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**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification of the
Willow Rock Energy Storage Center

Docket No. 21-AFC-02

APPLICANT'S COMMENTS
on the
PRESIDING MEMBERS' PROPOSED DECISION
for the
WILLOW ROCK ENERGY STORAGE CENTER

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TABLE OF CONTENTS

| | | |
|------|--|---|
| I. | INTRODUCTION | 1 |
| II. | BIOLOGICAL RESOURCES: BIO-14 SHOULD BE CLARIFIED TO ENSURE THAT THE APPLICANT MAY SATISFY ITS MITIGATION OBLIGATIONS WITH EITHER HABITAT MANAGEMENT LANDS, CREDIT PURCHASE, OR A COMBINATION OF THE TWO FOR LANDS ACTUALLY DISTURBED. | 1 |
| III. | WATER RESOURCES: WATER-5 SHOULD BE CLARIFIED TO CONFIRM THAT THE CEC ALONE HAS ENFORCEMENT AUTHORITY. | 2 |
| IV. | LAND USE: LAND-1 AND LAND-2 INCLUDING TEXT IN THE PMPD SHOULD BE CLARIFIED AS NO LOCAL LAND USE PERMITS ARE REQUIRED GIVEN THE COMMISSION’S EXCLUSIVE STATE LAW JURISDICTION..... | 2 |
| V. | CONCLUSION..... | 4 |

I. INTRODUCTION

In accordance with the *Notice of Availability of the Presiding Member's Proposed Decision*¹, GEM-A CAES LLC (the "Applicant") submits these comments on the Presiding Member's Proposed Decision ("PMPD")² for the Willow Rock Energy Storage Center ("WRESC") project.

These comments focus on specific issues raised in the Committee's PMPD, with particular emphasis on revision or corrections to the Conditions of Certification ("COCs"). This opening section focuses on the substantive issues raised in the PMPD, while minor typographic, clerical and grammatical revisions are set forth separately in Attachment A to these comments.

All comments and suggested changes raised in these comments are suitable for the issuance of an errata to the PMPD and a final decision by the Commission on December 19, 2025. We appreciate the Committee and the Parties' diligence in ensuring a Final Decision at the Commission's final Business Meeting for the calendar year 2025.

II. BIOLOGICAL RESOURCES: BIO-14 SHOULD BE CLARIFIED TO ENSURE THAT THE APPLICANT MAY SATISFY ITS MITIGATION OBLIGATIONS WITH EITHER HABITAT MANAGEMENT LANDS, CREDIT PURCHASE, OR A COMBINATION OF THE TWO FOR LANDS ACTUALLY DISTURBED.

PMPD Condition BIO-14 begins by stating that the Applicant may satisfy its habitat mitigation obligations through either "Credit Purchase" of bank credits or "Habitat Management Lands" acquisition, protection, and endowment. As currently written, BIO-14 could be read as allowing for use of either method of mitigation, but not a combination of the two. Therefore, minor revisions to BIO-14 are appropriate to clarify that the Applicant's mitigation obligations may be satisfied through either means for a combination of the two. In addition, to be consistent with the remainder of the changes to BIO-14 reflecting an adjustment of mitigation obligations to the lands actually disturbed, the phrasing below as used throughout BIO-14 should also be added. The Applicant recommends the following clarifications shown in underlined and bolded font:

BIO-14

To mitigate for impacts to western Joshua tree woodlands, Crotch's bumble bee, and western burrowing owl the project owner shall fulfill the following requirements:

The project owner shall mitigate for impacts to Crotch's bumble bee and western burrowing owl habitat by one **or a combination of both** of the following methods, subject to prior approval by the CPM in coordination with CDFW, with the final amount to be calculated as described below.

¹ TN: 267185.

² TN: 267183.

