



TETRA TECH EC, INC.

COMPLETED



October 12, 2009

Melissa Jones
Executive Director
California Energy Commission
Energy Facilities Sitting and Environmental Protection Division
California Energy Commission
1516 9th Street, MS 2000
Sacramento, CA 95814
916-654-4996

DOCKET
09-AFC-8
DATE OCT 12 2009
RECD OCT 12 2009

Subject: CONFIDENTIAL COVER SUBMITTAL OF THE GENESIS SOLAR ENERGY PROJECT APPLICATION FOR CERTIFICATION (09 AFC 08) DATA ADEQUACY SUPPLEMENT CONFIDENTIAL CULTURAL RESOURCES DATA RESPONSE

Dear Ms. Jones:

On behalf of Genesis Solar, LLC (the Applicant) in support of cultural resource confidentiality, pursuant to 20 CCR Section 2505, California Code of Regulation, please find enclosed three copies (Clipped) and a CD of the Genesis Solar Energy Project Application for Certification (09-AFC-8) Data Adequacy Supplement. The Genesis Solar Energy Project is a 250 megawatt solar electric generating facility to be located between the community of Desert Center and the city of Blythe in eastern Riverside County, California.

This data adequacy supplement was compiled in response to the Energy Commission's Data Adequacy Recommendation (09-AFC-8) dated September 30, 2009. This document provides the additional information necessary to fulfill the Application for Certification data adequacy requirements for Cultural Resources (AFC Section 5.16).

The Applicant requests that the data adequacy supplemental cultural resource (AFC Section 5.16) information be designated confidential pursuant to 20 CCR Section 2505.

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Three separate copies of:

- Department of Parks and Recreation (DPR) 523 Forms for the following previously recorded archaeological resources: P-33-9037, P-33-9038, P-33-13088, P-33-13089, P-



33-13467, P-33-13470, P-33-13470, P-33-13471, P-33-13657, and CA-RIV-9084 and P33-17834 (total of 41 pages).

- Maps: Appendix H: Class III Archaeological site Locations within ROW and Surveyed Corridor and Appendix H: Class III Archaeological site Locations within ROW and Surveyed Corridor (total of 4 maps)
- Draft Historical Resources Inventory Genesis Solar Energy Project, Riverside County, California (total of 34 pages)

1(b). Specify the part (s) of the record for which you request confidential designation.

Applicant request confidential designation for all of the following records and maps:

- Department of Parks and Recreation (DPR) 523 Forms for the following previously recorded archaeological resources: P-33-9037, P-33-9038, P-33-13088, P-33-13089, P-33-13467, P-33-13470, P-33-13470, P-33-13471, P-33-13657, and CA-RIV-9084 and P33-17834.
- Maps: Appendix H: Class III Archaeological site Locations within ROW and Surveyed Corridor and Appendix H: Class III Archaeological site Locations within ROW and Surveyed Corridor
- Draft Historical Resources Inventory Genesis Solar Energy Project, Riverside County, California

2. State and justify the length of time the Commission should keep the record confidential.

The *data adequacy supplemental* cultural resource information (bulleted above) should be kept confidential indefinitely to protect known cultural resources, including archaeological and historic objects, sites and districts, historic buildings and structures, cultural landscapes, and sites and resources of concern to local Native American or other public ethnic groups. 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.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provisions (s) apply to the record.

The *data adequacy supplemental* cultural resource information (bulleted above) specifically identifies site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254(e), 6254(k), and 6254(r).

3 (b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of competitive advantage,

please also state how it would be lost, the value of the information to the applicant, and the cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing damage and/or looting of the cultural resources sites described in the *data adequacy supplemental* cultural resource information (archaeological records and maps, bulleted above). Damage and/or looting of cultural resources would preclude scientific study and data about the resource and would potentially impact the resources that are valued by Native Americans and other ethnic or religious groups and/or individuals.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

Applicant believes the California Energy Commission Staff can incorporate a generalized summary of the information contained in the *data adequacy supplemental* cultural resource information (archaeological records and maps, bulleted above) to properly state the basis for its analysis without disclosing information specific enough to facilitate damage and/or looting of sensitive resources.

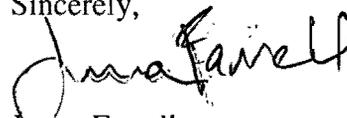
5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of applicant. If it has, explain the circumstances under which disclosure occurred.

Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the Application for Certification for the Project.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge, and that I am authorized to make the application and certification on behalf of the Applicant. (Cal. Code Regs., title 20, § 2505(a)(1)(G).)

Please contact me at (916) 853-4575 or jenna.farrell@tteci.com if you have any questions or comments.

Sincerely,



Jenna Farrell

Cultural Resource Specialist

TETRA TECH EC, INC.