CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov

February 10, 2011

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99-AFC-8C
DATE FEB 10 2011
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Jenna Farrell
Tetra Tech EC, Inc.
10860 Gold Center Drive, Suite 200
Rancho Cordova, CA 95670-6024

RE: **Application for Confidentiality, Cultural Resources**
Blythe Energy Project
Docket No. 99-AFC-8C

Dear Ms. Farrell:

On January 11, 2011, you submitted an Application for Confidentiality on behalf of Blythe Energy, LLC, ("Applicant") for the Blythe Energy Project (Docket No. 99-AFC-8C). The application seeks confidential designation for the *Final Cultural Resources Monitoring Report for the Blythe Energy Project Transmission Line, Vicinity of Blythe, Riverside County, California*, which includes maps and location information of cultural resource sites and potential cultural resource sites.

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

> . . .If the confidential locations of these cultural resources are released to the public domain, there is potential risk of destruction and/or "looting" (stealing of artifacts) 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 [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 and paleontological resources, such as the information that you have submitted in the above referenced report, is expressly in the public interest.

Therefore, the Applicant's January 11, 2011, confidentiality application is granted in its entirety. The document 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,

MELISSA JONES
Executive Director

cc: Docket Unit
Energy Commission Project Manager