- a) Credit Purchase: Purchase 843 acres **or an adjusted value calculated based on the assessment of the defined project disturbance footprint** of Crotch's bumble bee and western burrowing owl mitigation or conservation bank credits at a location approved in advance by the CPM, in coordination with CDFW; **and/or**
- b) Habitat Management Lands: Provide for both the permanent protection and management of 843 acres **or an adjusted value calculated based on the assessment of the defined project disturbance footprint** of Habitat Management (HM) lands pursuant to Item 3 (Habitat Management Lands Acquisition and Protection) and the calculation and deposit of the management funds pursuant to Item 5 (Endowment Fund).

III. WATER RESOURCES: WATER-5 SHOULD BE CLARIFIED TO CONFIRM THAT THE CEC ALONE HAS ENFORCEMENT AUTHORITY.

Subsection 8 of WATER-5 can be read as suggesting that both the Commission and the Department of Water Resources' Division of Safety of Dams ("DSOD") have enforcement authority over the project. This is incorrect.

While the Commission may delegate compliance "verification" to DSOD or other entities, the Energy Commission's exclusive state law jurisdiction over thermal powerplants³ means that only the Commission has enforcement authority over the Project. Therefore, subsection 8 of Condition of Certification WATER-5 should be revised as follows:

8. The project and project owner shall be subject to the enforcement by the CEC ~~and DWR-DSOD~~ for compliance with the provisions set forth in Division 3, Part 1, Chapter 8 of the California Water Code and California Code of Regulations, Title 23, Division 2, Chapter 1.

IV. LAND USE: LAND-1 AND LAND-2 INCLUDING TEXT IN THE PMPD SHOULD BE CLARIFIED AS NO LOCAL LAND USE PERMITS ARE REQUIRED GIVEN THE COMMISSION'S EXCLUSIVE STATE LAW JURISDICTION.

To clarify that no permits are required from any local or state agency, the following text should be revised in the PMPD accordingly:

To ensure that 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~~**

³ Public Resources Code Section 25500 *et seq.* and 20 C.C.R. Section 1770.

~~and parking areas, 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.~~ (PMPD Page 8.A-5.)

LAND-1 should be revised accordingly, as follows:

LAND-1: 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 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 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.

Consistent with these changes, please also revise Page 8.A-7, 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~~ unanimously approved by the Kern County ~~Planning and Natural Resources Department~~ Board of Supervisors, the project will be compatible with the land use designation of 8.5 Resource Management, which supports energy storage, ~~with the approval of a CUP.~~ (PMPD Page 8.A-7.)

It appears that there may be a version control issue with LAND-2 in the PMPD. Specifically, consistent with the Commission's exclusive State law jurisdiction,⁴ no local land use "permits" are required, as suggested in the PMPD. LAND-2 should be replaced in its entirety with the following version of LAND-2 in the FSA:

⁴ Public Resources Code Section 25500 *et seq* and Section 25532; 20 C.C.R. Section 1770.

LAND-2: Prior to any grading or development for the permanent project facilities under CEC jurisdiction (including the WRESC and gen-tie line) the project owner shall develop a construction site plan (including the temporary rock crushing facility and concrete batch plant) and operation site plan and submit it to the Kern County Planning and Natural Resources Department for review and comment 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 WRESC, 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 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.

V. CONCLUSION

The Applicant supports the Committee's recommendation that the WRESC be approved, and appreciates the hard work of the Committee, CEC Staff, and parties throughout this proceeding. The minor adjustments to the proposed Conditions of Certification described in these comments will clarify mitigation obligations and conform to the testimony submitted by CEC Staff and the Applicant. With these changes, the Applicant believes that the post-certification process will be streamlined, and help ensure the success of the Project.

Dated: December 12, 2025

Respectfully Submitted,

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ATTACHMENT A

Typographic, Cleric And Grammatical Revisions



REPORT

Applicant's Comments on Presiding Member's Proposed Decision

Willow Rock Energy Storage Center (21-AFC-02)

Submitted by:

GEM A-CAES LLC

Submitted by:

WSP USA Inc.

