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Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	265524
Document Title:	CEC Staff's Prehearing Conference Statement
Description:	N/A
Filer:	Marianna Brewer
Organization:	California Energy Commission
Submitter Role:	Energy Commission
Submission Date:	8/11/2025 3:56:45 PM
Docketed Date:	8/11/2025

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

Docket No.:21-AFC-02

***Willow Rock Energy Storage
Center***

Staff's Prehearing Conference Statement

STAFF'S PREHEARING CONFERENCE STATEMENT

In a notice dated July 17, 2025, the California Energy Commission's (CEC) committee overseeing the Willow Rock Energy Storage Center Project ("Willow Rock") directed parties to file a prehearing conference statement for the August 15, 2025, prehearing conference. The Order stated that the Prehearing Conference Statements must be filed no later than August 11, 2025. This is Staff's Prehearing Conference Statement.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

All subject areas are complete and ready to proceed to Evidentiary Hearing.

2. The subject areas upon which the Party proposes to introduce testimony in writing rather than through oral testimony.

Staff intends to introduce written testimony, in the form of the Final Staff Assessment, Staff's written rebuttal testimony, and potentially other written testimony filed in advance of the evidentiary hearing for all subject areas. For Biological Resources and Visual Resources, oral testimony from staff expert witnesses may be necessary if these topics remain in dispute.

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefor.

All subject areas are complete.

4. The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.

Staff believe the following subject areas may be in dispute as described below.

Biological Resources:

The applicant disagrees with staff's offsite land mitigation ratio of 3:1 for burrowing owl and Crotch's bumble bee. The applicant proposed 2:1 for permanent loss and 1:1 for temporary loss. The crux of the dispute is the quality of the habitat on site to support burrowing owls and Crotch's bumble bee and staff treating all habitat loss as permanent given the long construction period and long post-disturbance recovery time for desert habitats.

The Center for Biological Diversity (CBD) raises concerns that the mitigation measures in the conditions of certification only address loss of individual Joshua Trees and do not account for impacts to Joshua Tree Woodlands which CBD believes are present on site. Staff agrees with the applicant that on whole, based on the survey information from the applicant, the density of Joshua Trees on site do not meet the density requirements of a woodland. CBD also argues that the applicant has not performed complete surveys of all project areas which CBD believes must be done prior to issuing of an incidental take permit under the Western Joshua Tree Conservation Act.

Visual Resources:

The applicant disagrees with staff's conclusion that the project results in significant unavoidable impacts to visual resources. The applicant attributes this divergent conclusion to differing methodologies in assessing visual impacts.

The primary difference is that staff's methodology does not take into consideration the interaction of predicted visual changes from the project within the context of the viewer's experience at key observation points (KOPs) in determining the significance of visual effects. In contrast, the applicant's assessment reasonably considers visual impacts related not just to anticipated visual change resulting from the visual properties of the project, but how the visual contrast of the project may interact with a viewer's experience.

Land Use:

The applicant has brought up an issue regarding the scope of the CEC's certification over areas of the project comprising the architectural berm, laydown, and parking. Staff

is currently reassessing the issue. Staff believes that no expert testimony is necessary on this matter since it is a legal issue and can be the topic of briefing if necessary.

Water Resources:

In its opening testimony, the applicant requested CEC's authority and delegation of compliance verification to DSOD be addressed through legal briefing; however, staff does not think briefing is necessary. Staff offered amended language consistent with the CEC's authority in issuing the certification to construct and operate the dam, which must be designed and maintained consistent with applicable laws. To ensure the CEC can provide effective oversight of the reservoir component of the project, CEC depends on DSOD's expertise. Because DSOD will be acting as a DCBO for the reservoir dam, some level of funding to facilitate the CEC's oversight of the design and construction of the structure is necessary. The design parameters of a dam are not prescribed by a code but developed through an iterative process by DSOD. Staff is open to the applicant working with DSOD on an appropriate fee commensurate with DSOD's work.

Staff continues to work to resolve all remaining issues with the parties in advance of the evidentiary hearing and may file supplement testimony or stipulations in furtherance of this effort.

Applicant and CURE Agreement:

On August 7, 2025, the applicant filed a joint statement with CURE that included additional negotiated mitigation measures in the areas of biological resources, noise, and worker safety. From the text in the agreement, there appears to be a desire that this language be folded into the conditions of certification. Staff invites the applicant to file, as soon as possible, proposed language modifying the relevant conditions of certification at which time staff will file a response indicating the changes that are acceptable to staff. Staff notes that some of the mitigation text in the joint statement is not conducive to conditions of certification language and should remain outside the CEC's certification. Such language includes designating the applicant or CURE as having final authority on a matter or optional language that is not enforceable.

5. The identity of each expert witness the Party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the expert witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the expert witness(es), qualifications of each expert witness, the time required to present testimony by each expert witness, and whether the expert witness seeks to testify via Zoom.

The identification of staff's expert witnesses, the specific testimony in the Final Staff Assessment each witness is sponsoring, and their declarations and qualifications, are presented in the Final Staff Assessment in Sections 10 and 11. Staff intends to move all written testimony into the evidentiary record supported by staff's written declarations. Based on the committee order, staff's expert witnesses, testifying on disputed topics, will make a brief opening statement, no more than 5 minutes, and will be available to answer questions and engage in a discussion on the matter.

For potentially contested topics the following expert witnesses will be available:

- Biological Resources: Chris Huntley
- Visual Resources: Mark Hamblin

Staff notes that representatives from California Department of Fish and Wildlife (CDFW) and Department of Water Resources Division of Dam Safety will be available to answer questions and participate in the discussion. Staff does not expect it will be necessary for agency representatives to participate on any panel. Staff believes that CDFW will be at the hearing while representatives of the Division of Dam Safety will be on Zoom.

6. Any objections that the Party may have to oral testimony provided by videoconference, including solutions for the Committee to be able to structure the hearing in a manner that can address the objections.

Staff have no objections to oral testimony provided through remote technology.

7. Subject areas upon which the Party desires to question the other Parties' expert witness(es), a summary of the scope of the questions (including questions regarding expert witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each expert witness. NOTE: A Party who fails to provide, with specificity, the scope, relevance, and time for questioning other Parties' expert witness(es) risks preclusion from questioning on that subject area.

Given the panel format of the hearing comprised of the parties' experts per subject matter, staff reserves the right to ask questions of the Visual Resources and Biological Resources panels relevant to the issues being discussed and to redirect staff's experts that were subject to questioning.

8. A list identifying exhibits with transaction numbers (TN) that the Party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see above for further details on Exhibit Lists).

Proposed Exhibit #	TN	Title of Document	Subject Area
2000	264843	Willow Rock Energy Storage Center Final Staff Assessment	All subjects
2001	265268	Staff's Rebuttal Testimony	Facility Design Noise Worker Safety Biological Resources Cultural Resources Land Use Transportation Visual Resources Water Resources Compliance

9. Proposals for post-hearing briefing deadlines, resolving scheduling conflicts, or other scheduling matters.

Staff intends to ensure that at the conclusion of the evidentiary hearing, the evidentiary record will be more than adequate to support the development of a PMPD without the need for post hearing briefing. In the event post hearing briefing is necessary, staff has no issue with the current briefing schedule. Staff recommends that if any witness testimony is necessary in the topics identified as being in dispute, that the topic of biological resources is discussed first to accommodate CDFW representatives.

Date:

Respectfully submitted,

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT
COMMISSION

By: /s/

Jared Babula
Attorney for Staff