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**STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:

*Willow Rock Energy Storage
Center*

Docket No.:21-AFC-02

**Staff's Comments on the Presiding
Members Proposed Decision**

**Summary of CEC Staff Comments on Willow Rock Presiding Member's
Proposed Decision**

On November 12, 2025, the assigned Willow Rock committee issued the Presiding Member's Proposed Decision (PMPD) recommending the California Energy Commission (CEC) issue a certification for the construction and operation of the Willow Rock Energy Storage Center. The committee set a due date for comments on the PMPD of December 12, 2025. Staff has reviewed the PMPD and makes the following comments to address typographical errors, suggest factual corrections, improve clarity, and remove instances where the PMPD references the project owner's need to obtain permits or other entitlements external to the CEC's in lieu certification authority under Public Resources Code section 25500. None of staff's suggested edits change the overall findings or conclusions of the PMPD or the underlying environmental analysis and none of the suggested edits require a revised PMPD to be subject to an additional comment period.

INTRODUCTION, A through F

Staff has no comments on the **Introduction, A through F**, including the Summary of the Decision, Background, Project Certification Process, Procedural History, CEC Outreach and Tribal Consultation, and Public Comment.

PROJECT DESCRIPTION

Staff has no comments on the **Project Description**, including Introduction, Setting, The Proposed Project, Project Schedule and Construction, Project Objectives, Approach to Cumulative Impact Analysis, Agency and Public Comments, Findings of Fact, and Conclusions of Law.

PROJECT ALTERNATIVES

Staff has no comments on the **Project Alternatives** section of the PMPD.

COMPLIANCE MONITORING PLAN

Staff has no comments on the **Compliance Monitoring Plan** section of the PMPD.

FACILITY DESIGN

Staff has no comments on the **Facility Design** section of the PMPD.

POWER PLANT EFFICIENCY

Staff does not have comments on the **Efficiency and Energy Resources** section of the PMPD.

POWER PLANT RELIABILITY

On page 5.C-6, subsection III, there is a typographical error.

"No federal, state, or local regulations related to facility reliability apply to the project. The Facility Design Section 5(" . "The Facility Design Section 5(" should be deleted.

TRANSMISSION SYSTEM ENGINEERING

On page 5.D-2, subsection b, second paragraph line four (4): (13.8/230 kV) transformers rated at 105/140/175 megavolt amperes (MVA). The transformer rating is incorrect. The correct transformer rating should be 96/128/160 MVA.

On page 5.D-7, 2nd line, the transformer rating is incorrect. The correct rating should be 96/128/160 MVA.

TRANSMISSION LINE SAFETY AND NUISANCE

Staff has no comments on the **Transmission Line Safety and Nuisance** section of the PMPD.

AIR QUALITY

On Page 6.B-2, Footnote 5: the text "Ex. 2000, FSA, p. 5.1-1" should be corrected to "Ex. 2000, FSA, p. **5.1-2.**"

On Page 6.B-3, Table 6.B-2: The table is missing the explanatory text for footnotes "a," "b," and "c." The following notes should be added below the table:

- a. 1-hour ozone NAAQS was revoked effective June 15, 2004.
- b. EKAPCD was in attainment for the 1-hour ozone NAAQS at the time of revocation; the proposed Attainment Maintenance designation's effective date was June 21, 2004, therefore it did not become effective.
- c. Attainment for 1997, 8-hour Ozone NAAQS (80 ppb), Severe Nonattainment for 2008 (75 ppb) and 2015 (70 ppb), Nonattainment for State 8-hour standard (70 ppb).

On Page 6.B-11, the first sentence below Table 6.B-7, "Because the onsite emissions from NO_x and PM₁₀ exceed the EKAPCD criterion thresholds..." should be clarified to state: "Because the onsite emissions from NO_x (**in both scenarios**) and PM₁₀ (**in the 'With Berm' scenario**) exceed..."

On Page 6.B-13, the 7th line in the 2nd paragraph, the text "0.05 trips per year (tpy)" should be corrected to "**0.05 tons per year (tpy).**"

On Page 6.B-20, the 3rd paragraph, the reference to "Table 6.B-7" should be changed to "**Table 6.B-6.**"

On Page 6.B-20, Footnote 75: the page reference should be changed from "pp. 5.3-26 – 5.3-27" to "pp. **5.1-26 – 5.1-27.**"

On Page 6.B-24, Finding #4: the text "AQ-SC1 through AQ-SC6" should be corrected to "**AQ-SC1 through AQ-SC5.**"

CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

On Page 6.A-3 ,Footnote 13: the page reference should be changed from "Cal. Code Regs., tit. 17, § 95452." To "Cal. Code Regs., tit. 17, § **95352.**"

On Page 6.A-6, Footnote 28: the page reference should be changed from "pp. 5.3-9 - 5.3-10" to "pp. 5.3-9 – **5.3-11.**"

On Page 6.A-7, Footnote 29: the page reference should be changed from "pp. 5.3-9, 5.3-10, 5.3-12" to "pp. **5.3-11,** 5.3-12."

