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CALIFORNIA ENERGY COMMISSION

In the matter of:

) Docket No. 21-AFC-02
Willow Rock Energy Storage Center)
Application for Certification)
)
_____)

PRELIMINARY STAFF ASSESSMENT

TECHNICAL AND MITIGATION WORKSHOP

WILLOW ROCK ENERGY STORAGE CENTER

MOJAVE AIR & SPACE PORT AT RUTAN FIELD

STUART O. WITT EVENT CENTER

RILEY STREET, MOJAVE, CA 93501

THURSDAY, JUNE 5, 2025

2:00 P.M.

Reported by:
Elise Hicks

APPEARANCESCEC STAFF

Dian Vorters, Counsel

Elizabeth Huber, Director, Siting, Transmission, and
Environmental Protection Division

Eric Knight, Manager, STEP Division

Eric Veerkamp, Project Manager

James Ackerman, Water Resources expert

Bill Larson, Cultural and Tribal Cultural Resources expert

Mark Hamblin, Visual Resources Expert

Kaycee Chang, Supervisor

Erika Giorgi, Counsel

Steve Kerr, Land Use and Public Services Unit Supervisor

Cameron Travis, Historian in Cultural Resources Unit

ALSO PRESENT

Chris Huntley, Aspen Environmental Group, Contractor for
California Energy Commission, Biological Resources Expert

APPLICANT PRESENTERS

Curt Hildebrand, Hydrostor, Senior Vice President,
Commercial Affairs

Jeff Harris, attorney, Climate Edge Law Group

Laurel Lees, Hydrostor, Senior Director, Development,
Permitting

George Wegmann, WSP, Water Resources Expert

APPEARANCESAPPLICANT PRESENTERS (cont'd)

Kate Moss, WSP, Biological resources expert

Scott Crawford, WSP, Biological resources expert

Daryl Harrison, WSP, Visual resources expert

Clint Helton, WSP, Cultural resources expert

INTERVENORS

Richard (Rick) Franco, Attorney with Adams Broadwell Joseph
& Cardozo

Scott Cashen

PUBLIC COMMENT

Jan Zimmerman, Lahontan Water Board

Curtis, Tejon Indian Tribe

David Smith, Mojave Air & Space Port

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P R O C E E D I N G S

2:09 p.m.

THURSDAY, JUNE 5, 2025

MR. VEERKAMP: Welcome to this Preliminary Staff Assessment workshop for the Willow Rock Energy Storage Center.

My name is Eric Veerkamp with the Siting -- okay. Test. I'm testing for feedback. Something is coming through here, my computer. Something is coming through. Okay. All right.

Thank you, Kevin.

So to begin again, my name is Eric Veerkamp with the Siting, Transmission, and Environmental Protection Division, or as we like to say, STEP.

Thank you for attending today's CEC staff hosted workshop to discuss the Preliminary Staff Assessment for the proposed Willow Rock Energy Storage Center.

The public will have an opportunity to participate in today's discussions between CEC staff; the Applicant, GEM A-CAES, LLC, a wholly owned subsidiary of Hydrostor and its representatives; and Intervenor, California Unions for Reliable Energy, or CURE. Intervenor, Center for Biological Diversity, or CBD, could not be here with us today.

Next slide, please.

1 I just wanted to go over a couple logistical
2 items. This meeting is a hybrid meeting with attendees in
3 person at the Mojave Air & Spaceport in Mojave, California,
4 and virtual attendees on Zoom.

5 As you walked in the room, there should have been
6 a couple of handouts, one on the AFC process and one which
7 is a portion of our agenda today. I also wanted to note
8 for those in the audience in the room, the restrooms are in
9 the extreme back corner of the room, Zoom has a closed
10 caption.

11 Zoom closed captioning has been enabled for this
12 meeting. Attendees can use the service by clicking on the
13 "Live Transcript" icon and then choosing either "Show
14 Subtitle" or "View Full Transcript." The closed captioning
15 service can be stopped by exiting out of the "Live
16 Transcript" or selecting the "Hide Subtitle" icon.

17 For those participating in person, please be
18 mindful of speaking slowly and clearly into the microphone
19 for those participating online to hear and the court
20 reporter.

21 Finally, the meeting is being recorded. The
22 meeting recording will be made available on the California
23 Energy Commission's, or the CEC's website.

24 Next slide, please.

25 This slide provides an overview of today's

1 agenda. CEC staff will start by sharing a brief overview
2 of the project application. There will be an opportunity
3 for comments from California Native American tribes,
4 Intervenor, government agencies, elected officials and
5 members of the public.

6 Following public comment, we will transition into
7 the primary purpose of the workshop to allow the CEC staff
8 and representatives from the Applicant, Hydrostor, and
9 Intervenor in this public setting to identify and resolve
10 areas of disagreement regarding staff's analyses and
11 inclusions to modify or refine mitigation measures as
12 appropriate.

13 The Preliminary Staff Assessment contains the CEC
14 staff's independent objective evaluation of the proposed
15 energy storage project and recommended mitigation measures
16 to reduce identified environmental impacts of the project.

17 At the table here with me are CEC staff
18 attorneys, Erika Giorgi and Mariah Ponce. Other CEC staff
19 are present or on Zoom.

20 Do you want me to introduce you guys?

21 Also here at the dais is Eric Knight, the CEC
22 siting manager; we have Elizabeth Huber, the CEC siting
23 director; and we have Dian Vorters, the assistant director.
24 We have James Ackerman here at the dais as well. We have
25 Bill Larson. We have Mark Hamblin. And we have Chris

1 Huntley, and Erika and Mariah I have introduced. And
2 finally, we have Kaycee Chang, who is the siting CEQA
3 project manager supervisor. So we have a full complement
4 of staff.

5 Again, thank you all for joining us.

6 Oh, next slide. Excuse me.

7 Thank you all for joining us today, both here and
8 virtually to participate in CEC's -- the STEP Division's
9 staff discussion with the Applicant on important topics
10 regarding the proposed Willow Rock project.

11 Our professional staff is responsible for
12 reviewing and preparing environmental and engineering
13 assessments and other technical analyses and identifying
14 areas of potential environmental impacts resulting from the
15 project. Staff's proposed mitigation of those potential
16 impacts is in focus today.

17 Before and throughout the discussion, there will
18 be an opportunity -- or opportunities for feedback. If you
19 wish to make a public comment, we encourage you to sign up
20 with Kaycee, who has a signup sheet and has her hand
21 raised.

22 While signing up is not required, it helps us
23 coordinate public comments. If you're here on behalf of a
24 government, please indicate that on the signup sheet.

25 You're also welcome to raise your hand in the

1 room and on Zoom when we begin the public comment session.
2 Your comments and feedback will be included in our final
3 staff assessment.

4 Next slide, please.

5 Willow Rock would be a 500-megawatt net, 4,000-
6 megawatt-hour advanced compressed air energy storage
7 facility to be located on approximately 89 acres of private
8 land immediately north of Dawn Road and between State Route
9 14 and Sierra Highway within unincorporated southeastern
10 Kern County.

11 Project components at the site would include all-
12 electric air compressors and associated power turbine
13 drains, underground compressed air storage cavern,
14 hydrostatic compensating reservoir, and miscellaneous
15 above-ground support facilities.

16 Next slide, please.

17 Energy stored or generated by the project would
18 be delivered to Southern California Edison's Whirlwind
19 Substation southwest of the project site at the
20 intersection of 170th Street West and Rosamond Boulevard
21 via a new approximately 19-mile-long, 230-kilovolt
22 generation tie line with approximately 186 transmission
23 poles.

24 The project would be capable of operating on a
25 24-hour basis, 365 days a year, and has an approximately

1 50-year lifespan.

2 The project would not require the combustion of
3 fossil fuel and would not produce combustion-related air
4 emissions during normal operation.

5 Next slide, please.

6 Staff evaluated the potential environmental
7 effects of the construction and operation of the Willow
8 Rock facility in compliance with the California
9 Environmental Quality Act, or CEQA.

10 The CEQA guidelines, the Warren-Alquist Act, and
11 California Code of Regulations Title 20 evaluated
12 engineering aspects of the proposed project and concluded
13 that the construction and operation of the project would
14 conform with all applicable local, state, and federal laws,
15 ordinances, regulations, and standards, which we like to
16 call LORs. Should the project be certified, it can be
17 reliably operated.

18 Next slide, please, I think it should say.

19 This table summarizes staff's CEQA impact
20 conclusions for the environmental topic areas and the
21 project's conformance with LORs in these topic areas.

22 As detailed in section 5.15 of the Preliminary
23 Staff Assessment, "Visual Resources," significant and
24 unavoidable impacts have been identified in the area of
25 Visual Resources.

1 Specifically, staff concludes the existing
2 physical landscape, the project would substantially degrade
3 the existing visual character or quality of public views of
4 the site and its surroundings from three key observation
5 points, which will be discussed in more detail later.

6 However, staff concludes there is a substantial
7 and compelling evidence in the record to support a CEC
8 decision to approve the project by issuing a statement of
9 overriding considerations.

10 Next slide, please.

11 And we provide the following as background. The
12 Applicant filed the Willow Rock project application on
13 March 1st of 2024. CEC staff reviewed the data submitted
14 and completed a series of requests for information before
15 deeming the application complete on July 16th of 2024. A
16 notification to tribes was mailed on July 26th, 2024, and a
17 follow-up on August 26th.

18 The committee overseeing the Willow Rock AFC
19 proceeding held a public site visit and informational
20 hearing in Kern County in November of 2024.

21 The Preliminary Staff Assessment, or the PSA, was
22 filed on April 29, 2025. The 45-day public comment period
23 is set to expire on June 16th, and today we're hosting this
24 public meeting to hear comments thus far on the PSA.

25 I want to make it clear that there are no

1 decisions being made at this meeting today. Per the
2 committee's fourth scheduling order, CEC staff will be
3 filing the final staff assessment by July 16th of 2025, and
4 the committee will be hosting evidentiary hearings on
5 August 18th and 19th of 2025.

6 The committee's presiding members' proposed
7 decision is tentatively scheduled to be issued in October
8 of this year, with a final decision by the full commission
9 expected by the end of 2025 this year.

10 Next slide, please.

11 We do appreciate public participation in all our
12 meetings, and what you see on the screen is the Willow Rock
13 webpage from the CEC's website.

14 The blue arrow on the screen is intended to
15 highlight a few of the different features that you can find
16 on this page. You can contact the project manager --
17 that's me -- post an electronic comment, or contact the
18 public advisor, among other things, via this webpage.

19 The CEC's web address in the lower right will
20 take you to an alphabetical listing of projects. From
21 there, find the project you want. And if anybody wants to
22 take a quick picture of the screen for future reference,
23 please feel free.

24 Next slide, please.

25 We will now move on to remarks from the Applicant

1 and the Intervenor at this time.

2 Next slide, please.

3 So I believe we have a representative from CURE
4 in the room.

5 If you would like to approach the podium, we have
6 a microphone that can accommodate you. We don't have a
7 roving mic in this venue today.

8 Is there a representative from CURE on the Zoom?
9 Because I don't see anyone in the room.

10 Next slide.

11 MR. FRANCO: Is that Richard Franco?

12 MS. CHANG: Yes, but I think we wanted to do
13 Applicant remarks first. So can we go back one slide,
14 please?

15 MR. VEERKAMP: Sure. Perfect. Applicant
16 remarks. I jumped the gun a little bit. And I know we do
17 have representatives of the Applicant with us today. I
18 think we have Curt Hildebrand.

19 Please, Curt.

20 MR. HILDEBRAND: Thank you. My name is Curt
21 Hildebrand, senior vice president with Hydrostor. I'd like
22 to welcome everybody here today to learn more about the
23 Willow Rock Energy Storage Center project.

24 As Eric and our energy commission friends have
25 mentioned, it's a 500-megawatt, eight-hour energy storage

1 facility. It will be the largest energy storage facility
2 built and operated in North America. It will have
3 sufficient capacity to power the entire city of Bakersfield
4 for eight hours during summer months. It's a very
5 significant investment in Kern County, in excess of \$1.5
6 billion.

7 And I would like to just close by thanking energy
8 commission staff and management for all their diligent work
9 to date. And we look forward to continuing that progress
10 on our project.

11 MR. VEERKAMP: Thank you, Curt.

12 So unless there's anything else from the
13 Applicant, we will now move on to Intervenor remarks.

14 And I thought I heard someone from CURE on the
15 Zoom. So when you're ready, please go ahead.

16 MR. FRANCO: Can you hear me now?

17 MR. VEERKAMP: Yes, we can.

18 MR. FRANCO: Great, thank you.

19 My name is Rick Franco. I'm an attorney with
20 Adams Broadwell Joseph & Cardozo, and I represent the
21 Intervenor at CURE.

22 I also wanted to mention that CURE's expert
23 consultant for biological resources, Scott Cashen, is also
24 participating remotely. And he may have some questions and
25 comments as the workshop moves along.

1 I just simply want to say on behalf of CURE, we
2 appreciate the time and effort that all the parties and CEC
3 staff invested in the project, and the opportunity to
4 participate today.

5 We do have some questions and comments about --
6 specific questions and comments on some of the PSA analysis
7 and some of the mitigation, but I assume that those can
8 wait until a later portion of the workshop. Is that the
9 program?

