

DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	266044
Document Title:	Center for Biological Diversity Reply Brief
Description:	N/A
Filer:	Center for Biological Diversity
Organization:	Center for Biological Diversity
Submitter Role:	Intervenor Representative
Submission Date:	9/17/2025 4:26:11 PM
Docketed Date:	9/17/2025

STATE OF CALIFORNIA

**State Energy Resources Conservation and
Development Commission**

In the Matter of:

WILLOW ROCK ENERGY
STORAGE CENTER

Docket No. 21-AFC-02

**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY'S
POST- EVIDENTIARY HEARING REPLY BRIEF**

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POST-EVIDENTIARY HEARING REPLY BRIEF**

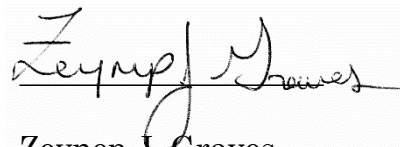
At the conclusion of the August 21, 2025 evidentiary hearing for the Willow Rock Energy Storage Center Project, and as memorialized in the Hearing Officer's August 27, 2025 Memorandum (TN 265796), the Committee invited the parties to submit post-hearing briefs. Intervenor Center for Biological Diversity (the "Center") submits this reply on the disputed habitat mitigation ratio.

Substantial evidence demonstrates that CEC Staff's 3:1 mitigation ratio is the only measure that "minimizes and fully mitigates" impacts as required by Fish & Game Code § 2081(b), given the project's long-term impacts, documented onsite habitat and survey results, and the slow-recovering desert ecosystem. (*See, e.g.*, Hearing Tr. 98:14–106:10; 120:7–15; 121:4–122:18; 133:15–134:14; 135:18–136:3.) Applicant's comparisons to other Kern County projects are inapposite (Applicant's Opening Br. at 5): mitigation ratios are project-specific, and Applicant provides no record of those projects' habitat conditions, survey results, or permitting posture, including CESA requirements. Absent that context, the cited examples do not overcome the substantial evidence supporting a 3:1 ratio for western burrowing owl, Crotch's bumble bee, and Joshua tree woodland. (Hearing Tr. 121:1–123:18, 124:12–129:18.)

Accordingly, the Commission should reject Applicant's proposal and adopt Staff's recommended 3:1 mitigation ratio as set forth in BIO-14.

Dated: September 19, 2025

Respectfully,



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