On Page 6.A-7, Footnote 31: the page reference should be changed from "pp. 5.3-9, 5.3-10, and 5.3-12" to "pp. **5.3-11** and 5.3-12."

On Page 6.A-8, Footnote 38: the page reference should be changed from "pp. 5.3-9 - 5.3-10." to "pp. **5.3-10 - 5.3-11.**"

On Page 6.A-8, Footnote 39: the page reference should be changed from "Cal. Code Regs., tit. 17, § 95452." To "Cal. Code Regs., tit. 17, § **95352.**"

On Page 6.A-8, the second paragraph should be moved to the top of Page 6.A-9 just prior to the "**3. Cumulative Impacts**" heading.

On Page 6.A-9, Footnote 44: the page reference should be changed from "p. 5.3-13." To "**pp.** 5.3-13 – **5.3-14.**"

On Page 6.A-9, Footnote 45: a closing parenthesis should be added to the page reference from "p. 5.3-14 (citing Cal. Code Regs., tit. 14, § 15064.4." to "p. 5.3-14 (citing Cal. Code Regs., tit. 14, § 15064.4.)"

On Page 6.A-9, Footnote 47: the page reference should be changed from "pp. 5.3-14 – 5.3-15." To "**p.** 5.3-14."

On Page 6.A-9, delete the first paragraph below "iii. Compliance with Laws, Ordinances, Regulations and Standards" and replace with "Table 6.A-2 demonstrates that the proposed project will comply with all GHG laws, ordinances, regulations, and Standards (LORS) applicable to the Willow Rock Energy Storage Center."

On Page 6.A-11, Footnote 48: the page reference should be changed from "pp. 5.3-9, 5.3-10, 5.3-12." To "pp. 5.3-10, **5.3-11,** 5.3-12."

On Page 6.A-11, the sentence "The evidence indicates, and we find, that with the imposition and implementation of the Conditions of Certification, the construction and operation of Willow Rock will comply with all applicable LORS regarding GHGs.⁴⁹" should be changed to "The evidence indicates, and we find the construction and operation of Willow Rock will comply with all applicable LORS regarding GHGs.⁴⁹"

PUBLIC HEALTH

Staff has no comments on the **Public Health** section of the PMPD.

HAZARDS, HAZARDOUS MATERIALS MANAGEMENT, HAZARDOUS WASTE, AND WILDFIRE

Staff has no comments on the **Hazards, Hazardous Materials Management, Hazardous Waste, and Wildfire** section of the PMPD.

SOLID WASTE MANAGEMENT

Staff has no comments on the **Solid Waste Management** section of the PMPD.

BIOLOGICAL RESOURCES

On page 7.A-4, Table 7.A-1, the total on the last row should be "3,870.90" instead of "3,913.17".

In the last sentence of page 7.A-4, "under Section 1600 of the Fish and Game Code" should read "under Section 1600 through Section 1615 of the Fish and Game Code"

On page 7.A-5, the sentence "However, Staff does not concur and considers these features and drainages to meet Lahontan RWQCB and CDFW jurisdiction because many of these features exhibit signs of hydrology even though some are short the CDFW." should read "However, Staff does not concur and considers these features and drainages to meet Lahontan RWQCB and CDFW jurisdiction because many of these features exhibit signs of hydrology, even though some features are short."

On page 7.A-5, the sentence "Critical habitats for federally- and state-listed species do not occur in or adjacent to the project site." in the first bullet point should read "Critical habitats for federally listed species do not occur in or adjacent to the project site."

On page 7.A-5, the "e" in "existing" in the second bullet point is smaller than the rest of the word and should be changed to the correct font or font size.

On page 7.A-6, the final bullet point "Six special status and habitat assessments for wildlife were conducted by the Applicant as summarized in Table 7.A-2." should read "Six surveys or habitat assessments for special status species were conducted by the Applicant as summarized in Table 7.A-2."

On page 7.A-15, the sentence beginning "Because of the CEC's regulatory obligation under Section 1600 *et seq* of the California Fish and Game Code to comply with..." should read "Because of the CEC's regulatory obligation under Title 14, California Code of Regulations, section 783 to comply with..."

On page 7.A-17, the sentence "Should CDFW, based on the updated census or updated guidance pursuant to the Western Joshua Tree Conservation Act or the Western Joshua Tree Conservation Plan, identify any Joshua tree woodlands on the Willow Rock site, it will be important for any impacts to those natural communities to be appropriately mitigated under **BIO-14**." should be replaced by "Should the project owner or CPM, based on updated surveys or natural community mapping, identify any Joshua tree

woodlands on the Willow Rock site, it will be important for any impacts to those natural communities to be appropriately mitigated under **BIO-14.**"

On page 7.A-17, the sentence "Therefore, we have modified the language of both BIO-12 and BIO-14 to ensure that any woodlands identified by CDFW at the time of the updated census receive appropriate mitigation, should they be impacted by the Willow Rock project." should be replaced by "Therefore, we have modified the language of both BIO-12 and BIO-14 to ensure that any woodlands identified based on updated surveys or natural community mapping receive appropriate mitigation, should they be impacted by the Willow Rock project."