10 MR. VEERKAMP: Yes.

11 MR. FRANCO: Okay. Great. Well, happy to be
12 here. Thanks for having us.

13 MR. VEERKAMP: Thanks very much.

14 So since we don't have anyone from our other
15 Intervenor today, we're going to move on now to government
16 remarks from government representatives or comments.

17 Do we have anyone representing any California
18 tribal governments here today or on Zoom?

19 Not hearing any.

20 Are there any elected officials either present in
21 the room or on Zoom today?

22 Okay. Any other governmental representatives in
23 the room or on Zoom?

24 Okay. I'm getting the thumbs up. So I think
25 we're good on that.

1 No comments at this time.

2 MS. CHANG: I do see Jan Zimmerman from the Law
3 and Order Board.

4 So I'm going to allow you to speak, Jan. If you
5 could please state and spell your name for the court
6 reporter and the record, that would be very helpful.

7 MS. ZIMMERMAN: Okay. Can you hear me?

8 MS. CHANG: Yes.

9 MS. ZIMMERMAN: Hi, my name is Jan Zimmerman. J-
10 A-N Z-I-M-M-E-R M-A-N. I'm the supervising engineering
11 geologist with the Lahontan Regional Water Quality Control
12 Board. I'm here with Christina Guerra and Elizabeth
13 Barrett to be present for this workshop, and we're happy to
14 be here. That's it.

15 MS. CHANG: Thank you for your comment, Jan.

16 I see another hand raised.

17 Curtis from the Tejon Indian tribe. You should
18 have speaking permissions. Please unmute on your side.

19 CURTIS: Hi, my name is Curtis. I'm from the
20 Tejon Indian tribe. I just wanted to be a tribal
21 representative here for the meeting. We don't really have
22 any remarks. We're just glad to be here.

23 MS. CHANG: Thank you, Curtis.

24 At this time, I do not see any other hand raised,
25 but if you would like to make a comment on Zoom, please

1 raise your hand by clicking the Raise Hand feature on your
2 screen. If you are joining by phone, please press star
3 nine.

4 All right. We are not seeing any more hands
5 raised for government comments.

6 We will now take general public comment.

7 So we'll go on to the next slide, please.

8 MR. VEERKAMP: And if you missed that, we passed
9 the baton to Kaycee for the public comment portion.

10 MS. CHANG: Yes, this is Kaycee. I supervise our
11 CEQA project management unit. We will now take general
12 public comment before the environmental topics and
13 conditions of certification discussions.

14 When we do discuss environmental topic areas,
15 there will be an opportunity for public comment after each
16 one, and that will be open to all attendees.

17 Are there any people in the room who would like
18 to make public comment?

19 Yes, please approach the podium. Please state
20 and spell your name before you begin. We are asking for
21 comments to be three minutes or less, and there's going to
22 be a timer on the screen so we can move to the next slide,
23 please.

24 MR. SMITH: Restrict me to three minutes? It's
25 never been done. So I don't know if you can hear loud and

1 clear?

2 MR. VEERKAMP: We're waiting for the microphone.

3 MR. SMITH: Check, check, check, check.

4 Okay. David Smith, D-A-V-I-D S-M-I-T-H, the CEO
5 and general manager of Mojave Air & Spaceport.

6 I just wanted to personally welcome you all to
7 the Mojave Air & Spaceport, in particular, the Stuart
8 Center for this very important hearing.

9 And I do want to mention it's appropriate it's
10 being held here in Mojave because this is a facility
11 dedicated to firsts. The routines here developed the
12 Voyager that was the first aircraft to fly all the way
13 around the world. Our neighbors at Edwards Air Force Base
14 flew the X-15, the first hypersonic system to be able to
15 recover. Flying out of Mojave is the ROC, the world's
16 largest aircraft, launching the first hypersonic system
17 designed for recovery.

18 We're in the era of firsts, and it's delightful
19 representing Mojave Air & Spaceport to be partnering with
20 Hydrostor, another first in this region, providing an
21 absolutely essential energy resource to East Kern, the
22 nation and state. Welcome to Mojave, thank you very much.

23 MS. CHANG: Thank you for your comment.

24 If there are any people in the room who would
25 like to make comment, please raise your hand. For those on

1 Zoom, if you would like to make a comment, please use the
2 Raise Hand feature. You should see an open palm on your
3 screen. And again, if you're joining by phone, you can
4 press star nine. That is going to tell us you'd like to
5 comment.

6 We are not seeing any raised hands in the room or
7 on Zoom. So we'll give it another minute.

8 And as a reminder, as we talk through each
9 environmental topic area, there will be opportunity for
10 public comment.

11 All right. I will pass it back off to Eric
12 Veerkamp.

13 Can we please get the next slide?

14 MR. VEERKAMP: Thanks, Kaycee.

15 We'll now begin our staff presentations on
16 environmental topic areas, primarily identifying conditions
17 of certification where the Applicant and CEC staff are
18 trying to reach agreement.

19 We plan to discuss water resources, biological
20 resources, Visual Resources, and cultural and tribal
21 cultural resources at a minimum.

22 For each topic area, staff will provide a brief
23 overview of conclusions, which can be found in the PSA.
24 Then we'll go into discussions, starting with questions and
25 comments from the Applicant and any additional items, then

1 opening up for public comment. To be clear again, there
2 will be public comment for each topic area.

3 And I'll now pass it to James Ackerman.

4 MR. ACKERMAN: Good afternoon. My name is James
5 Ackerman. I'm an engineer (indiscernible).

6 Can you hear me now?

7 I think I did.

8 My name is James Ackerman. I'm an engineering
9 geologist with the geosciences unit. I authored the water
10 resources section of the PSA. Over the next few minutes, I
11 will provide a brief overview of the findings that related
12 to water resources.

13 Oh, next slide, please.

14 With respect to water resources, we found that
15 the -- or I found that the --

16 MS. CHANG: James?

17 MR. ACKERMAN: Yes?

18 MS. CHANG: Do you mind if we pause while we
19 figure out some IT issues?

20 MR. ACKERMAN: We can do that.

21 MS. CHANG: Thank you.

22 MR. ACKERMAN: Hello? Hello? Hello? Check.
23 Check.

24 Okay. So with respect to water resources, I
25 found that the application applied for -- was applicable to

1 the LORS, primarily the Federal Clean Water Act, the
2 California Porter-Cologne Act, the California Sustainable
3 Groundwater Management Act, the California Water Code, and
4 specifically with a topic that I'll bring up a little bit
5 later, Section 6002 that has to do with defining a dam,
6 another related Section 6003 that also has to do with the
7 definition of a dam.

8 Next slide.

9 Oh, I'm sorry. And then also Kern County
10 ordinances.

11 Next slide, please.

12 So some key considerations. Let me see. Let me
13 get caught up here.

14 So stormwater management. Yeah. Oh, no, go back
15 to that. Excuse -- I can't scroll this. Yes, thank you.

16 During construction, and that will be following
17 the California's NPDES construction general permit. During
18 operation, stormwater would be managed using a drainage
19 erosion and sedimentation control plan that'll be a part of
20 one of the conditions.

21 Drill cuttings that will be produced from
22 drilling the access shafts down to the cavern will be
23 contained in lined ponds and be subject to the State Water
24 Resources Control Board waste discharge requirements.

25 Next slide, please.

1 Industrial wastewater for the project will be
2 contained in tanks and disposed of offsite. As far as
3 sanitary wastewater, a septic leach-line system is proposed
4 for the project.

5 Let's see, the hydrostatic compensation reservoir
6 embankment qualifies as a dam under the Department of Water
7 Resources Division of Safety of Dams jurisdiction.

8 The proposed water use will be 1,400 acre-feet
9 over a 55-year construction period and two acre-feet per
10 year for operation.

11 Next slide, please.

12 So a brief summary of the conditions of
13 certification.

14 So Water-1 would have to do with the management
15 of stormwater during construction. And as I mentioned,
16 that will be under the State Water Board general
17 construction permit.

18 Water-2 has to do with stormwater runoff during
19 operations. And once again, that would be managed by a
20 drainage erosion and sedimentation control plan.

21 Then let's see, Condition Number 3, the drill
22 cutting ponds. And once again, that will be managed per
23 waste discharge requirements under the Water Quality Order
24 Number 2003-0003-DWQ.

25 Water-4 condition will be -- has to do with the

1 industrial wastewater discharge, and the mitigation will be
2 documenting the off-site disposal of that wastewater.

3 Condition Number 5 has to do with the septic
4 system, and the septic system will be designed to state and
5 local on-site wastewater treatment system requirements.

6 Condition Water-6 has to do with the hydrostatic
7 compensation reservoir embankment. And this has to do with
8 the Department of Safety of Dams will be reviewing the
9 design of the embankment around this reservoir.

10 Condition number Water-7 will be the coordination
11 between CEC, the inspectors during construction and the
12 DSOD inspectors at that time.

13 And then finally, Water-8 is the monitoring of
14 the water supply use. And also there'll be documentation
15 in reports of how they use the water. And there'll also be
16 limits on the water that they use.

17 So that concludes the findings for water
18 resources.

19 MR. VEERKAMP: Thank you, James.

20 Can you please put up the next slide?

21 I guess what I would call this the question and
22 answer portion. We, the CEC, received information from the
23 Applicant, that on water resources, there were some issues
24 to discuss for predominantly administrative issues. But
25 what I would like to do now is ask for an Applicant

1 representative to just speak to what their concerns are.

2 We're available to answer questions. And we have
3 each of those water conditions, 1 through 8 that we can
4 reference if you desire on the screen.

5 MR. HARRIS: Yeah, hi, it's Jeff Harris on behalf
6 of the Applicant. We've got George Wegmann on the phone.
7 Unlike the lawyers, George knows something. So he's going
8 to actually ask some questions.

9 And essentially what we're trying to do with our
10 time here is to seek some clarifications on some things,
11 and then maybe put some issues in front of you to consider
12 as you move forward with the final staff assessment.

13 And so with that sort of as a tee up, I'm going
14 to turn it over to George and let him kind of move forward
15 with things.

16 So, George, if you're available, you want to test
17 your AV, and I think -- (indiscernible) -- let you run with
18 it.

19 MR. WEGMANN: All right. Thanks, Jeff. I just
20 think I'm muted.

21 Are folks able to hear me?

22 MR. HARRIS: We can hear you.

23 MR. WEGMANN: Okay. Great, thanks.

24 This is George Wegmann with WSP. I'm a
25 hydrogeologist.

1 And yeah, James, thank you for that overview
2 there. That helps with some of the questions.

3 So ours are mainly administrative and how the
4 conditions are organized under the water section. And then
5 you provided that summary. So it appears Water-1 would be
6 pertaining to stormwater runoff during construction
7 activities.

8 And then Water-2, it would be stormwater
9 management during operations. One of the questions we had
10 in the report, it appeared that there may be some
11 construction-related activities for stormwater management
12 under Water-2. So we were looking for clarification on
13 that.

14 MR. ACKERMAN: Oh, sorry.

15 MR. WEGMANN: Go ahead.

16 MR. ACKERMAN: Can you be more specific about
17 what items you believed you thought would be pertaining to
18 construction under COC Water-2?

19 MR. WEGMANN: The language -- the title of it
20 said had construction included with it. That may just be a
21 carryover. The language in it talked about project, but
22 then there were other parts in other sections, for
23 instance, in geology, that were referencing Water-1 when it
24 should have been Water-2. So that's where it wasn't clear
25 to us that Water-2 is solely focused on operations.

1 And we would provide comments on where the
2 discrepancies were.

3 MR. ACKERMAN: Yes, so, George, I'm looking at
4 the COC Water-2 now, and I see what you're talking about.
5 That shouldn't have been in there. So I apologize for
6 that.

7 MR. WEGMANN: Okay. That's fine. We just wanted
8 to be clear on that.

9 MR. ACKERMAN: Sure.

10 MR. WEGMANN: And then the other part of the
11 Water-3, that pertains mainly to the drill cutting ponds,
12 and then the low threat water quality discharge WDRs that
13 we would secure for that.

14 And then it references Attachment A to Water-3.
15 And attachment A is the draft WDRs. And in the draft WDRs,
16 it contains the drill cutting ponds and the requirements
17 for that and what would need to happen. But there was also
18 some other requirements in there that were in the draft
19 WDRs that we thought there could be potential for further
20 ease of flotation (phonetic) or clarification to pull that
21 out of there and put it into one of the water comments.

22 For example, there is a requirement in there for
23 the placement of potential fill and excavation discharges
24 associated with the construction gen-tie line. And we were
25 wondering if we can make that more appropriately fit into

1 Water-1 under the construction
2 part -- under stormwater and grading activities there.
3 Since the focus of Water-3 appears to be the drill and
4 cutting ponds.

5 MR. VEERKAMP: This is Eric, the project manager.
6 Just to clarify, so if I'm hearing you correctly, your
7 concerns aren't necessarily with the content of the
8 language, but rather where something might necessarily be
9 moved and more appropriate in a different --

10 MR. WEGMANN: Correct.

11 MR. VEERKAMP: And this --

12 MR. WEGMANN: That is correct.

13 MR. BUESCHER: -- things that you plan on
14 submitting, you know, in your comments in a line-by-line
15 strikeout type arrangement with the conditions, is that --

16 MR. WEGMANN: That's correct.

17 MR. VEERKAMP: Okay.

18 MR. WEGMANN: Yeah, that's correct. That's why
19 it's more administrative.

20 And then just along those lines, there's just one
21 more under Water-3 where there's an Attachment 1 to
22 Attachment A that pertains to the best management plan.

