

## Confidentiality Request for Confidential Materials, Pursuant to NDAC, Chapter 69-02-09 and POLICY 1-13-96(1).

Minnkota respectfully requests that the entirety of the contents of Appendix A and any additional materials submitted through the course of pursuing permitting for the proposed project should remain outside of the public domain, pursuant to NDCC §§ 6-02-09-01 and Policy 1-13-96(1). Minnkota asserts that the contents of Appendix A are deemed confidential as the application should be treated as a protection of trade secret information, see NDCC § 06-09-35. The request under NDCC §06-02-, below further sets for the independent value of the information contained within Appendix A.

## Request for Confidential Information Pursuant to NDAC, Chapter §69- 02-09

In accordance with NDCC §55-02-07.1 and the North Dakota State Historical Preservation Society authority and guidance document site location data must not be released and access restricted unless the director grants access on findings of reasonable need for the information and professionally acceptable qualifications of the requesting party. Minnkota has included all confidential and trade secret materials and information submitted with this application as a separate Appendix A.

Minnkota respectfully requests that this information remain confidential and outside of the public domain in accordance with NDCC §55-02-07.1 Protection of Prehistoric or historic site locational data. In accordance with NDCC §06-02-09-01, a request must be filed with PSC to ensure such confidentiality. Please see the below request for confidentiality set out in accordance with such informational requirements:

**1. General Description of the Nature of the Information Sought to Be Protected.**

*All site locational data contained within Appendix A.*

**2. An Explanation of Why the Information Derives Independent Economic Value, Actual or Potential, from Not Being Generally Known to Other Persons.**

*Under North Dakota Century Code, Chapter 55-02 Minnkota is prohibited from releasing locational data of archeological, historical, or paleontological sites in North Dakota unless permission is granted by the director.*

**3. An Explanation of Why the Information Is Not Readily Ascertainable by Proper Means by Other Persons.**

*Only individuals having the requisite professional credentials is allowed access to locational database information. The standards for professional credentials are established by the director of the State Historical Preservation Office.*

**4. A General Description of Person or Entity That May Obtain Economic Value from Disclosure or Use of the Information and How the Person or Entity May Obtain This Value.**

*The general public would be included as individuals without the requisite credentials to access this information and not having reasonable need to access such information. The intent of limiting access and release of the locational data is to avoid destruction of the of the resource.*

**5. A Description of the Efforts Used to Maintain the Secrecy of the Information.**

*Minnkota does not allow access to the locational data and maintains information within Minnkota's organization to employees under confidentiality obligations to Minnkota and only having business need to know. Redacted information is only distributed to those outside of the Minnkota organization even with confidentiality obligations. Locational site data is only used for purposes of establishing preservation, avoidance and mitigation plans for projects and construction activities in furtherance of Minnkota's primary business obligations.*