On page 7.A-22, the sentence beginning "Impacts to western Joshua trees plants from the operation..." should read "Impacts to western Joshua trees from the operation..."

On page 7.A-44, the sentence "6. Critical habitats for federally- and state-listed species do not occur in or adjacent to the project site." Should read "6. Critical habitats for federally listed species do not occur in or adjacent to the project site."

On page A-90, the heading "**c. Preliminary Report.**" should be changed to "**a. Preliminary Report.**" and indented.

On page A-90, the heading "**d. Title/Conveyance.**" should be changed to "**b. Title/Conveyance.**" and indented.

On page A-91, the headings "**c. Initial Protection and Habitat Improvement.**" and "**d. Long-term Maintenance and Management Funding.**" should be indented.

On page A-92, the heading "**Mitigation Security.**" should be changed to "**8. Mitigation Security.**"

On page A-93, the heading "**8. Monitoring.**" should be changed to "**9. Monitoring.**"

On page A-93, "or restricted covenant" should be removed from the sentence "Transplanted species may not be placed in areas subject to future land disturbance and must be protected by a conservation easement or restricted covenant that prohibits disturbance and ensures conservation of the site in perpetuity."

On page A-93, the heading "**9. Propagation and Relocation Strategy.**" should be changed to "**10. Propagation and Relocation Strategy.**"

On page A-107, the sentence "The proposed mitigation lands shall also include additional acres of western Joshua tree woodland at the same 3:1 ratio should the identified community be impacted along the optional transmission line route, or if a community is identified based on updated census and/or CDFW guidance on the Willow Rock site." should be replaced by "The proposed mitigation lands shall also include additional acres of western Joshua tree woodland at the same 3:1 ratio should the identified community be impacted along the optional transmission line route, or if the community is identified based on updated surveys or natural community mapping and/or CPM guidance on the Willow Rock site."

On page A-116, the sentence under point **1. Surveys** "One week prior to any ground disturbance and within 24 hours of beginning work in suitable habitat, the Designated

Biologist and/or Biological Monitor(s) shall conduct surveys for these species, unless an alternate timeframe approved by CPM." should read "One week prior to any ground disturbance and within 24 hours of beginning work in suitable habitat, the Designated Biologist and/or Biological Monitor(s) shall conduct surveys for these species, unless an alternate timeframe is approved by the CPM."

On page A-126, under **Collision Avoidance and Minimization Measures**, the sentence beginning "The project owner shall submit proposed aerial marker installation plan..." should read "The project owner shall submit a proposed aerial marker installation plan..."

On page A-128, under **Burrowing Owl Mortality Reduction Plan**, the sentence beginning "The project owner shall submit a Burrowing Owl Mortality Reduction Plan prepared the Designated Biologist(s) (s) for review and approval..." should read "The project owner shall submit a Burrowing Owl Mortality Reduction Plan prepared by the Designated Biologist(s) for review and approval..."

On page A-130, the sentence beginning "If a potential burrowing owl w (any subterranean hole three inches or larger..." should read "If a potential burrowing owl burrow (any subterranean hole three inches or larger..."

On page A-134, the sentence beginning "Alternatively, the approved Designated Biologist may passively encourage the burrowing owl. to move away from the pipes, culverts," should have the period immediately after the word "owl" removed.

On page A-136, immediately after the sentence "One round of protocol surveys will be completed within 5-miles of the generation tie-line corridor, unless otherwise prohibited due to legal access or safety issues, to assist in the location where aerial markers or bid flight diverters shall be installed.", insert the sentence "Surveys in Period I may not be used for this purpose."

On page A-136, staff recommends removing the sentence "Surveys are not recommended during Period IV because identification is difficult, as the adults tend to remain within the nest for longer periods of time."

On page A-136, staff recommends changing the sentence "No fewer than three surveys per period in at least two survey periods shall be completed immediately prior to the start of project construction, unless approved by the CPM, in coordination with CDFW." to "No fewer than three surveys per period in at least two survey periods, excluding survey period I, shall be completed immediately prior to the start of project construction, unless approved by the CPM, in coordination with CDFW."

On page A-138, remove "ringtail," from the list "(e.g., Tulare pocket mouse, Tehachapi pocket mouse, San Joaquin pocket mouse, ringtail, etc.)"

On pages A-151 and A-152, the text "11. **Mitigation for Permanent and Temporary Impacts to State Waters**

- a) **Acquire Off-Site State Waters.** There are no permanent impacts to State waters and no off-site mitigation is proposed. However, if there are unanticipated

temporary or permanent impacts to State waters the project owner shall provide verification to the CPM that the lands acquired under **BIO-14** support a minimum of 3:1 ratio for any permanent impacts and 1:1 for temporary impacts to state waters.” should be replaced by the text “11.

Mitigation for Permanent and Temporary Impacts to Jurisdictional Features.

a) Acquire Off-Site Jurisdictional Features. There are no anticipated permanent impacts to jurisdictional features and no off-site mitigation is proposed. However, if there are unanticipated temporary or permanent impacts to jurisdictional features the project owner shall provide verification to the CPM that the lands acquired under **BIO-14** support a minimum of 3:1 ratio for any permanent impacts and 1:1 for temporary impacts to jurisdictional features.”