23 And since we will have coverage under the CGP and
24 the SWPPP will be prepared, that was another question we
25 had, if that would be required or if that could be part of

1 the construction SWPPP. But those are mainly the questions
2 we had on water.

3 Let me just -- and again, there's other ones,
4 just clarification on the administrative side for Water-6
5 and Water-8.

6 MR. ACKERMAN: Okay. So with respect to COC
7 Water-3, we had input from the Lahontan Regional Water
8 Quality Control Board. And so we would be consulting with
9 them as far as the changes that you would suggest. But of
10 course, you can basically give us suggestions for how that
11 should be changed or could be changed.

12 MR. WEGMANN: Okay.

13 MR. ACKERMAN: Now, what about the editor of COC?

14 MR. WEGMANN: We were just looking for
15 clarification on Water-6 with the construction of the
16 reservoir to start within one year after DSOD approval,
17 Milestone 7. And just clarification that the authorization
18 is from DSOD to start construction applies only to the
19 embankment and not the excavation of the reservoir and mass
20 grading. It was unclear what the start time was there.

21 MR. ACKERMAN: Yes, I'll have the sheet. I'm
22 having trouble scrolling through this and trying to follow
23 this in the COC, my version of the COC.

24 MR. VEERKAMP: Which condition are you trying to
25 track down, James?

1 MR. ACKERMAN: Oh, 6.

2 MR. VEERKAMP: Let me see if I can find that.

3 MR. ACKERMAN: To save time, if you could help me
4 out, can you read the part that you have questions about?

5 MR. WEGMANN: Yes.

6 MR. ACKERMAN: Well, I'm having a hard time
7 scrolling through my copy of the COC.

8 MR. VEERKAMP: Just to jump in, George, with
9 another quick question. This is Eric Veerkamp again.

10 Of your suggested organizational modifications, are
11 any of them of the type where you would be recommending
12 language be stricken or would you be recommending language
13 be restricted? Or any language added? Maybe if there are,
14 we could focus on those and see if there's anything that
15 needs to be resolved there.

16 MR. WEGMANN: Yes, we are proposing adding
17 language. It's more of moving parts to different section.

18 And then also, if we had concurrence on the best
19 management plan, if that was necessary or not, that would
20 be stricken from Exhibit -- or Attachment A.

21 MR. HARRIS: Yes, Eric, it's Jeff Harris.

22 Our intent is to provide you the specific
23 language. I think the first step was we wanted to have
24 George talk with Mr. Ackerman and make sure that they're
25 communicating. And then we'll give you guys some redline

1 strike out in our comments on the 16th.

2 But most of these things do go to placement, as
3 you've talked about. And then just sort of a general
4 concern about there's an attachment and then there's an
5 attachment to the attachment, and maybe getting all that
6 stuff into the condition of verification language is
7 really -- I think we're kind of focused on there. But
8 we'll give you specific text for our PSA comments.

9 MR. VEERKAMP: Thank you, Jeff.

10 MR. ACKERMAN: So, George, I finally have Water-6
11 in front of me. So what portion were you talking about?

12 MR. WEGMANN: Construction of the reservoirs
13 start within one year after DSOD approval.

14 MR. ACKERMAN: Okay. So that is, as I recall,
15 that is actually a DSOD requirement. So in basically
16 putting this together, I tried to, in conjunction with
17 DSOD, implement some of their procedures as far as
18 approving the embankment design or the dam design.

19 MR. WEGMANN: Right, so the clarification we were
20 seeking is authorization from DSOD. Required to start
21 construction applies only to the embankment or is it the
22 full reservoir?

23 MR. ACKERMAN: Oh, okay. I think we'll have to
24 confer on that because this is obviously a kind of a
25 different application for this. You know, the DSOD is

1 usually, you know, they basically are approving the designs
2 for actual dams rather than an embankment for a reservoir.
3 So we'll need to confer with them as far as how that
4 applies.

5 Unless, is there somebody from DSOD online that
6 would like to provide some clarification?

7 MS. CHANG: Eric Malvick, you are now unmuted.
8 Eric, we are not getting any audio from you. If you want
9 to try to turn your mic up. Eric Malvick, we are still not
10 hearing your audio.

11 MR. MALVICK: Can you hear me now? Can anybody
12 hear me?

13 MS. CHANG: We are hearing you very lightly now.

14 MR. MALVICK: Okay. Let me try again.

15 Can you hear me now?

16 MS. CHANG: Yes.

17 MR. MALVICK: Okay. This is Eric Malvick with
18 the California Division of Safety of Dams.

19 That item that you're discussing is a statute
20 related to construction of dams, and so that's not really
21 set by us; that's actually set by the Water Code. We just
22 enforce it. But what it just requires is that within a
23 year that you approve the portions of the project that are
24 under our jurisdiction that they start construction.

25 And then actually the following statute, which I

1 believe is 6026, does provide for the opportunity for us to
2 provide written approval to extend that deadline beyond a
3 year for good reason.

4 So if you're unable to do it within a year, you
5 would have to let us know in writing about a month before
6 the year is up to get an extension.

7 MR. ACKERMAN: So, Eric, this is James.

8 So that does not pertain then to when they start
9 excavating out the reservoir?

10 MR. MALVICK: Only to the extent that the
11 reservoir may fall under our jurisdiction.

12 MR. ACKERMAN: Okay. Thank you, Eric.

13 MR. HARRIS: Eric, it's Jeff Harris again.

14 I think this is a good conversation probably for
15 the lawyers, not only at the table, but also with the DSOD
16 to kind of sit down and talk about how these processes are
17 going to be integrated together.

18 And this is -- we talked about a bunch of firsts;
19 this is another first. There's definitely clarity I think
20 in the Water Code about the one year, that's true, and the
21 (indiscernible) falls, that's very helpful. We may want to
22 cite that in the condition as well.

23 But there is an opportunity I think for us to all
24 figure out when exactly the DSOD, their jurisdiction is
25 triggered, right? I mean, they don't have jurisdiction

1 over the entire project.

2 And so I think it's going to take some time to
3 kind of work through this stuff. There might be an MOU in
4 your future, I don't know. Good luck with that if there
5 is. But we're definitely willing to participate and try to
6 figure out how you would read those Water Code sections in
7 the context of a power plant siting case. And we're glad
8 to keep talking with Eric and the team about those issues.

9 MR. VEERKAMP: Thank you. Are we, are there any
10 more items on those?

11 MR. ACKERMAN: Okay. George, do you have any
12 other questions?

13 MR. WEGMANN: I was just wondering more on Water-
14 8 regarding the water use amount. I know it's the five-
15 year, 1400 acre-feet, which you showed on the on a previous
16 slide. But there's also a restriction of 350 acre-feet per
17 year under Water-8 right now. And we're curious as to the
18 basis of that restriction.

19 MR. ACKERMAN: So that's greater than basically
20 the average annual use, you know, given the 1400 acre-feet.
21 It was basically five, so you had some leeway above that
22 average, but that it wasn't, you know, excessive. But we
23 could discuss that number if you have other ideas on that.

24 MR. WEGMANN: Okay. Yeah, we may need or request
25 additional flexibility on that, depending on the

1 construction schedule and when the water demand would
2 happen during that period. So that's, yeah, what we want
3 to bring up was that 350 acre-feet is currently in there
4 for a year.

5 MR. ACKERMAN: But you'd still be within that
6 1400 acre-feet?

7 MR. WEGMANN: Correct, exactly. Yes, over the
8 five-year period, the 1400, we would still meet that.

9 MR. ACKERMAN: Okay. So was that the last
10 question, George?

11 MR. WEGMANN: Yes, unless Jeff has something
12 additional.

13 MR. HARRIS: Oh, maybe you shouldn't do lawyer-
14 math. But so the 350 is times 5 of 4, but how did you get
15 the 1400 from that? I just -- I'm sorry, James, I didn't
16 track it.

17 MR. WEGMANN: 1,400 total.

18 I'm sorry. Go ahead, James.

19 MR. ACKERMAN: So it's above the divide in 1400
20 by 5. But it gives you a little bit of leeway, but I don't
21 really have a mathematical basis for that.

22 MR. HARRIS: Okay. Yeah, it'd be great if you
23 and George can talk maybe offline.

24 MR. ACKERMAN: Sure.

25 MR. HARRIS: Come up with a -- and the word

1 flexibility was the key from our perspective, and George
2 already used that, so I don't need to repeat it, but I did.
3 So thanks, appreciate it.

4 MR. VEERKAMP: Thank you, everybody.

5 I just wanted to throw out a little reminder that
6 when you're prior to your comments, please repeat your name
7 and your affiliation. I know it seems a little tedious,
8 but it really helps with the record. Thank you.

9 So we'll --

10 Next slide, please.

11 We'll transition to the discussion on biological
12 resources.

13 And we have Chris Huntley with us.

14 MR. HUNTLEY: Good afternoon. My name is Chris
15 Huntley. I'm a senior wildlife biologist with --

16 MS. CHANG: Can we go back one slide, please?

17 After each topic area, we'll just make it -- keep
18 it open in case there are any additional topics that anyone
19 wants to bring up, especially the Intervenor on the line.
20 And then we also want to allow room for public comment.
21 And if any government entities are online, we won't do the
22 three-minute limit for public comment. We will be asking
23 for comments to be three minutes or less.

24 I do see a raised hand from Eric Malvick with
25 Division of Safety of Dams. So -- oh, it just went away,

1 but you are allowed to speak if you'd like to.

2 Okay. We are not seeing any more hand raise.
3 We'll give it another minute. If you are on Zoom, please
4 use a raised hand function on Zoom. That will let us know
5 that you would like to speak. And if there's anyone in the
6 room who would like to speak.

7 All right. Thank you. We are good to move on
8 now to biological resources.

9 MR. HUNTLEY: Hello again. My name is Chris
10 Huntley. I'm a senior wildlife biologist with Aspen
11 Environmental Group, and I'm supporting the staff analysis
12 with my colleague Jamison Miner.

13 Next slide, please.

14 I'm here to present the California Energy
15 Commission's staff preliminary assessment of biological
16 resource impacts for the proposed Willow Rock Energy
17 Storage Center.

18 As part of this process, staff reviewed
19 Applicant-submitted data, including biological resource
20 surveys, jurisdictional delineations, and species-specific
21 studies that were conducted on or about 2023 and 2024.

22 We also conducted independent research on the
23 site and conducted site visits on a number of occasions.

24 We also coordinated with the California
25 Department of Fish and Wildlife and the Lahontan Regional

1 Water Quality Control Board.

2 Construction of the project would remove a
3 variety of native vegetation communities, including
4 creosote bush scrub, creosote bush-white bursage scrub, and
5 cheesebush scrub, among others.

6 It would also result in the removal of some
7 myrtle (phonetic) plants and approximately 1,100 to 1,600
8 western Joshua trees, depending on which project
9 configuration is selected.

10 It's important to note that western Joshua trees
11 are designated as a candidate species for listing under the
12 California Endangered Species Act.

13 We assessed potential impacts to several listed
14 and other special status species, including but not limited
15 to Crotch's bumblebee, burrowing owl, Swainson's hawk, and
16 Mojave ground squirrel. Crotch's bumblebee and burrowing
17 owl were observed during focus surveys by the Applicant on
18 or near the project site.

19 We also evaluated a number of ephemeral drainage
20 features that may qualify as jurisdictional under state
21 law. These and other features remain under review, pending
22 field verification with our agency partners.

23 Staff then reviewed the project for consistency
24 with the current County General Plan, Desert Renewable
25 Energy Conservation Plan, West Mojave Plan, and other laws,

1 ordinances, regulations, and standards, or LORs.

2 Next slide, please.

3 The project occurs in the region with some
4 localized habitat connectivity, but no critical linkages or
5 high-priority movement corridors were identified. As such,
6 staff determined that impacts to migratory corridors were
7 deemed less than significant.

8 Staff included for other resources that impacts
9 the sensitive habitats, special status species, and
10 jurisdictional aquatic features would be less than
11 significant with the implementation of our proposed
12 conditions of certification or mitigation.

13 Based on our review, we determined that the
14 project would not result in conflicts with any adopted
15 general plan or other ordinance provided that mitigation
16 measures outlined in the PSA are implemented.

17 In this line, to reduce project impacts, staff
18 has proposed 24 conditions of certification specific to
19 biological resources. These conditions of certification or
20 mitigation measures include avoidance and minimization
21 measures, pre-construction surveys, biological monitoring
22 requirements, and compensatory mitigation strategies.

23 Importantly, they also include species-specific
24 measures for a number of species, including western Joshua
25 tree, Crotch's bumblebee, burrowing owl, and a number of

1 other species to ensure compliance with state regulations.

2 In conclusion, with the implementation of the
3 proposed conditions of certification, staff finds that the
4 project impacts to biological resources would be less than
5 significant under CEQA and comport with the requirements of
6 the state and federal Endangered Species Acts and other
7 laws, ordinances, regulations, and standards.

