4 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