SOIL AND WATER RESOURCES

Section (i)(a)(1), 4th paragraph, Page 7.B-2 solid waste management section referenced as Section 7(F), but should be Section 6(F)

Section (i)(a)(2), 2nd paragraph, Page 7.B-2 all references to the adjudication of the Antelope Valley groundwater basin have been omitted. This is important background to illustrate that while the basin has been identified as a very low priority by DWR, there are still restrictions on uncontrolled groundwater extraction due to past overproduction.

On Page 7.B-4 reference to a Condition of Certification is missing the condition number. “...no federally delegated permit issued by the SWRCB or Lahontan RWQCB is required. Instead, waste discharge requirements are included in Condition of Certification WATER-...” Should be **WATER-2**.

On page 7.B-7 the PMPD states, “However, if dewatering is necessary, a permit through the Lahontan RWQCB would be necessary under WATER-1 and BIO-24 depending on the nature of the contamination to groundwater, requiring the Applicant to treat the water before discharging or hauling away the untreated water by a permitted service provider.” WATER-1 requires the Project owner to obtain compliance project manager’s approval of the Drainage Erosion and Sedimentation Control Plan (DESCP) for managing stormwater during Project construction and operations. BIO-24 covers the lake and streambed equivalency conditions to avoid, minimize and mitigate for potential direct and indirect impacts to jurisdictional waters of the state and to satisfy the requirements of California Fish and Game Code, sections 1600 through 1607. Under Public Resources Code section 25500 the CEC’s certification is in lieu of any state and local permits. Therefore, no permit is issued by Lahontan RWQCB for dewatering during construction.

The language should read, “However, if dewatering is necessary, ~~a permit through the Lahontan RWQCB would be necessary~~ under WATER-1, **WATER-2**, and BIO-24, depending on the nature of the contamination of the dewatering water, **the CPM**

may require requiring the Applicant to treat the water before discharging or hauling away the untreated water by a permitted service provider.”

CULTURAL AND TRIBAL CULTURAL RESOURCES

To avoid any unintended impacts on historical resources and avoid construction delays, the CEC staff recommends adding the site numbers of the known historical resources within the WRESC facility and preferred Gen-Tie route to COC CUL/TRI-3 on page A-169, Appendix A of the PMPD. Identification of the known cultural resources subject to COC CUL/TRI-3 would ensure that the applicant mitigates project impacts to them through avoidance, capping with sterile soil, or—if avoidance and capping are infeasible—data recovery prior to construction, per COC CUL/TRI-8. The site numbers are:

- WRESC-ZEV-MULTI-SITE-1
- WRESC-ZEV-PRE-SITE-2
- WRESC-ZEV-PRE-SITE-3
- WRESC-P1-PRE-SITE-1
- WRESC-PREF-HIST-SITE-3
- P-15-007591
- P-15-014902

The CEC staff’s recommended addition to COC CUL/TRI-3 is as follows in **bold underlined** text:

- A proposed general research design that includes a discussion of cultural research questions and testable hypotheses specifically applicable to the project area, and a discussion of artifact collection, retention/disposal, and curation policies as related to the research questions formulated in the research design. The research design will specify that the preferred treatment strategy for any cultural or tribal cultural resource is avoidance. A specific mitigation plan shall be prepared for any unavoidable impacts to any historical resources, unique archaeological resources, or tribal cultural resources (as defined in the California Environmental Quality Act and determined by the CPM). **Specific mitigation plans will be required for known historical resources within the WRESC facility and preferred Gen-Tie route (avoidance, capping, or archaeological data recovery), namely, WRESC-ZEV-MULTI-SITE-1, WRESC-ZEV-PRE-SITE-2, WRESC-ZEV-PRE-SITE-3, WRESC-P1-PRE-SITE-1, WRESC-PREF-HIST-SITE-3, P-15-007591, and P-15-014902.** A prescriptive treatment plan may be included in the CTRMMP for limited data types.

- Specification of the implementation sequence and the estimated time frames needed to accomplish all project-related tasks during the ground-disturbance and post-ground-disturbance analysis phases of the project.

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Staff recommends the following edits.

In the following three paragraphs, staff suggests adding text that is **bold underlined** and removing text that is **~~stricken through~~**.

- On page 7.D-2, staff suggests the following edit, "Underlying the Quaternary surficial sediments is a Mesozoic, potentially Cretaceous, quartz monzonite, a plutonic rock that primarily comprises **the** granitic batholith which underlies the Mojave Desert".
- On page 7.D-6, staff suggests the following edit, "The evaluation of environmental impacts to geological, mineral, and paleontological resources from the Willow Rock Energy Storage Center considers whether the project would cause or exacerbate an existing geological hazard causing a significant environmental impact. **The evaluation also analyzed the potential impacts from potential geologic hazards on the project, including on human life, property, and grid reliability.**"
- On page 7.D-12, staff suggests the following edit, "Additionally, the Willow Rock site will include permanent embankments for the hydrostatic compensation surface reservoir and, potentially, a permanent architectural berm **~~permanently~~** to **permanently** store excavated rock and soil."