8 I believe this brings us to the biological
9 resources discussion with the Applicant.

10 MS. CHANG: Can we get the next slide please?

11 MS. MOSS: Hi, my name is Kate Moss. I'm a
12 wildlife biologist for WSP. Thanks for taking the time to
13 include us today.

14 I had a few questions about BIO-14. This
15 condition is specific to habitat mitigation. And I was
16 wondering if you could please describe how the amount of
17 843 acres of compensation habitat was generated?

18 MR. HUNTLEY: Certainly. Thank you, Kate.

19 So condition of certification BIO-14 -- I don't
20 know if I can look at you while I'm talking into this
21 thing -- it was developed, as were all conditions of
22 certification, in close coordination with our regulatory
23 partners at CDFW and their in-house species experts.

24 But when we looked at the conditions, especially
25 as they relate to burrowing owl, Crotch's bumblebee, and

1 Joshua trees, I'll focus on Crotch's bumblebee and
2 burrowing owls.

3 The project is located in relatively good quality
4 habitat for those species. Both Crotch's bumblebee and
5 burrowing owl are found on the project site or around in
6 the immediate adjacent area. So we would likely be taking
7 habitat routinely used by these species.

8 The other thing we thought was important is that
9 temporary impacts would occur over a period of five years,
10 which could effectively mean it could impact generations of
11 birds, excluding them from the project site.

12 It was also the consideration of noise, dust,
13 vibration, blasting that is expected to have effects
14 radiating well outside the project area for a number of
15 years.

16 We also looked at two years of 24-hour
17 construction, multiple traffic trips, 700-plus truck trips
18 a day. And we tried to look at that and determine what
19 would be a reasonable number.

20 Because of the habitat conditions, because of the
21 long-term disturbance, we decided that we were going to
22 treat those temporary impacts as permanent. And that way,
23 we ended up with a 3-to-1 mitigation ratio. But those are
24 the basics for considering that.

25 When we did consider the permanent impacts, I put

1 in the staff assessment some flexibility on the restoration
2 requirements for those sites. I know that the Applicant
3 proposed to restore some of these larger areas, but we
4 didn't want to ask you to do full restoration of sites
5 while we're asking for compensatory mitigation lands to
6 offset impacts to those species.

7 And I guess in conclusion on that, these are CESA
8 species. We have a higher level that we have to achieve
9 versus reducing it to less than significant impacts. But
10 that was the basis for our conclusions.

11 MS. MOSS: Okay. Thanks. Then maybe you can
12 expand a little bit on how suitability for the species was
13 considered.

14 So the site isn't ubiquitous; it's different
15 habitats across the site. Crotch's Bumblebee was located
16 on the site; burrowing owl was not. How were those
17 elements considered in that calculation?

18 MR. HUNTLEY: Certainly. There's a couple
19 important things there. Crotch's Bumblebee is a
20 generalist. While you found it on the phacelia there, we
21 have seen it foraging in a wide variety of vegetation.

22 On another topic on that, these bees can nest
23 anywhere. So even if they're seen and foraging on one part
24 of your project site, because of their dispersal range,
25 there's no reason they're not overwintering in the downed

1 Joshua trees, debris piles, or cavities in the ground that
2 occur in those areas. We fully expect that these species
3 could occur there.

4 On that note, because you're assuming presence,
5 we're assuming that those animals could be there, and
6 that's providing you coverage for that.

7 For the burrowing owls, you've seen a number of
8 burrowing owls immediately surrounding the project site,
9 and they can and likely do forage across your project site.
10 I believe you found a pair foraging along the edge of P1 or
11 P2. I don't recall. I could look at the staff assessment.

12 But because you're assuming presence and seeking
13 take coverage, we're operating on the assumption that those
14 birds can and will be there. Because of that, we have to
15 treat it as a full mitigation standard. That will also
16 provide you coverage along your project site and adjacent
17 areas and along your distribution line.

18 And that's another thing that your right-of-way
19 varies on the transmission line greatly. It goes from
20 areas of relatively disturbed, poor quality habitat to
21 relatively good habitat. That ITP coverage protects you on
22 all the transmission lines as well. So it allows you to
23 have reduced buffers should those birds occur somewhere
24 near the Whirlwind Substation or other locations.

25 I hope if I haven't answered that satisfactorily,

1 please feel free to ask something else.

2 MR. CRAWFORD: Hi, this is Scott Crawford with
3 WSP.

4 Curtis, I just had a follow-up. I know regarding
5 with burrowing owl, are we assuming that the ITP is
6 assuming presence on the entire project site plus the off-
7 site buffer areas, even though they're not considered
8 habitat?

9 MR. HUNTLEY: The off-site -- well, it depends
10 where you're at. There's burrowing owls scattered all
11 through the Antelope Valley in areas that would not be
12 normally considered excellent habitat for them.

13 But for your project site, again, we're assuming
14 take coverage that the -- that you have asked -- or pardon
15 me -- that the owls -- let me backtrack.

16 Because you're seeking take coverage, we are
17 assuming owls can and do use your project site, which I
18 believe they do. You have found owls foraging around them.
19 They're owls that would use the habitat there. If an owl
20 shows up in or adjacent to your project site, you're going
21 to have take coverage, which will allow you to possibly
22 relocate that animal.

23 I believe at one point you were asking to go in
24 and be able to block some burrows to hopefully prevent owls
25 from potentially occupying your site at one point in time.

1 So you're aware the habitat on that project site is
2 suitable for burrowing owls. I was just there this morning
3 again, and it seems just fine for owls.

4 MR. CRAWFORD: Yeah, the owls that we've seen in
5 our protocol surveys were all off-site in areas that had
6 almost no Joshua tree habitat, but a less dense population
7 creosote bush scrub.

8 MR. HUNTLEY: Understand, but I've seen burrowing
9 owls across the Antelope Valley in a wide range of habitat,
10 and it includes Joshua tree woodlands, creosote bush scrub,
11 rabbit bush scrub, etc. It's -- and more, I guess more
12 importantly, you were seeking take coverage, if I'm
13 correct, to prevent any construction delays should an
14 animal move into any burrow that could occur in or adjacent
15 to your project site. It's kind of a protective thing, but
16 because you're asking for take coverage, we have to assume
17 full mitigation coverage for the species.

18 MR. CRAWFORD: Okay. I guess my second question
19 is, as far as the total acreage, when we're looking at the
20 transmission line specifically, are we calculating that
21 total acreage with the 3-to-1 mitigation, the access roads,
22 paved roads?

23 MR. HUNTLEY: We looked at it holistically. It
24 did end up at a 3-to-1 ratio. But we're also looking at
25 the permanent from the WRESC site, the temporary, but we're

1 going to treat permanent of the laydown sites and all the
2 other areas.

3 And then we were looking -- we didn't quantify
4 the acreages -- but we're looking at the buffer surrounding
5 the project site that's likely going to exclude owls, or at
6 least have an adverse impact on owls.

7 And because the mitigation distances for full
8 avoidance is like 1,600 feet or 500 meters, you would have
9 to have take coverage should an owl show up 1,500 feet from
10 your project site. That take coverage allows you to reduce
11 buffers, incur take on those species.

12 So again, it's kind of holistic. If an owl shows
13 up on your transmission line right away, you will have an
14 opportunity to either passively displace that animal
15 outside of the breeding season and/or seek reduced buffers
16 with monitoring.

17 MR. CRAWFORD: Yeah, just making sure that our
18 mitigation ratio -- I don't have a problem with that --
19 it's just a total number of acres that we're calculating.
20 Are we including areas that would not be considered habitat
21 or within the standard 5-foot buffer for burrowing owls?

22 MR. HUNTLEY: If we wanted to try to tear it down
23 into acres, I could probably figure out all the acres we're
24 potentially impacting, and it would be much, much larger
25 than the 90 acres of the WRESC site and the -- I don't know

1 what I had -- 200-plus acres of the temporary disturbance.

2 Again, because we're assuming that there's going
3 to be a buffer, a ring around your WRESC site and other
4 locations where you're going to have an adverse impact on
5 owls. I just didn't calculate, well, in that outer ring,
6 there's another 500 acres, but we are giving you take
7 coverage for animals that occur in those areas. It's not
8 just limited to your WRESC site; it's project coverage in
9 total.

10 MR. CRAWFORD: Okay.

11 MS. MOSS: Hi, this is Kate Moss. Sorry, one
12 more question.

13 Could you walk me through -- sorry. I'm still
14 trying to understand the math behind the number 843. It's
15 a pretty specific number. So I mean, there was obviously
16 some sort of calculation done behind that. I'm just,
17 again, trying to understand exactly how that was derived.
18 I understand the rationale behind it, so thank you for
19 that, but could you walk me through the calculation?

20 MR. HUNTLEY: So again, we tried to look at
21 things holistically. It is that we've applied a 3-to-1
22 uniformly for the entire project site, considering the
23 permanent impacts and the long-term-temporary impacts of
24 the project site. That was like the base metric that we
25 said, "Okay, if we're assuming these areas are used by owls

1 and have owls on them, that seems a reasonable, you know,
2 number to look at."

3 We then decided looking at the ring of habitat
4 around the project, that those indirect or direct impacts
5 could be included in that larger number.

6 I did not do a calculus where we said, "Well,
7 we're going to apply X ratio for this site, Y ratio for
8 this site, or Z ratio for that site." We tried to look at
9 the key areas of habitat loss and decide whether or not we
10 could include all the rings of areas that are going to be
11 displaced or have adverse effects on owls.

12 I could come up with a metric and give it to you
13 so you'd feel more comfortable about that, which can
14 describe, you know, the ratios we might use for indirect
15 impacts or direct impacts to off-site areas when you're not
16 removing habitat. But that's really just how we ended up
17 doing it. It's also not inconsistent with other mitigation
18 strategies for these species in the region.

19 MS. MOSS: Thanks. Sorry, one more question.

20 Could you also walk me through -- I'm trying to
21 understand how there's a 1-to-3 ratio applied to temporary
22 habitat loss, which you've explained. There's also the
23 restoration requirements applied to temporary habitat loss,
24 and I'm trying to understand how it appears as though
25 temporary habitat loss requires more work because it

1 requires restoration and it requires offsetting, whereas
2 permanent only requires the offsetting. If you could just
3 explain that to me, please?

4 MR. HUNTLEY: Certainly. Permanent impacts, as
5 we described earlier, are going to require off-site
6 mitigation. The temporary impacts from the Villa Haines
7 (phonetic) and P1 and P2 and those locations are going to
8 be considered permanent because it's a five-year window of
9 construction where these areas are going to be taken out of
10 habitat value.

11 We looked at the life spans of owls of six to
12 eight years and figured we're probably affecting numbers of
13 generations of young that can't use that site. We're
14 looking at the bee age (phonetic), it's going to be
15 removing habitat from them, but it's also the type of
16 grading and disturbance that happens on these sites.
17 They're not going to spring back, and so we treated those
18 permanent impacts as well.

19 Originally -- if I'm not correct, tell me -- the
20 Applicant indicated that they would restore these areas to
21 baseline conditions at the conclusion of construction. I
22 didn't think it was fair to keep you up for mitigation on
23 that site and then require you to do full mitigation of
24 restoration. We wanted you to do a one-time seeding and
25 try to control weeds, so they don't become a weed source

1 that goes into adjacent habitats.

2 If you have suggestions or ideas that you think
3 we could compromise on, I'm more than happy to talk to you
4 about it, but I didn't expect you to restore those
5 temporarily disturbed sites to reconstruction conditions.
6 I didn't think it was going to be feasible or possible
7 within the next five to ten years.

8 MS. MOSS: Okay. Thank you.

9 MR. HARRIS: I want to make sure I understood.
10 So I think Kate's focused more on habitat value.

11 So, Curtis, it sounds like you're willing to have
12 a conversation, maybe a little more specific, because I
13 mean, just at a policy level, we want to understand the
14 interplay between an impact being assumed -- temporary
15 impact being assumed to be permanent, and then how that
16 plays in the mitigation ratio. So that's a conversation
17 for technical experts and not lawyers. But if you're
18 willing to maybe get on the phone with Kate and figure out
19 those numbers, and maybe there's a way to do that.

20 I mean, at the end of the day, what I think we're
21 looking to do is to mitigate for what our actual impacts
22 end up being and understand if the envelope necessarily has
23 to start wider, if there's a way to maybe account for
24 actual impacts too in your discussions. I'd encourage you
25 guys to talk about that as well.

1 MR. HUNTLEY: Thanks, Jeff. We certainly can.
2 As anyone who's worked in the Mojave Desert knows, a lot of
3 temporary impacts have been treated as permanent impacts by
4 the regulatory agencies, both BLM, Fish and Wildlife,
5 California Department of Fish and Wildlife, because it's
6 difficult to restore them.

7 It's not impossible, and it depends how you treat
8 the site. We've worked on desert sites where if you mow
9 the site, it can snap back pretty quick, but if you grade
10 the site, it's extremely difficult to restore a late-seral
11 stage creosote bush scrub. It's going to take years and
12 years and years, and they become a weed source very
13 quickly.

14 Inspecting most of the transmission lines out
15 here, years after construction, wherever it was graded flat
16 and hammered, it's very difficult to restore.