401 B Street, Suite 1650, San Diego, California, USA 92101

December 2025

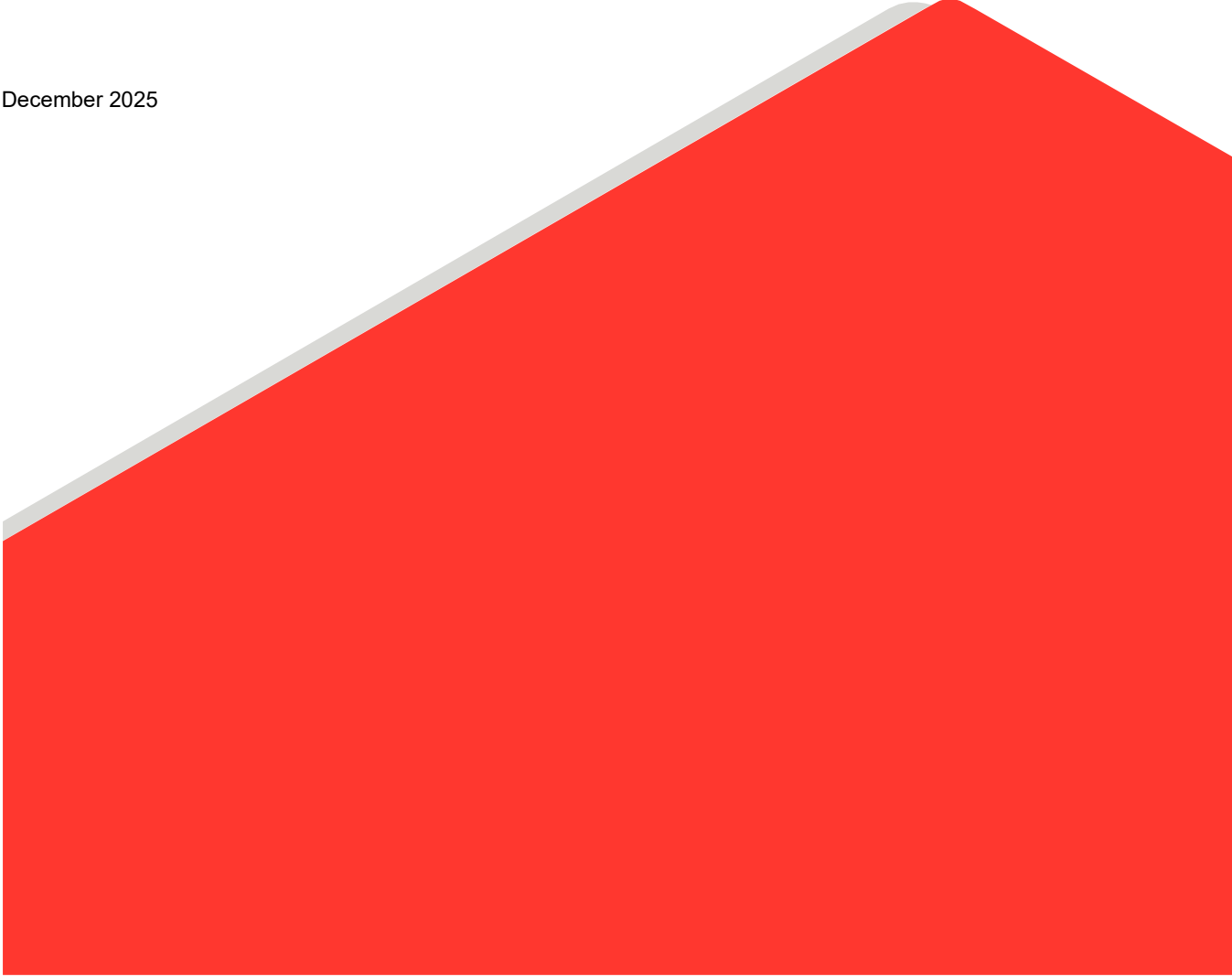
A large, solid red graphic element that starts as a thin line on the left, rises to a peak, and then descends to the right, forming a triangular shape. The rest of the page below this line is a solid red rectangle.