On page 7.D-12, several paragraphs do not have footnote citations. Staff notes the lack of a citation, or citations, is inconsistent with how similar paragraphs are written for other impact topics in PMPD Section 7 (D) ii. Staff suggests adding a footnote citation, or citations, to the relevant pages in Exhibit 2000, FSA (5.6-27 through 5.6-30).

Similar to the previous comment, on page 7.D-13, staff notes the lack of a citation for the paragraph ending in "Alternatively, the septic tank may dispose of wastewater via a lateral septic system". Staff suggests adding a footnote citation to Exhibit 2000, FSA, pages 5.6-31 to 5.6-32.

For consistent formatting, on page 7.D-31, for the compliance evaluation of ASTM F432-19: Standard Specification for Roof and Rock Bolts and Accessories, staff suggests **bolding** the "-1" in "GEO-1".

On page 7.D-34, staff notes the following Finding of Fact may benefit from clarification.

“Conditions of Certification **PAL-1 through PAL-8** require a worker education program in conjunction with monitoring of earthwork activities by a qualified paleontological resource specialist who will produce a mitigation plan and on-site monitoring.”

Staff suggests replacing the above Finding of Fact text with the following,

“Conditions of Certification **PAL-1 through PAL-8** require the project owner employ a qualified paleontological resource specialist (PRS) and qualified paleontological resource monitors (PRM). The PRS and PRMs shall develop and implement a monitoring and mitigation plan and a worker education program. The PRS and PRMs shall monitor construction-related grading and construction activities and complete various reporting tasks.”

LAND USE, AGRICULTURE, AND FORESTRY

Staff recommends the following edits to text in the Land Use section to clarify the CEC’s jurisdiction over portions of the project site designated as P1, P2 North, and P2 South and other clarifying language. Staff also recommends edits to LAND-1 to remove language requiring third party entities receiving rock from the project to have appropriate county permits which is unenforceable. Staff assumes all off takers will have required permits.

On page 8.A-5, first paragraph, second sentence, under the heading construction,

To ensure that the offsite Villa Haines temporary laydown and parking areas are consistent with Kern County’s regulations, Condition of Certification LAND-1 will require the project owner to obtain any necessary permits from the Kern County Planning and Natural Resources Department, or other relevant departments, for development of temporary laydown and parking areas within the Villa Haines site, and to comply with the applicable Kern County regulations. LAND-1 also requires, per the request of the Kern County Planning and Natural Resources Department, that the project owner provide them with the location of all properties in unincorporated Kern County accepting excavated rock from the project., ~~and that the project owner obtain the applicable permits.~~

On page 8.A-6, first paragraph, third sentence.

To ensure that the temporary rock crushing facilities and concrete batch plants will comply with the Kern County Zoning Code, LAND-2 requires the project owner to submit construction site plans to the Kern County Planning and Natural Resources Department for review, and comment, ~~and approval.~~

Page 8.A-6. Modify the passage after “Bureau of Land Management (BLM) Right of Way (ROW) Grant Requirement” caption as follows: “The preferred gen-tie line route crosses two federally owned parcels (APN 252-060-04 and APN 252-080-02) managed by BLM, and therefore the applicant must obtain BLM permission in the form of a ROW

grant for building on these parcels. BLM received the Applicant's grant application form on August 28, 2024. LAND-3 will ensure that the project owner obtains the ROW grant **or similar authorization** from BLM before proceeding with construction, that the project will conform with BLM regulations and plans, and that no impacts from conflicts with BLM-managed public lands will occur."

Page 8.A-7, last paragraph.

Change the last paragraph as follows: "With the rezoning of the main Willow Rock site from Limited Agriculture to Exclusive Agriculture on February 11, 2025, as recommended by the Kern County Planning and Natural Resources Department **to make the zoning district, the project will be** compatible with the **project's General Plan** land use designation of 8.5 Resource Management, which supports energy storage, **and** with the approval of a CUP, **the project would be compatible with the Exclusive Agriculture zoning district.** After review of the record and the requirements for findings for an issuance of a CUP, we find:..."

Page 8.A-8, third bullet.

Modify the third bullet to read as follows: "Uses in the Exclusive Agriculture designation are "limited primarily to agricultural uses and other activities compatible with agricultural uses". The Willow Rock site is not Important Farmland and there are no agricultural uses on or near the property. In supporting the rezone of the site to Exclusive Agriculture in order to support the Willow Rock Energy Storage Center, the County has deemed the proposed alternative energy use of the site as consistent and compatible with the purpose of the applicable district. **Additionally, the Exclusive Agriculture zoning district allows "electrical power generating plants", the listed use closest to the Willow Rock Energy Center use, with approval of a CUP.**"

On page 8.A-8, fourth bullet point.

During construction, concrete batch plants and temporary rock crushing facilities will be used at the project site. **For non-CEC projects** these uses **are allowed, with a County issued CUP, will be allowed with a CUP** in the Exclusive Agriculture zoning district under Section 19.12.030(G) of the Kern County Zoning Code as "concrete or asphalt batch plant" and "rock, gravel, sand, concrete, aggregate, or soils crushing, processing, or distribution.