17 Again, not impossible, but it's costly. So as we
18 were treating those as permanent, I tried to give you some
19 relief on the restoration requirement, and that's a
20 discussion we could probably have a little more on.

21 MS. MOSS: Yeah, thanks. That's very helpful.

22 Moving on, if that's okay. BIO-15. This one was
23 specific to legless and horned lizards. These were not
24 species that we did studies on. They were not requested at
25 the time, so I was hoping that you could provide some

1 rationale for this mitigation -- or sorry -- this
2 condition.

3 MR. HUNTLEY: Certainly. These species do have
4 the potential to occur in the project area. They are
5 known, especially near the Whirlwind Switching Station. I
6 think there's a couple of records two miles away.

7 We're in an interface where these species
8 overlap, and we know working with resource experts that the
9 actual ranges of these species are not well understood, and
10 we know there's going to be potential for these species to
11 occur.

12 We also collaborated with our CDFW partners and
13 their resource experts who felt we should include them in
14 the documents. Typically, you don't do raking surveys for
15 Anniella at the beginning of a construction, or in lizards,
16 you find them opportunistically. But because they have the
17 potential to occur, we wanted to provide an opportunity to
18 reduce impact should they occur there.

19 And I think this is something we can clarify.
20 We're not expecting you to rake every inch of that site.
21 What we do on those projects is, we lay cover boards out,
22 we find areas where there's, you know, soft, friable soils.
23 We do a little bit of raking because we're trying to make a
24 good-faith effort. We're not trying to do everything.

25 Because the site has so many downed Joshua trees

1 and other things, my gut feeling is, having worked out
2 here, is as we pull these Joshua trees up in a few
3 locations, that's where we're going to find our Xantusia or
4 Anniella. We're going to find geckos and other things in
5 there.

6 Give us an opportunity to capture those and
7 relocate them if we find them. We didn't think it was
8 terribly onerous, but I'm happy to work with you to come up
9 with like a survey plan that gives you the best chance of
10 detecting the animals if they're there and not being
11 onerous or ambiguous and having you rake every side of the
12 habitat.

13 MS. MOSS: Thanks. Moving on to BIO-16. So
14 thank you for that answer for BIO-15. That was helpful.

15 And, I think, my question for BIO-16 is somewhat
16 the same for BIO-20 and BIO-23. And it's generally why
17 there's a requirement to do the protocol surveys again,
18 given that the conclusion of the chapter was that there was
19 low probability of desert tortoise and Mojave ground
20 squirrel occurring at the site, that there haven't been
21 detections, and why protocol level surveys are being
22 requested beyond pre-current surveys?

23 MR. HUNTLEY: Because there's not a no-
24 possibility that the animals are there. You're in desert
25 tortoise habitat. The connection -- the connectivity is

1 poor. I admit that. I tried to clarify that in the
2 document.

3 There are also some areas that you've never
4 surveyed along the transmission lines. And if you use
5 those alternate transmission lines until you get landowner
6 permission, I don't think you've ever surveyed except with
7 binoculars. And especially on the north area, north of
8 Dawn Road, that connects to undisturbed habitat.

9 And while the likelihood is low, generally we
10 find tortoises from Mojave up or from Edwards east. But
11 nobody has surveyed the land to the east of you as far as
12 we know right now. So there is a potential for them to be
13 there. I don't think it's unreasonable to do clearance
14 surveys.

15 MS. MOSS: Yeah, so maybe could you clarify what
16 sort of surveys then you're asking for?

17 MR. HUNTLEY: Excuse me.

18 Yeah, I guess it depends when you start
19 construction. We wouldn't ask you to delay construction if
20 you were able to get your paperwork in and start
21 construction prior to the tortoise season, you know, this
22 spring.

23 But if it is the spring, that's when tortoises
24 have the best chances of finding them. And we're talking
25 about 10-meter transect surveys, which would be similar to

1 what you do for your burrowing owl anyway. I don't think
2 it's an onerous ask.

3 MS. MOSS: I guess maybe I'd ask if you could
4 please clarify again, because it's the same comment I have
5 for -- or question I have for Mojave ground squirrels.
6 Well, is that the same request that there's protocol-level
7 surveys for Mojave ground squirrel?

8 MR. HUNTLEY: So Mojave ground squirrel -- excuse
9 me -- Mojave ground squirrel surveys are typically valid
10 for a year if you're in the area where they can be.

11 So I know you've done some tracking out there.
12 We would encourage you to get out there and do pre-
13 construction surveys, protocol surveys for Mojave ground
14 squirrel.

15 However -- and I'm happy to work with you and
16 CDFW on this -- if construction starts prior to the onset
17 of that, I would ask you to focus those surveys on any non-
18 disturbed portions of the project site. I wouldn't delay
19 you to doing, you know, full suites of surveys in your
20 project site.

21 MS. MOSS: Thanks. So what I'm understanding is
22 you're open to discussing between experts what surveys
23 happen based on construction start time and seasonality?

24 MR. HUNTLEY: Yes.

25 MS. MOSS: Perfect. That's helpful. Thank you

1 very much.

2 If I could then move on to BIO-21, please. This
3 one is requiring some surveys for some small mammals,
4 again, which were not conducted as part of the existing
5 condition studies. They weren't part of the suite of
6 surveys requested.

7 So this is specific to some mice species, and
8 we're trying to understand the rationale for including
9 these. And again, what's being requested in terms of the
10 salvage.

11 MR. HUNTLEY: Gotcha. There's actually a couple
12 of things here, and I caught an error that I did on this
13 condition that I think is a little too onerous.

14 First of all, we collaborated again with our CDFW
15 partners. We looked at the distribution of these animals,
16 their range overlaps. We looked at existing database
17 locations.

18 And they do occur in the regions, even though
19 it's low. We couldn't say it's not there. And so we
20 needed to include them in our CEQA coverage. So we didn't
21 miss any species.

22 For the small mammals, I wasn't intending to do
23 any kind of tracking or anything like that for the pocket
24 mice. But I wanted to do -- and I'll articulate in some
25 revisions -- is highlight burrow complexes where there's

1 concentrations of small mammal burrows. And when you're
2 doing your initial clearing and grabbing, have the ability
3 to salvage animals should you be able to do so.

4 And every once in a while in these projects,
5 we'll do the grading. We'll be able to get out. We'll be
6 able to collect some animals and move them off site. We're
7 just trying to give it the college try and not just run
8 over them.

9 Again, they're difficult to find. A lot of them
10 are nocturnal. But that was the focus of it, or the intent
11 of it, I should say.

12 MR. HARRIS: This has been really, really
13 helpful, Chris. Thank you very much. And I think from a
14 construction timing perspective, our greatest interest is
15 making sure that we don't put something into the condition
16 language that ties everybody's hands, you know, like a
17 protocol level survey that has to be done by this date,
18 which doesn't line up with construction.

19 And so I think what we're interested in proposing
20 to you -- I think in our comments and talking to you about
21 maybe beforehand -- is getting some of those triggers into
22 the verification language, so there's some flexibility.

23 But also we're going to put it squarely in the
24 hands of you all as experts, the CDFG partners -- I was
25 going to say the department partners, old dogs, old

1 acronyms. And basically having the experts make a decision
2 based upon season and conditions on the ground and not
3 having something so prescriptive in the language that we
4 have to go to a full commission hearing to amend condition
5 language. And so that kind of flexibility is really
6 appreciated.

7 And I appreciate your explanations. They're so
8 simple, a lawyer can understand them. So thank you for
9 that. It's been very helpful to me.

10 MR. HUNTLEY: You're welcome, Jeff.

11 MS. GIORGI: Thank you. Can you hear me? Okay.

12 One point of order, we do have a regulation on
13 communications where we're exchanging information that
14 doesn't have to be noticed, but where we're talking about
15 conditions and modifying conditions, we need to make sure
16 that that gets publicly noticed consistently. Want to make
17 sure that that's noted.

18 UNKNOWN SPEAKER: I appreciate the clarification,
19 and I completely agree.

20 MR. VEERKAMP: Thank you, Erika. Erika, just for
21 the record, did you say your name and your affiliation?

22 MS. GIORGI: Erika Giorgi, Counsel with Energy
23 Commission.

24 MR. VEERKAMP: So I think that concludes the
25 discussion between staff and the Applicant on biological

1 resources.

2 We would now be open to taking any public comment
3 from either anyone in the room or online.

4 MS. CHANG: I do see a hand raised from Rick
5 Franco, who is a representative from CURE, the Intervenor.
6 So I'm going to allow you to speak. Please unmute on your
7 side, Rick.

8 MR. FRANCO: Thank you.

9 Again, Rick Franco, representing CURE.

10 And as I said earlier, our consultant Scott
11 Cashen, is on. And to the extent it's necessary, I'd
12 appreciate it if he could weigh in. He's spent a lot more
13 time on these issues and delved deeply into them. So he
14 has a lot more deep knowledge on this.

15 But we have some general questions. A couple of
16 them have to do with Joshua tree issues. The first is with
17 respect to condition BIO-12, which includes certain
18 measures for Joshua tree relocation. Specific Item 10 in
19 BIO-12 includes monitoring and health assessment of each
20 relocated tree.

21 And our question is, you know, what are the sort
22 of standards for relocated trees in terms of assessing the
23 health of the tree? How would the monitoring results
24 affect, if at all, the mitigation requirements? You know,
25 for example, would additional mitigation be required if

1 monitoring shows a tree doesn't meet certain standards? So
2 that's the first question.

3 MR. HUNTLEY: Thank you, Rick.

4 We put that condition in there to see what's
5 happening on survivorship of the trees. I believe under
6 the Conservation Act, it's a plant-and-walk-away type of
7 scenario. We wanted to make sure that we had some tracking
8 of the plants to see what was happening over time.

9 But if the Applicant pays the fees, does the
10 relocation, I'm pretty confident that Joshua Tree
11 Conservation Act is just a one and done type of situation
12 on that. If I'm wrong, I'll check on that.

13 MR. FRANCO: Okay. The other Joshua tree
14 question relates to the, you know, the PSA calculates the
15 number of trees that will be directly impacted, that is
16 relocated or permanently removed.

17 We have questions on the indirect impacts to
18 Joshua trees. I understand that CDFW over the course of
19 this proceeding suggested buffer distances from Joshua
20 trees to avoid impacts. Thinking back in 2022, they
21 submitted a letter to the CEC indicating a 290-foot buffer
22 around trees to avoid impacts to the seed bank.

23 And during the November workshop last year on the
24 Applicant's conceptual relocation plan, I think it was
25 CDFW's position that a take would include all trees within

1 50 feet of the project footprint.

2 And so our question is whether staff calculated
3 or estimated the total number of Joshua trees that will be
4 taken by the project, so including both direct or indirect
5 impacts.

6 If so, was there a distance that was used to
7 calculate the take estimate? Does staff have an estimate
8 of the total number of Joshua trees that will be taken for
9 the project?

10 MR. HUNTLEY: I'll have to go back and look at
11 that. I'm pretty confident we're going to ask for a full
12 accounting of the various trees.

13 The 295-foot buffer was related to seed dispersal
14 from small heteromyid rodents, and it was associated with
15 the ITP coverage to ensure that all take was covered.

16 I believe if you implement the Joshua Tree
17 Conservation Act, they don't account for seed bank. I will
18 look and see on that, but I will check -- I don't know off
19 the top of my head if I had a 50-foot buffer around the
20 trees or not.

21 Again, I think the Act is just for actual
22 physical trees that are lost during construction. Thank
23 you for bringing that up.

24 MR. FRANCO: Very well, we'll certainly look at
25 that again too.

1 The last question has to do with the impacts
2 along the gen-tie route. the assessment includes an
3 analysis that addresses impacts to the preferred gen-tie
4 routes. In particular, identifying and quantifying
5 vegetation types impacted by the preferred routes.

6 We didn't see -- or I'm not sure if it's in
7 there, or whether staff analyzed impacts associated with
8 the option routes, the alternate routes. And if so, how
9 was that done?

10 MR. HUNTLEY: I'll have to take a look at that.
11 I wish I had an answer for you. I don't have it off the
12 top of my head. If they do use some of the alternative
13 routes, I think they would have to go out and count trees
14 and do some additional updates, including surveys for
15 certain species, because some of those sites were not
16 subject to full surveys.

17 MR. FRANCO: Right.

18 MR. HUNTLEY: That's a good question. I'll take
19 a look at it. I don't have an answer for you off the top
20 of my head.

21 MR. FRANCO: Okay. Thank you.

22 MS. CHANG: Thank you, Rick.

23 Scott Cashen, I opened your line if you would
24 like to speak. Please state and spell your name for the
25 record. Thank you.

1 MR. CASHEN: Yes, it's Scott Cashen, S-C-O-T-T C-
2 A-S-H-E-N. I'm a biologist with CURE.

3 And I don't have anything to add to what Rick
4 just had to say. So thank you, Bill.

5 MS. CHANG: All right. We aren't seeing any more
6 hands raised on Zoom, so we can move on to the next topic
7 area.

8 Can we get the next slide, please?

9 And we will pass it over to Mark Hamblin.

10 MR. HAMBLIN: Hello. My name is Mark Hamblin.
11 I'm a Planner II, with the California Energy Commission. I
12 prepared the Visual Resources section.

