

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

November 19, 2007

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| <b>DOCKET</b><br><b>07-AFC-8</b> |             |
| <b>DATE</b>                      | NOV 19 2007 |
| <b>RECD.</b>                     | NOV 20 2007 |

Ms. Angela Leiba  
Carrizo Energy, LLC  
2585 East Bayshore Road  
Palo Alto, CA 94303

**RE: Paleontological Survey Resources Application for Confidentiality,  
Carrizo Energy Solar Farm Project,  
Docket No. 07-AFC-08**

Dear Ms. Leiba:

On November 1, 2007, Ausra CA II, LLC, dba Carrizo Energy, LLC (Carrizo) filed an application for confidentiality in the above-referenced docket. The application seeks confidentiality for its Paleontological Survey Report (Appendix N), which includes paleontological resource details and locations in and around the project area. The application states, in part:

The information should be kept confidential indefinitely to protect paleontological resources site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

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 recognizes the confidentiality principles of federal law. (Gov. Code, § 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. § 470hh.) Non-disclosure of cultural resources, such as the information that has been submitted with this application, is expressly in the public interest.

The information contained in Appendix N meets the requirements of confidentiality and is granted confidentiality in its entirety. Consequently, this information will be kept confidential for an indefinite period.

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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 Carrizo files a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Persons may petition to inspect or copy the 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 Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,  
  
B. B. BLEVINS  
Executive Director

cc: Docket Unit  
Energy Commission Project Manager