Page 8.A.8, fifth bullet.

Modify the fifth bullet as follows: "Project review by the Kern County Planning and Natural Resources Department, as required by LAND-2, will ensure that the project will meet **the applicable requirements of all** required setbacks for the Exclusive Agriculture zoning district, **which** are: 55, 70, or 80 feet for the front yard setback depending on the type of road; 5 or 10 feet for the side yard setback, depending on the type of road; and 5 feet for the rear yard setback.

On page 8.A-8, sixth bullet point, fifth sentence.

Alternatively, if the Applicant elects to construct the architectural berm, it will need to obtain review and **comment approval** from Kern County Planning and Natural Resources Department as required by LAND-2 to ensure that the project design will mitigate flood and drainage issues.

Page 8.A-9, first paragraph.

First paragraph under Kern County Airport Land Use Compatibility Plan, last sentence. Modify as follows: "LAND-4 will also ensure compliance with **the** same notification requirement in the ALUCP."

Page 8.A-9, paragraph under Rosamond Specific Plan.

Modify as follows: "Specific requirements include compliance with the land use plans discussed above, including consistency with the ALUCP, compliance with Part 77 regulations governing notification to the FAA, and submittal of site plans for discretionary-projects to the County **and Edwards Airforce Base if necessary.**"

On page 8.A-9, first paragraph.

Based on the above discussion of CUP findings, we find that the project will meet the required CUP findings for location in the Exclusive Agriculture zoning district. LAND-2 will further ensure project compliance with the Kern County Zoning Code through review, **and** comment, ~~and approval~~ on all project site plans, including those in the Limited Agriculture zoning district, by the Kern County Planning and Natural Resources Development Department.

Page 8.A-12, first row of table.

Modify the first row of the table about the BLM ROW requirement as follows: "LAND-3 will ensure the project obtains a BLM ROW grant **or similar authorization** before moving forward."

On page 8.A-14, Architectural Berm row.

However, the Kern County Planning and Natural Resources Department has stated that they do not support the potential architectural berm, comprised of excavated materials from the project site, due to flood and potential drainage issues. Should the project owner elect to construct the berm, LAND-2 requires review, **and** comment, **and approval** from the Kern County Planning and Natural Resources Department to ensure that potential flooding and drainage is addressed.

On page 8.A-14, Main Project Site row.

LAND-2 will require review, **and** comment, ~~and approval~~ of the project's site plans by the Kern County Planning and Natural Resources Department, and will ensure consistency with the Kern County Zoning Code.

On page 8.A-17, finding of fact 5 and 7.

Alternatively, if the Applicant elects to construct the architectural berm, it will need to obtain review, and comment, ~~and approval~~ from Kern County Planning and Natural Resources Department as required by LAND-2 to ensure that the project design will mitigate flood and drainage issues.

The uses and activities of the Willow Rock Energy Storage Center are is consistent with the Exclusive Agriculture and Limited Agriculture zoning districts, including the concrete batch plants and temporary rock crushing facilities that may be permitted with a CUP.

Page 8.A-18.

The Willow Rock Energy Storage Center would ~~will~~ require a conditional use permit (CUP) from Kern County but for the exclusive licensing jurisdiction of the CEC.

Section 9 Override Findings

Staff has no comments on Section 9.

LAND-1 page A-195

Prior to the commencement of construction, the project owner shall provide the Kern County Planning and Natural Resources Department with the location of all properties accepting excavated rock from the project in unincorporated Kern County, including quantity of rock to be accepted. ~~All appropriate permits shall be obtained for the locations identified to stockpile or otherwise utilize the excavated rock.~~

Prior to the commencement of construction, the project owner shall obtain any necessary permits from the Kern County Planning and Natural Resources Department, or other relevant departments, for development of the offsite temporary laydown and parking areas referred to as Villa Haines (VH). The project owner shall pay Kern County fees for review and comment and demonstrate compliance with requirements for development of the laydown and parking areas referred to as P1, P2 N, and P2 S.

The project owner shall ensure that local regulations are complied with during construction, operation, and restoration of laydown and parking areas.

Verification: At least 30 days prior to development of any temporary laydown and parking areas, the project owner shall provide to the CPM the required approved permits for the offsite temporary laydown or parking area (VH) and provide documentation showing payment of Kern County fees for review and comment of the laydown and parking areas P1, P2 N, and P2 S and demonstrating compliance with requirements of the Kern County Planning and Natural Resources Department, or any other relevant departments.

LAND-2 page A-196

Prior to any grading or development for the permanent project facilities under CEC jurisdiction (including the Willow Rock Energy Storage Center, gen-tie line, and optional architectural berm) the project owner shall develop a construction site plan (including the temporary rock crushing facility and concrete batch plant) and operation site plan

(including the optional architectural berm), ~~and submit it to the Kern County Planning and Natural Resources Department for review, comment, and approval to ensure compliance with local regulations, including conditions required by the ALUCP.~~ The project owner shall adhere to CPM-approved site plans during construction and operation and ensure that local regulations are complied with during construction and operation of the permanent project facilities.