13 As discussed and explained in the Visual
14 Resources section, the proposed project would create a
15 significant effect on the environment under CEQA guidelines
16 Appendix G, Environmental Checklist Form I, Aesthetics
17 Subsection C.

18 The project would be in conformance with
19 identified state and local laws, ordinances, regulations,
20 standards pertaining to aesthetics and Visual Resources
21 with the effective implementation of conditions of
22 certifications, VIS-1, VIS-2, and VIS-3.

23 Specific to CEQA guidelines, Appendix G, I;
24 Aesthetics C; the question asked, would the project in a
25 non-urbanized area substantially degrade the existing

1 visual character or quality of public views of the site and
2 its surroundings?

3 The physical change to the condition of the
4 existing object of aesthetic significance in the area and
5 the physical environment caused by the proposed project was
6 evaluated. This is the project effect.

7 Staff evaluated the change to the environment
8 from a key observation point, KOP. A KOP is a fixed
9 position in a publicly accessible location where a public
10 view of the project is analyzed and evaluated in the
11 landscape. This is the existing physical environment. An
12 adapted, descriptive inventory methodology, formal
13 aesthetic model was used to help evaluate the physical
14 change by the project in project effect being assessed.

15 The Applicant provided four photographs showing
16 the existing physical environment, including the project
17 site, prior to alteration from a KOP, existing condition,
18 and four photorealistic simulations of the proposed project
19 in the existing environment from the same KOP.

20 The Applicant also provided renderings. This
21 would be the existing condition plus the proposed project
22 as part of this analysis.

23 Given the existing physical environment, the
24 evaluation conducted from KOP 2, 3, and 4, the proposed
25 project cannot be effectively designed or mitigated such as

1 with camouflage, disguise; treated with exterior surface
2 coatings, colors, finishes, etc. to have a less than
3 significant effect on the environment.

4 Yeah, I forgot to mention.

5 Next slide.

6 Okay. I am open to the Applicants --

7 MR. HARRIS: Thank you, Mark.

8 MR. HAMBLIN: -- the public, and anybody else has
9 some discussion points.

10 MR. HARRIS: I think we want to start the
11 discussion with VIS-1.

12 MR. VEERKAMP: Oh, yeah, I think our expert is on
13 the phone. It's Daryl. Daryl Harrison is our visual
14 expert. I believe he's available on the phone and I'm
15 going to stall long enough for Kaycee to find his name and
16 unmute himself.

17 MR. HARRISON: Maybe I'm muted already.

18 Folks, can you hear me?

19 MR. VEERKAMP: Yeah, we can hear you.

20 MR. HARRIS: We can hear you, Daryl. Thanks.

21 MR. HARRISON: Great. Thanks. My name is Daryl
22 Harrison, D-A-R-Y-L H-A-R-R-I-S-O-N. I'm with WSP, the
23 consultant to the Applicant, and I'm responsible for
24 Section 5.13, Visual Resources.

25 So thanks, Mark, for your submission. I have a

1 few questions that I want to ask to kind of seek some
2 clarification on your assessment specifically related to
3 the degrading of the existing visual character, and I'd
4 like to hopefully provide some information on condition of
5 certification VIS-1, particularly as it relates to surface
6 treatment colors, and some information I can provide to
7 provide a bit more clarity on that condition.

8 So I guess my first question is, can you please
9 provide some background on the system that you use to
10 assess the visual impacts of the projects?

11 MR. HAMBLIN: Yes, actually, that's in the Staff
12 Assessment.

13 MR. HARRISON: (Indiscernible.)

14 MR. HAMBLIN: Yeah, starting on page 17, you can
15 look at the evaluation flow chart.

16 MR. HARRISON: Yeah, can you?

17 MR. HAMBLIN: And then go also to the worksheets
18 that were completed that are attached at the end.

19 MR. HARRISON: Yeah --

20 MR. HAMBLIN: Actually, since I'm not here to
21 teach, that's the kind of -- also, I'm not sure what you're
22 asking.

23 MR. HARRISON: Sure, no, I'll provide some
24 clarity here. So I wanted to get a bit of understanding of
25 the rationale for using this system presented in the -- in

1 your submission or your staff submission relative to say
2 using other established visual assessment procedures that
3 are available.

4 MR. HAMBLIN: Such as you're referring to the
5 federal government?

6 MR. HARRISON: BLM, Federal Highways, Landscape
7 Institute, some of the others that exist.

8 MR. HAMBLIN: No, I can't answer that because
9 they don't comport with the CEQA or the CEQA guidelines.

10 MR. HARRISON: Okay. In what way do they --

11 MR. HAMBLIN: Those were designed to deal with
12 the National Environmental Policy Act. They were not
13 designed to compete with the California Environmental
14 Quality Act or the guidelines.

15 And what has happened over the decades is that
16 folks taking those under their wing when they've done a
17 CEQA document, and in reality -- or in the courtroom, that
18 doesn't hold up.

19 MR. HARRISON: Okay.

20 MR. HAMBLIN: Again, your focus in the larger --
21 and depending on which system you're looking at, you're
22 doing a viewer sensitivity of the project effect. CEQA
23 wants you to do the project effect. We're not concerned
24 about the viewer sensitivity.

25 Believe me, the viewer sensitivity will be known,

1 but that's not what the question asks. Again, the CEQA
2 question, when you end up in the courtroom, is going to be,
3 in my case, CEQA guidelines appended to G1, Aesthetic C.

4 The question asks, would the project in a non-
5 urbanized area substantially degrade? And the judge is
6 going to ask you that question.

7 And then they're going to ask you subsequently --
8 he's going to ask you -- under the chart, if you go back to
9 Table 15, the CEQA guidelines levels of effect, significant
10 effect on the environment, the less than significant effect
11 on the mitigation and incorporate or less than
12 significant -- that's what the judge is going to expect
13 because most of the views, the Federal Highway
14 Administration guidelines to prepare a visual impact
15 assessment for a highway project, they go into negligible
16 and other terms that are not CEQA.

17 MR. HARRISON: Mm-hm. Okay. Yeah, I mean, that
18 helps me understand that the focus here is on the qualities
19 of the landscape that exists, the qualities of the project
20 and how they come together to meet that CEQA question.

21 MR. HAMBLIN: Right, be sure to look at the
22 definition that we're using also for the landscape because
23 that's going to be critical because that definition also
24 comports of what's being asked under the California
25 Environmental Quality Act and the guidelines.

1 MR. HARRISON: Mm-hm. I guess my confusion would
2 be that there are aspects of (indiscernible) in your
3 evaluation flowchart in the forms that speak to public
4 viewing and ratings there around exposure. So there are
5 aspects of the system that would be used that do relate to
6 the receptors.

7 MR. HAMBLIN: Correct. The key observation point
8 also; there are court actions that were some of going back
9 to 2004 at the *Mira Mar Mobile Home Park v. City of*
10 *Oceanside*.

11 So yes, I have done this system to try to address
12 CEQA, to try to move us away from being visual, assessing
13 the sensitivity of the viewer and focus more on the project
14 effect.

15 MR. HARRISON: Okay. So I think you said
16 something that actually helps answer my original question,
17 which was around the background of the system that was
18 used, which is, this a system that you or your staff have
19 specifically developed and used in the past specifically to
20 address the CEQA requirements?

21 MR. HAMBLIN: We've been working on it for 15
22 years, yes.

23 MR. HARRISON: Okay. That's great. Thank you.
24 That provides me the background that I was seeking to
25 understand because it does seem to diverge from a lot of

1 the systems that --

2 MR. HAMBLIN: Oh, believe me, each public agency
3 at the federal level has its own system to address NEPA and
4 you'll see this somewhat working among the public agencies
5 for the state of California doing similar. The Forestry, I
6 think, has one but also Caltrans has a unique system which
7 encompasses both NEPA and CEQA.

8 So yes, you have to go -- first, before you start
9 anything, you need to actually approach and ask the
10 specific agency, "Do you have a specific system to do
11 this?"

12 And this comes from lessons that I've learned in
13 dealing with the Bureau of Land Management, which has its
14 visual resources management system and then also going to
15 the National Parks Service which has a different system.
16 And also you could look at the U.S. Forestry Department,
17 which has their scenic management system.

18 So it's similar as with the state agencies and, I
19 don't know, I worked at the County for 13 years and we kind
20 of had something. I don't know how much, but it's just
21 best to ask.

22 MR. HARRISON: Okay. Thanks. My next question
23 does relate more to the KOPs. So in the Applicant's visual
24 resource assessment, there were seven KOPs that were
25 identified for a range of different viewing opportunities

1 around the project area. CEC staff chose four of those.
2 Can you give me a bit of a -- some more information on the
3 rationale for selection of those four specific KOPs?

4 MR. HAMBLIN: Sure. One, I wasn't involved in
5 the KOP selection so that was the big one.

6 MR. HARRISON: Okay.

7 MR. HAMBLIN: Two, I'm not even sure what the
8 rationale on some of them were. These were provided by the
9 Applicant to me, and I had to work with what I had. So
10 this is -- yeah, again some of them. And then even the map
11 with the KOP shows locations, but normally I have very
12 specific longitude-latitude, so I can actually stand at
13 that location and take a look from that location what am I
14 dealing with.

15 Some of it was nebulous. This particular I
16 looked at in dealing with the linear -- I mean, yeah, I did
17 look at the transmission line. I couldn't figure out where
18 that was, so I had to use a point of reference, and that
19 was the LAWP power line. But even at that location, we're
20 looking six miles of additional of the 19 miles
21 transmission line system.

22 So yeah, in the future, it's good to kind of give
23 us a call, and we'll talk to you, or I'll talk to you
24 before you start down the pathway of just going out and
25 taking pictures.

1 MR. HARRISON: Okay. So maybe --

2 MR. HARRIS: I'm sorry, real quick Mark. It's
3 Jeff Harris.

4 Daryl's stepping in for somebody else by the way.
5 So he wasn't involved in the initial selection process, but
6 yeah.

7 MR. HAMBLIN: Daryl, I'm not trying to beat down
8 on him. I'm sorry.

9 MR. HARRISON: No problem.

10 MR. HARRIS: No, that's all right. I just wanted
11 to --

12 MR. HAMBLIN: No, but that helps.

13 MR. HARRISON: No problem.

14 No, I guess what I was maybe more pointedly
15 asking was, I take your comment that the KOPs overall may
16 not have been the ones that you would have selected and
17 there would have been an opportunity to provide more input.

18 But of the ones, of the seven that were there,
19 can you give a rationale why you chose the four that were
20 chosen by staff to inform the assessment that was provided?

21 MR. HAMBLIN: They demonstrated -- they provided
22 enough information as to the --

23 (Simultaneously speaking)

24 -- condition -- of the condition of the
25 existing -- of the site.

1 MR. HARRISON: Okay. All right. Sounds good.

2 MR. HAMBLIN: Yeah, we just didn't need to keep
3 going over and over at all four corners. I can see. And
4 then with Google Earth, aerial imagery, street view
5 imagery, that view is also dated from both those. The
6 aerial and the street view are dated from April of 2024, so
7 they're a little over a year.

8 And they ended up going out there earlier. Yeah,
9 they're pretty much -- yeah, as I thought that this is the
10 site, and this is what it looks like. So we didn't sit
11 there and go through. The point was well understood at
12 that with those four as opposed to having all seven.

13 MR. HARRISON: Okay. They seem to be viewpoints
14 that do demonstrate a prominent visibility of the of the
15 site. But I think relative to your comment before where
16 your assessment focused on the landscape and viewing of the
17 landscape, that gives me a bit of a context for my
18 question.

19 MR. HAMBLIN: Yes, no, we're not just looking at
20 the site, it's the whole physical environment that's being
21 changed. And so the project is one aspect, but you have to
22 have some context around it in order to understand and
23 interpret the landscape.

24 MR. HARRISON: Right, right. But I just mean
25 like the sites that were -- those four are ones that where

1 the project is clearly visible and fairly prominent in the
2 landscape as opposed to some of the other KOPs that
3 reflected other users that where it may have been a broader
4 range of foreground, middle ground, background?

5 MR. HAMBLIN: True, that is correct. But again
6 you're assessing viewer sensitivity and not project effect.

7 MR. HARRISON: Right, which is why I say I think
8 your answer to the first question helped me have some
9 context for that.

10 MR. HAMBLIN: So don't show motorist view or
11 recreationist view because the other part of that where
12 you're going to get caught with that is -- and if I'm on
13 the other -- at some point I will retire and maybe become
14 somewhat of a hitman for this -- but I'll say something.

15 I get brought in, and I say, "Yeah, you took that
16 KOP at that" -- "where's the surveys to back up what she
17 just said that there's limited motorist view and that they
18 would be nonchalant and just drive right on by?"

19 MR. HARRISON: Mm-hm.

20 MR. HAMBLIN: And that silence she just gave me
21 is generally what comes back.

22 MR. HARRISON: Well, yeah.

23 MR. HAMBLIN: I just said it just as a constant.
24 That's part of why I don't want the other thing, why I
25 advise people, "Don't do it. Don't do the viewer

1 sensitivity because you're going to end up making
2 statements that you're going to have to back up at some
3 point, and one of the ways is you're going to have to do
4 interviews, surveys, these types of things, and have all
5 that data, that information ready in case you get
6 challenged on it in the courtroom."

7 MR. HARRISON: Yeah, I know. And I the pause
8 was, I know the literature around looking at professional
9 methods versus public engagement input-focus methods. I
10 know that there's a division there. I just didn't want to
11 descend into that technical discussion here in this
12 session.

13 MR. HAMBLIN: Understand. Believe me, I
14 understand where you're going with it.

15 MR. HARRISON: Yeah. I guess the last thing I
16 wanted to speak to was an opportunity to maybe talk about
17 the conclusion that staff had is, the project cannot be
18 effectively camouflaged, disguised or treated with exterior
19 coatings.

20 And to get some clarification about how that was
21 the conclusion. And then VIS-1 condition is exactly that:
22 a mitigation to provide coatings and colors to minimize the
23 visual impact.

24 MR. HAMBLIN: Some of that -- yeah, no, and
25 you're correct on that. I think you can ameliorate, but

1 I'm not sure you're going to add less than significant per
2 CEQA.

3 MR. HARRISON: Sure. Okay. So you're -- the
4 intent -- just to clarify, the intent was, the condition is
5 meant to -- we're going to provide some exterior coatings,
6 but the assessment was that it wouldn't be effective to
7 make it less than significant?

8 MR. HAMBLIN: And in the other part of it, if
9 this is approved, you're going to be painting it; you're
10 going to be putting some type of coating out there and have
11 to have some sort of process.

12 MR. HARRISON: Great. Okay. Can I -- is it
13 possible for me to share my screen here, Laurel (phonetic),
14 if you don't mind? And I wanted to give a heads up, so
15 what we wanted to provide just as a discussion point, Mark,
16 was we took some of the simulations and added some of the
17 BLM standard environmental colors to some of the project
18 components as a bit of response to the VIS-1 condition to
19 see what that would look like.

20 Because, of course, the white model that was
21 included in the assessment was just about form and
22 character; it wasn't about any colors at all.

23 MR. HAMBLIN: So yeah, let me let me say, yeah,
24 when under the Title 20 requirements, yeah, we want the
25 actual -- we want the best photo sim you can provide.

1 MR. HARRISON: Sure. And --

2 MR. HAMBLIN: But, now, let me just jump --
3 you're mentioning to -- do you have something up right now?

4 MR. HARRISON: I will share something here just
5 now. I just wanted to check to make sure. I didn't want
6 to throw something out for the giving --

7 MR. VEERKAMP: I think we just need to work with
8 Fred who's running the Zoom and get him --

9 MR. HARRISON: Sure. I should be sharing here
10 now, I think.

11 MR. VEERKAMP: Okay. There we go.

12 MR. HAMBLIN: Okay. Yeah, I see it.

13 MR. VEERKAMP: Yep, I see it.

14 MR. HARRISON: Okay. Sounds good.

15 Yeah, so because it's visual, I always find using
16 visualizations and photos is a better way to have the
17 discussion than anything, so...

18 MR. HAMBLIN: Understand.

19 MR. HARRISON: So we have the existing
20 conditions. So this is from KOP 2 in the CEC staff's
21 assessment -- a different KOP number in the WSP
22 assessment -- so existing conditions with the project, and
23 as Jeff said, I can't speak to the background of the -- of
24 why the colors weren't used other than to know that that
25 wasn't a finalized component of the project that I'm aware

1 of prior --

2 So project without the berm option and then
3 applying some colors from the BLM standard environment --
4 and this is just Photoshop; this isn't advanced modeling.
5 It's just to kind of get a proof of concept because when we
6 saw this one we're like, "Yeah, this sounds great. This is
7 a good mitigation of what could this look like and how
8 might that respond to the comment that it's not going to
9 reduce things to a less than significant amount."

10 So I'll just put this up here and pause to get
11 any comment from you, Mark, or thoughts from folks about --
12 this is just from one viewpoint, obviously, when it's
13 fairly close to the site and where the project is partially
14 with a background of land and partially with a background
15 of sky.

16 MR. HAMBLIN: Okay. So what we're looking at is
17 a change in the color, but we're not looking at under the
18 basic design elements contrast.

19 MR. HARRISON: Yeah.

20 MR. HAMBLIN: But we're not looking at a change
21 in the form --

22 MR. HARRISON: Nothing in the form, just, we
23 just --

24 MR. HAMBLIN: -- line or texture.

25 MR. HARRISON: Correct.

1 MR. HAMBLIN: And we're not looking at scale
2 dominance?

3 MR. HARRISON: Nope. Just said, "Hey, if we took
4 some of these standard environmental colors, figured out
5 what we could apply," so, for example, here we have the
6 shadow gray applied to some of the infrastructure. Some of
7 the buildings have the covert green or the Carlsbad Canyon
8 on the on the ground surface, and then the carob brown on
9 the tanks.

10 And again, this wasn't tested in the field. This
11 is just a discussion point as a concept of what this might
12 look like, so...

13 MR. HAMBLIN: No, no. That, again, I'm going to
14 be looking at how it looks -- oh, yeah, don't use that one.

15 MR. HARRISON: And then we wanted to see, okay,
16 obviously have a larger footprint with the berm option and
17 what that looks like.

18 MR. HAMBLIN: And think of those categories that
19 I just said under the project prominence, under on page 17
20 of the Staff Report, that's what I'm going to be looking
21 at.

22 Now, the color -- now, go to the back to the
23 checklist -- you go under the basic design, Table 7, in the
24 back, and you get to see the ratings at the various KOPs.

25 Now, this could be a situation, I'll say this,

1 because we have till June 16th to receive comments on, but
2 this -- because you don't have the white, which I was
3 assessing -- I was looking at -- as best as I could -- the
4 renderings, which you are showing and did indicate some
5 colors. And I like that I am familiar with the BLM
6 standard environmental stuff.

7 MR. HARRISON: Yeah.

8 MR. HAMBLIN: But you would look at, let's say,
9 if you went to Table 7, the color, it would probably drop
10 from, I think, I had a -- well, I had it at moderate --
11 well, I hope it -- which -- this is KOP 1 -- oh, let's see.
12 KOP 2 --

13 MR. HARRISON: KOP 2. Yeah, I didn't have
14 significant impact, so I just focus -- I'm providing three
15 simulations just as a heads up here. So this is starting
16 with KOP 2, which had significant effects on your
17 assessment.

18 MR. HAMBLIN: Okay. But I had that -- did I have
19 color in there that showed it already at week; am I correct
20 on that?

21 MR. HARRISON: Let's pull it up here, too.

22 I mean, I think the focus for me was mostly just
23 to kind of highlight how effective as one could be. I'm
24 not trying to argue your ratings or the technique as much
25 as to embody the VIS-1 with some information that we think

1 is valuable to the overall assessment and could provide
2 some discussion around whether it does indeed change the
3 significance determination or not.

4 MR. HAMBLIN: Sure. Between the white and the
5 simulate -- in the photo system -- and the beige or colors
6 that were being presented in the rendering, this would help
7 to get a better understanding. Again, more information is
8 coming out, specific -- the more specific we can be, the
9 better off the determination becomes.

10 MR. HARRISON: For sure. So we're at KOP 3 in
11 this slide, so existing conditions. Now, this one's
12 different because you have completely, from this vantage
13 point, you have the view of the project with the background
14 of land.

15 MR. HAMBLIN: Right.

16 MR. HARRISON: So the colors, as you'll see, take
17 on a different impact here. So this is without the berm
18 option with what was presented in the application, and then
19 again you get the same suite of colors applied, and in my
20 opinion, I think an even more effective blending with the
21 landscape because of the background of land.

22 MR. HAMBLIN: Okay. No, I agree.

23 MR. HARRISON: Yeah, and then with the --

24 MR. HAMBLIN: But let me let me also add, we need
25 this at 8 and 1/2 by 11.

1 MR. HARRISON: Sure.

2 MR. HAMBLIN: Instead of this kind of long
3 rectangular, I have to be able to, let's say in a
4 situation, that somebody goes out to this particular
5 location, and also this was another one where I couldn't
6 figure out where exactly it was. So if we can get a spot
7 reference on that.

8 MR. HARRISON: Okay.

9 MR. HAMBLIN: But when that person goes out
10 there, if it's me, or if it's somebody else, they want to
11 be able to fold out 11 and 1/2 by 17 of this site, make it
12 stand there, and everything should match up.

13 But this, at this dimension, it doesn't work. And
14 so as you may have seen in the Staff Report, when we tried
15 to do the ratio correction, it just elongated a lot of the
16 plants and the structures in it.

17 MR. HARRISON: Okay. I know that the format that
18 was used in in the WSP application is meant to represent
19 that central viewing -- the horizontal field of view for
20 central viewing, but it's not intended to be calibrated to
21 a -- I know some of the simulation calibration, so that
22 it's exactly the scale. It's meant to represent the
23 broader landscape context, just to provide my understanding
24 of the reason for that, yeah.

25 MR. HAMBLIN: No, and I appreciate that because

1 that's what I'm trying to match up. We're trying to match
2 the colors, the line, the form, all of that with what's in
3 the environment as opposed to just project site specific.

4 MR. HARRISON: And then the last KOP that I'll
5 show here, KOP 4, so this is not of the project site, this
6 is of the transmission component. So existing conditions
7 along Rosamond Boulevard West with the project, again, just
8 the white towers, which actually isn't that dissimilar to
9 what may be seen for monopoles.

10 Although you can see -- I'll draw your attention
11 to the far left of the screen here -- another monopole
12 that's existing in the site, which seems to be from my
13 experience at the site, like a CORE-TEN steel, and so that
14 rustier color.

15 And again, following some of the BLM best
16 practices, if we were to try to use color or surface
17 treatment or materials for those transmission components
18 you -- that were related to, you know, whether steel
19 structures that match up with some of the others that are
20 in the view, we could end up something that looks like
21 this.

22 So, you know, stands out against the backdrop of
23 the sky, certainly, but does blend in with the existing
24 conditions, which you include a lot of existing
25 transmission structures already.

1 And alternately, using -- you know, being a bit
2 more creative around some of the vertical painting colors
3 that I've seen used on wind turbines, having some
4 variegated coloring whereby portions that are seen
5 against -- typically against the backdrop of sky -- get a
6 darker, more earth tones. And then the whiter lighter
7 tones that blend with the sky or cloud and get applied to a
8 different portion of the pole.

9 Just to present that as a as a concept, of those
10 two.

11 MR. HAMBLIN: Oh, yeah. No, no. No, I'd like to
12 see that, yeah. I'm open for quick -- yeah, the CORE-TEN
13 steel that was, yeah, the BLM. And that was big for a
14 while because it all weatherized and gave you the rust
15 look.

16 The problem -- as you see, even in the what
17 you're showing right now -- there's a lot of sky back
18 there. The CORE-TEN steel does present -- I could -- I
19 kind of like that. I wasn't thinking about this part of
20 the vertical paint combination.

21 MR. HARRISON: So again, just some comments for
22 discussion -- or some images, sorry, for discussion -- I
23 will comment that, I know we have an opportunity to provide
24 some comment on the conditions. And one of the things,
25 again, for discussion, Mark, is tying the VIS-1, maybe, to

1 some of the more established -- sorry -- more of the
2 established best management practice, such as the BLM's
3 renewable energy best practices, and the color concealment
4 to give the condition more of a reference to tools like the
5 BLM standard colors, like guiding strategies that might
6 help the Applicant do a more effective job at using color
7 treatment to that condition.

8 MR. HAMBLIN: Throw it up. Mark up the condition
9 and provide it to me. I'll take a look at it.

10 MR. HARRISON: Sounds good.

11 I can stop sharing my screen here now, so I --

12 MR. HAMBLIN: Thank you.

13 MR. HARRISON: No problem. And I don't know --
14 again, these were just meant for discussion here. Let me
15 know if there is any value in sharing any of those images
16 in another format outside of this forum.

17 MR. HARRIS: Yeah. Thank you thank you, Daryl.
18 Appreciate it. It's Jeff Harris.

19 Yeah, we will docket these documents, since we
20 shared them here today, and it sounds like Daryl may want
21 to refine some of them, maybe provide some additional ones.
22 So we'll make sure we get those onto the website for
23 everybody to do it, so.

24 But thank you. This is very helpful, very
25 educational for me. So thank you.

1 MR. HARRISON: Okay. That's all the questions I
2 had for Mark, so I'll mute myself at this point. Thanks.

3 MR. HAMBLIN: Thank you, Daryl.

4 MR. HARRISON: Thank you.

5 MS. CHANG: Thank you both.

6 Before we take a 10-minute break, I wanted to see
7 if Rick Franco from CURE might have any comments, or if we
8 would like -- if anyone from the public has any comments.

9 Rick, we left your line unmuted, so if you want
10 to speak, please do. You can also raise your hand.

11 For everyone else, if you would like to make a
12 comment, please raise your hand using the Raise Hand
13 function.

14 I see Steve Kerr from the CEC has a hand raised.

15 MR. KERR: Hi, can you hear me?

16 MS. CHANG: We can hear you lightly.

17 MR. KERR: Oh, well, okay. Thanks.

18 My name is Steve Kerr, S-T-E-V-E K-E-R-R, from
19 the CEC. I supervise the land use and public services
20 unit, including Visual Resources. So thanks for that
21 conversation there. I also supervise the transportation
22 section.