Verification: At least 60 days prior to any grading or development for permanent project facilities under CEC jurisdiction (including the Willow Rock site, gen-tie line, and a potential architectural berm) the project owner shall submit proposed site plans for these facilities to the Kern County Planning and Natural Resources Department for review, ~~and comment, and approval,~~ and to the CPM for review and approval. The project owner shall provide any review comments from Kern County to the CPM at least 30 days prior to any grading or development for these permanent project facilities.

TRAFFIC AND TRANSPORTATION

Staff has no comments on the **Traffic and Transportation** section of the PMPD.

SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND PUBLIC BENEFITS

Staff has no comments on the **Socioeconomics, Environmental Justice, and Public Benefits** section of the PMPD.

NOISE AND VIBRATION

Page 8.D-8. The text immediately before the sentence beginning with "Based on updated data collected on August 1..." requires the addition of the following sentence, "Because the application did not provide sufficient ambient noise data for NSA-7, staff's consultant, RCH Group, conducted a long-term noise survey at this location to establish representative baseline conditions."

Pages 8.D-8 through 8.D-9. The text beginning with "To estimate this, the average Leq noise levels at CML-1 and CML-6 were compared to..." and ending with "...43 dBA Leq during the night; 4 dBA above the ambient level. This is less than significant." must be deleted. This text reflected the staff's early estimation method, prepared before the subsequent long-term ambient survey at NSA-7 was performed; the long-term measurement superseded the earlier estimation and forms the basis for the updated ambient values and thresholds correctly used in the PMPD and Condition **NOISE-4**. This correction ensures the PMPD accurately reflects the final evidentiary record.

Page 8.D-8. The end of the paragraph at the top of the page contains a typographical error. "Pursuant to" should be deleted.

Throughout the Noise and Vibration section, the terms "Leq" and "Ldn" appear and should be formatted consistently as L with eq and dn as a subscript, or "Leq" and "L_{dn}".

VISUAL RESOURCES

Page 8.E-1. The first paragraph, start of the last sentence in the paragraph requires capitalization, "it addresses the project's ability to comply with applicable laws,"

Page 8.E-13 contains a misspelling, "Without deciding whether subjective viewer sensitivity is an **appropriate** element of this CEQA criterion..."

WORKER SAFETY AND FIRE PROTECTION

Please add the following underlined language.

Page 6.D-2

b. Impact Assessment and Mitigation

Worker safety and fire protection are regulated through LORS, at the federal, state, and local levels. Protective measures are employed to eliminate or reduce these hazards or to minimize the risk through **engineering controls**, special training, protective equipment, and procedural controls. The Compliance Project Manager (CPM) will ensure that the design, construction, operation, and closure of the project facilities comply with the terms and conditions of this Decision.

Page 6.D-3

1. Worker Safety

Industrial environments are potentially dangerous during construction, commissioning, operation, and decommissioning of facilities. Workers at the project will be exposed to underground hazards such as silica dust, increased levels of radiation, loud noises, moving equipment, trenching/excavation accidents, electrical hazards, dust hazards, use of explosives, and confined space incidents when excavating 1.3 million cubic yards of crushed rock extracted during construction of the cavern. The workers could experience falls, trips, burns, lacerations, being struck by objects, and numerous other potential injuries. **The combination of construction and operation of both above-ground and below ground facilities presents a different and unique challenge for this energy facility. There are many inherent dangers of working underground that include (but not limited to) accidents, fires, toxic fumes, toxic substances, radiation, and cave-ins, and the dangers posed by the above-ground facilities that include high-pressure compressed air tanks, pipes, pressure vessels, electrical generators, and heat exchangers. For example, safety issues with industrial heat exchangers primarily involve the risk of leakage due to corrosion, erosion, or improper design, which can lead to the release of hazardous fluids, potential fires or explosions, and exposure to hot or toxic substances, especially during maintenance or when operating under extreme temperature and pressure conditions; other concerns include improper material selection, vibration, fouling, and inadequate monitoring systems. Safety concerns with compressed air electricity generation primarily revolve around the high pressure involved, which can lead to potential risks like explosions, projectile hazards from ruptured components, and the presence of contaminants like oil and water in the compressed air, which could cause fires if ignited in the system; proper maintenance and safety protocols are crucial to mitigate these risks. The presence of numerous high pressure tanks, pipes, and valves pose the threat of worker injuries or deaths due to the sudden release of energy during maintenance if**

not properly locked-out and tagged-out, and the stored energy properly released from the system.

Given this multi-faceted complex project, the engineering, administrative, and training programs proposed by the applicant needed to be augmented by additional worker safety requirements to decrease risks and increase safety during both construction and operations and provide a structure for underground fire control and rescue.

OVERRIDE FINDINGS

APPENDICES, INCLUDING CONDITIONS OF CERTIFICATION

1. Condition numbering beginning on page A-16 is incorrect, in many instances an extra numeral was added, for example, as shown in the excerpted sample below, instead of the condition being TSE-2, it reads TSE-22.
2. Page A-211, COM-4, under number 2. replace "authorization-to-construct" with "Notice to Proceed".