23 And while we're kind of in my realm here, just
24 wanted to bring up real quick, acknowledge the latest
25 filing from the County into the docket -- it's conveniently

1 the top item that's in the docket there -- where the County
2 is asking for a couple additional conditions related to
3 transportation, an irrevocable offer of dedication along
4 Dawn Road and Sierra Highway; and under the encroachment
5 permit, adding the some information about construction of
6 the paved approach from those roads; and then also for the
7 paving along there -- the paved shoulders and sections for
8 heavy traffic.

9 Since those are new recommended conditions from
10 the County, I just wanted to bring that up and ask that
11 maybe the Applicant, in your comments, address those. I'm
12 anticipating that we would incorporate them into the COCs
13 for transportation, making minor changes like changing the
14 Applicant to project owner, and adding verification. We
15 usually have a standard of saying like 30 days before start
16 of construction for the one, the other one that is related
17 to occurring before operations 30 days there.

18 And so I think it might be cleanest if you may be
19 able to address that in your comments or let us know if
20 you're okay with us incorporating those, and we'd look to
21 do that in the FSA.

22 MR. HARRIS: Steve, it's Jeff Harris. Thank you
23 for the comments.

24 Yeah, and the County's letter is very helpful to
25 us and very informative. The only question I have is

1 whether these things are already covered by applicable
2 LORs.

3 So for example, if the 55-foot thing -- I think
4 is actually a County standard -- and we'd be required to do
5 that, even without a condition, right, because it'd be a
6 large compliance issue.

7 So on that hyper-technical legal issue, it may
8 not be appropriate for a condition, but it may be
9 appropriate to call it out in the LORs compliance section,
10 saying, "The County requested x pursuant to their code
11 section this..."

12 Anyway, it's a little hypothetical, but there
13 isn't anything here substantively that we have concerns
14 about. Kern County has been extremely -- a good partner in
15 sharing their concerns. And everything in that letter
16 is (indiscernible) in the letter are things that we've
17 talked about them and agree with.

18 And so whether, Steve, whether it goes in as a
19 condition or whether it goes into the LORs table -- but I
20 don't think that's a substantive difference for us going
21 forward. But thanks for raising that really good comment
22 letter we got from Kern.

23 MR. KERR: Thanks. Yeah, the previous one where
24 they have their initial recommended conditions. We
25 incorporated several of those into land use, just into the

1 LORs discussion, tied them into there.

2 And so thinking similarly there, it's not
3 anything that would be changing our environmental analysis
4 portion of the section.

5 MR. HARRIS: Yeah, correct. And we're just
6 talking about form, not substance here. But I'm in
7 agreement with you, Steve.

8 MR. KELLY: Okay. Thank you.

9 MS. CHANG: All right, everyone. Before we move
10 on to the cultural and tribal cultural resources
11 discussion, we will be taking about a 10 to 13 minute
12 break, returning at 4:30.

13 We'll return at 4:30, and I wanted to note that
14 there are some snacks provided by the Applicant to the
15 right of the room for people here.

16 And with that, thank you. We'll reconvene at
17 4:30.

18 (Off the record at 4:17 p.m.)

19 (On the record at 4:34 p.m.)

20 MR. VEERKAMP: All right. Thank you, everybody.

21 I think what we'll do is proceed now with
22 cultural and tribal cultural resources discussion.

23 And I'll turn it over to Bill Larson.

24 MR. LARSON: Hello, can you hear me?

25 Good afternoon, my name is Bill Larson. I'm a

1 senior environmental planner, archaeology, with the CEC.

2 And today I'm joined via Zoom by the cultural
3 resource unit supervisor, Gabriel Roark, Historian Cameron
4 Travis, and Archaeologist Patrick Riordan.

5 Next slide, please.

6 I'm going to present a brief overview of the
7 conclusions for the cultural and tribal cultural resources.

8 In the PSA, we identified 165 cultural resources
9 in the project area of analysis, PAA.

10 Of these, 48 are isolated finds and were
11 determined not eligible for the California Register of
12 Historical Resources, the CRHR.

13 82 are built-environment resources, six of which
14 are eligible for the CRHR. 35 are archaeological
15 resources, of which nine would either not be located,
16 confirmed outside the project boundary, or no longer exist.

17 10 are recommended as not eligible for the CRHR,
18 five are recommended eligible for the CRHR, and 11 are
19 being assumed eligible for this project only.

20 The 16 eligible archaeological resources are
21 considered historical resources under CEQA and have the
22 potential to be impacted by the project. Of these 16
23 resources, only seven are within the selected or preferred
24 alternative, and conditions of certification or COCs,
25 including avoidance, construction monitoring, and possible

1 additional work, will be in place to ensure that impacts
2 will be less than significant.

3 Additionally, only one of the six eligible
4 historic built-environment resources, the Tropico Gold Mine
5 District, has the potential for significant impacts from
6 the current project plans.

7 However, COCs that include some transmission pole
8 movement and color treatment will be in place to reduce
9 those impacts to less than significant.

10 In sum, the overall finding for the cultural and
11 tribal cultural resources for this project is less than
12 significant with mitigation incorporated.

13 And I think that's it.

14 Next slide.

15 Now, the discussion.

16 MR. VEERKAMP: So I'll turn to the Applicant.

17 Jeff, do you have a -- you're a resident expert
18 on cultural resources?

19 MR. HELTON: I do. Yeah, Clint Helton here.
20 I'll spell my name. C-L-I-N-T H-E-L-T-O-N. I'm with WSP
21 and lead our cultural heritage practice. So it's nice to
22 see everyone and hear some familiar names and see some
23 familiar faces.

24 So, Bill, I just have a very focused question and
25 maybe then a comment. So thank you for the opportunity.

1 So I want to focus on CUL-9 and CUL-10, if you
2 wouldn't mind. And first to CUL-9, I think the two
3 measures, CUL-9 and CUL-10, were actually proposed by the
4 Applicant. And so thank you for those.

5 It's been -- come to my attention that the
6 Applicant has determined through some subsequent analysis
7 that the proposed alignment to move the gen-tie line along
8 Mojave-Tropico Road and Felsite Avenue may be infeasible.

9 So the proposal in CUL-9 was to move the
10 alignment of the transmission line across the road, which
11 is 50 to 75 feet, and that the poles would be then somewhat
12 less visible, presumably, given the determination of a
13 possible significant indirect visual effect to the Tropico
14 Gold Mine.

15 So intended to mitigate for that, the poles were
16 proposed to be moved maybe 50 to 75 feet across the
17 roadway. However, it's been determined that that plan is
18 problematic for reasons of right-of-way access, land
19 ownership, and possible constructability issues.

20 So what I wanted to ask you was, given that
21 possibility of an inability or an infeasibility to relocate
22 those poles and that transmission line to the opposite side
23 of the roadway, we still have CUL-10 available as a
24 mitigating measure, which I think is a good one. And as we
25 saw in the previous visual analysis, can have a substantive

1 reduction in visual impact.

2 So just wondering if you would entertain the
3 feasibility of, if it were determined to be infeasible to
4 move the transmission line to possibly strike CUL-9, but
5 retain CUL-10 as an appropriate and effective mitigation
6 measure for what I believe really is a fairly
7 insignificant -- although the analysis does determine it,
8 it requires mitigation -- but a fairly insignificant
9 indirect visual impact to the Tropico Gold Mine.

10 So the question is, to use Jeff Harris's word
11 again, flexibility, would there be flexibility in possibly
12 determining or assessing the adequacy of value of CUL-10
13 while at the same time eliminating CUL-9?

14 MR. LARSON: Thanks for that. I will have to
15 defer that one to Cameron if he's online. He's our
16 historian.

17 MR. TRAVIS: Hi, Clint. So there's a little bit
18 more than just a visual impact from the resource with the
19 location of the transmission poles. So I would have to
20 think about it more before I could just say yes.

21 Because one of the things with this is that the
22 east side of Mojave-Tropico Road and the north side of
23 Fellside Avenue, that is the that's the edges of various
24 portions of the Tropico Gold Mine District. You have the
25 workers housing being on a significant portion of that. So

1 putting the transmission lines on that portion of the land
2 would be putting them on the district itself.

3 MR. LARSON: Well, I may not -- I agreed that
4 they would be closer, no question. But we're talking maybe
5 50, 60, 70 feet closer.

6 And of course they would remain, and the analysis
7 correctly states that those poles will remain in the public
8 right of way of the roadway. So the poles themselves would
9 not be physically impeding.

10 In fact, that's what the PSA and analysis does
11 restate is that there is no physical impact to the Tropico
12 Gold Mine. The impact that's being mitigated is an
13 indirect visual impact.

14 So I guess I would argue that we are talking
15 about an indirect visual impact to mitigate for not a
16 physical impact to any of those structures or buildings.

17 And that's fine. I just wanted to put that out
18 there, at least, so that you knew that there is a
19 constructability issue relative to the placement of those
20 lines and those towers.

21 And I guess I would offer my opinion that the
22 efficacy and utility of CUL-10, which is to paint a rustic
23 brown finish to those transmission poles, as CUL-10 says --
24 reduces the visual impact to the Tropico Gold Mine Historic
25 District to less than significant levels.

1 So I guess I would just ask that we have that
2 conversation and that we'd be open to the possibility that
3 the mitigation measure that's written as CUL-10 may in fact
4 be sufficient in terms of mitigation relative to impact to
5 account for the adverse visual impact to the Gold Mine
6 itself.

7 MR. TRAVIS: Yeah, we will have to consider that.
8 I don't know if I can give a direct "yes" or "no" answer
9 just because that's new information. But yeah, we'll have
10 to consider that.

11 MR. HELTON: Understood. Yep. Very good.

12 I guess the last comment I would make, that being
13 the case, certainly as we know, there are lots of other
14 kinds of alternative mitigation measures that could be
15 deployed.

16 And I think in terms of speaking on behalf of the
17 Applicant and the expert in this case, I would propose that
18 were we to come to a decision or a conclusion that
19 additional mitigation might be necessary to supplement the
20 painting of the transmission poles, that there would be
21 numerous options available to us, including such things as
22 additional archival research or possibly preparation of
23 additional history on the Tropico Gold Mine itself.

24 Deliverables that, in fact, might be even more
25 appropriate or beneficial to the public as they relate to

1 describing and providing more historical context for the
2 mine and the structures themselves.

3 So maybe just as a notation, I would make that
4 notation that there's certainly numerous possible
5 alternative measures that we could deploy were it
6 determined that CUL-10 was not sufficient.

7 Although I would just submit to you that I think
8 CUL-10 probably does account for -- particularly given the
9 presentation we just saw -- any indirect visual impact to
10 those structures.

11 So yeah, that's all I have.

12 MR. TRAVIS: Yeah, I think if it sounds like it
13 would be infeasible, then we would probably want to explore
14 what other potential options, if CUL-10 does not on its
15 own. Yeah, we'll have to think more on that, but yeah.

16 MR. HELTON: Sounds good. Okay. Yeah, that's
17 all the comment I have.

18 Jeff, anything else? Jeff Harris?

19 MR. HARRIS: No, I don't think we've got anything
20 else. No, we're good on this end. Thank you.

21 MR. HELTON: Thank you.

22 MR. VEERKAMP: Thank you.

23 So with that, we would move to the public
24 comment. Do we have any comment from the Intervenor, CURE,
25 at this time?

1 Doesn't sound like it.

2 Are there any other members of the public who
3 would like to make a public comment at this time?

4 Okay. Sounds like there's no public comment at
5 this time.

6 Next slide. Next slide, please. I think we're
7 on Slide 36.

8 So this would be an opportunity for any
9 additional discussion of environmental topics beyond what
10 was on the agenda. So I would just open this up to anyone
11 in the room or anyone on Zoom.

12 So not hearing anything.

13 We have scheduled a meal break, but I'm just not
14 sure if we should push on through just seeing that we just
15 had a break. I think we have we have another slide on kind
16 of the next steps in this in this AFC process, where we go
17 from here.

18 And then we have an additional public comment
19 period and then any final closing comments. Let's say we
20 just push through.

21 Okay. So next slide, please.

22 Staff has scheduled a follow-up Zoom-only meeting
23 to facilitate additional public comment on June 10th. So
24 right now that is still -- it's calendared, and it's in the
25 notice for this meeting. So there's details on that Zoom-

1 only meeting.

2 And per the committee's fourth scheduling order,
3 CEC staff will be filing the final staff assessment by July
4 16th of 2025. And the committee will be hosting
5 evidentiary hearings August 18th and 19th.

6 The committee has tentatively scheduled October
7 for issuance of the presiding member's proposed decision.
8 And the committee's proposed decision would then be
9 available for an additional 30-day public comment period
10 with a final decision by the full commission expected by
11 the end of the year.

12 I think we have a next slide.

13 So unless there's any further public comment,
14 I'll open it up for one last opportunity for any comment,
15 any public comment.

16 And hearing none -- is there anyone on Zoom?

17 Okay. Hearing none, that brings us to our
18 conclusion. Thank you, everybody.

19 (The meeting adjourned at 4:51 p.m.)
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25

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of September, 2025.



ELISE HICKS, IAPRT CERT**2176

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I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



MARTHA L. NELSON, CERT**367

September 11, 2025