TSE-22 Before the start of construction, the project owner shall assign to the project an electrical engineer and at least one of each of the following:

1. a civil engineer;
2. a geotechnical engineer or a civil engineer experienced and knowledgeable in the practice of soils engineering;
3. a design engineer who is either a structural engineer or a civil engineer and fully competent and proficient in the design of power plant structures and equipment supports; or
4. a mechanical engineer (Business and Professions Code, sections 6704 et seq. require state registration to practice as either a civil engineer or a structural engineer in California)...

This repeats itself at intervals throughout the list of conditions of certification. Each of these instances needs to be corrected.

On pages A-158 and A-159, Condition of Certification WATER-5, fourth paragraph. The following changes are recommended to correct a typographical error and provide clarity.

The project owner shall not, through action or inaction, impound water in the project's dam or reservoir until the CPM **and in consultation with** DWR-DSOD has ~~have~~ determined that the dam or reservoir is safe to impound water. ~~consistent with an issued certificate of approval, as provided in Water Code section 6355.~~

Construction of the HC-reservoir embankment **shall not commence prior to CPM approval and must will** commence within one year of CPM ~~Approval in consultation with DWR-DSOD approval~~ (Water Code section 6265).

On pages A-160 and A-161 the following edits to WATR-6 are recommended for clarity of roles.

WATER-6 Delegation to Department of Water Resources Division of Safety of Dams.

The following edits to WATER-6 are recommended to improve clarity of roles and responsibilities and to remove ambiguity created by reference to a certificate of approval. WATER-6 covers DSOD's role in regards to the embankment. Language in the condition referencing the "DCBO" may create confusion as the DCBO will be tasked by the CPM to oversee other portions of the project construction. Including reference to the DCBO in the condition blurs the line between DSOD's review and the onsite DCBO.

Reference to "certificate of approval" implies separate approval outside the CEC's certification. CEC's certification includes the impoundment design and construction being subject to DSOD review and meeting all required conditions of certification and Water Code design and safety requirements. A separate additional certificate of approval is not required to be issued by DSOD.

WATER-6

The CEC delegates compliance and design verification for the dam safety related construction inspection of the HC-reservoir embankment and related dam safety components approved by the CEC, to the DWR-DSOD, with ~~onsite consultation with the DCBO and~~ ongoing guidance from the CPM.

Such delegation will be memorialized in a memorandum of understanding between the CEC and DWR-DSOD to detail ~~memorialize and clarify~~ the responsibilities of the agencies and project owner pursuant to WATER-5, WATER-6, and the Dam Safety Program.

~~The DCBO shall have regulatory oversight responsibility of the entire project.~~ Compliance and design verification for the hydrostatic compensation reservoir system is delegated to the DWR-DSOD inspection team with guidance from the CPM, who will be communicating approvals to the project owner.

Before submitting the initial engineering designs for HC-reservoir ~~for DCBO review,~~ the project owner shall furnish the CPM, ~~DCBO~~ and the DWR-DSOD with a schedule of design submittals, master drawings and master specifications list.

The master drawings and master specifications list shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures, systems, and equipment. The schedule shall contain the date of each submittal to the CPM and DWR-DSOD ~~and the DCBO.~~

To facilitate audits by CEC staff, the project owner shall provide specific packages as described in the paragraph above to the CPM upon request.

During project operations, the project owner shall allow and facilitate DWR-DSOD regular inspections of the HC-reservoir embankment.

The project owner shall provide to the CPM and DWR-DSOD all pre-construction, construction, operation, and maintenance documentation related to the embankment as such documentation may be further described in the memorandum of understanding between the CEC and DWR-DSOD to facilitate the design review, construction monitoring, safety inspections, and other work associated with the construction and operations of the Willow Rock hydrostatic compensation embankment.

Verification: ~~Once DWR-DSOD has approved the project owner's new dam construction application,~~ The project owner shall provide the schedule to the DWR-DSOD, DCBO and CPM at least 60 days (or **an alternative time frame approved by the CPM a project owner, DCBO and DWR-DSOD mutually agreed upon alternative time frame**) prior to the start of construction of the HC-reservoir.

These documents shall be the pertinent design documents for the major structures, systems, and equipment defined above in Condition of Certification WATER-6. Major structures and equipment shall not be added to or deleted from the list without CPM and DWR-DSOD approval. The project owner shall provide schedule updates in the monthly compliance report (MCR).

Upon completion of the HC-reservoir embankment construction, the project owner shall request **approval from the CPM to impound water. the DWR-DSOD to issue a certificate of approval for the HC-reservoir embankment to impound water with CPM concurrence.** Filling of the HC-reservoir shall not commence until **approval by the CPM in consultation with the DWR-DSOD, has issued a certificate of approval that the HC-reservoir is suitable to impound water (Water Code section 6355).**

The project owner shall submit **to the CPM** all correspondence and results of DWR-DSOD regular inspections during project operations.