Table of Contents

1.0 INTRODUCTION 1

2.0 COMMENTS ON PMPD 1

2.1 Introduction..... 1

2.2 Project Description 1

2.3 Project Alternatives 1

2.4 Compliance Monitoring Plan 1

2.5 Engineering Assessment 1

2.5.1 A. Facility Design 1

2.5.2 B. Power Plant Efficiency..... 1

2.5.3 C. Power Plant Reliability..... 2

2.5.4 D. Transmission System Engineering..... 2

2.5.5 E. Transmission Line Safety and Nuisance 2

2.6 Public Health and Safety..... 2

2.6.1 A. Climate Change and Greenhouse Gas Emissions..... 2

2.6.2 B. Air Quality 3

2.6.3 C. Public Health 3

2.6.4 D. Worker Safety and Fire Protection 3

2.6.5 E. Hazards, Hazardous Materials Management, Hazardous Waste, and Wildfire 3

2.6.6 F. Solid Waste Management..... 3

2.7 Environmental Analysis..... 4

2.7.1 A. Biological Resources 4

2.7.2 B. Soil and Water Resources..... 4

2.7.3 C. Cultural and Tribal Cultural Resources 4

2.7.4 D. Geological and Paleontological Resources..... 4

2.8 Local Impact Analysis 5

2.8.1 A. Land Use, Agriculture, and Forestry..... 5

2.8.2 B. Traffic and Transportation5

2.8.3 C. Socioeconomics, Environmental Justice, and Public Benefits.....5

2.8.4 D. Noise and Vibration5

2.8.5 E. Visual Resources5

2.9 Override Findings6

2.10 Appendix A - Conditions of Certification6

Facility Design Conditions of Certification6

Transmission System Engineering Conditions of Certification.....6

Transmission Line Safety and Nuisance6

Air Quality Conditions of Certification6

Public Health Conditions of Certification6

Worker Safety And Fire Protection Conditions Of Certification7

Hazards and Hazardous Materials Conditions of Certification7

Solid Waste Management Condition of Certification7

Biological Resources Conditions of Certification7

Soil and Water Resources Conditions of Certification9

Cultural and Tribal Cultural Resources Conditions of Certification9

Geological and Paleontological Resources Conditions of Certification10

Land Use, Agriculture, and Forestry Conditions of Certification10

Traffic and Transportation Conditions of Certification10

Public Benefits Conditions of Certification.....10

Noise and Vibration Conditions of Certification10

Visual Resources Conditions of Certification10

Compliance Conditions of Certification10

1.0 INTRODUCTION

This document provides comments from GEM A-CAES, LLC (the Applicant) on the Presiding Member's Proposed Decision (PMPD) for the Willow Rock Energy Storage Center Project (WRESC or Project) Supplemental Application for Certification (AFC) (21-AFC-02).

2.0 COMMENTS ON PMPD

Reference 2022 California Building Standards Code as "CBSC" in place of "Building Standards Code".

Reference the California Building Code as "CBC" in place of "Building Code".

2.1 Introduction

Page Into-1 footnote 1. Remove "on". "1 The Committee's proposed Conditions of Certification referenced and relied upon ~~on~~ in the Decision are provided in Appendix A of this Decision."

2.2 Project Description

Page 2-1 under B. Setting in the 7th line: Exclusive Agriculture zoning designation is "A" not "A-1". Strike ~~A-1~~ and replace with **A**.

Page 2-2 last paragraph beginning in the 5th line, the text should be revised as follows : "To generate electricity (known as the "discharge cycle"), compressed air is discharged from the cavern by hydrostatic pressure when, ~~which allows~~ the compensation water ~~to flows~~ s back into the cavern.

Page 2-15 add an additional Finding of Fact to acknowledge the presence of emergency backup diesel-fired generators: "The project will include three emergency diesel-fired engines to maintain critical loads in the event of a loss of power. These engines are expected to operate less than 50 hours per year for reliability testing and maintenance and will not operate concurrently during testing. The diesel-fired engines will operate in an emergency for other critical facility loads when electric power is not available."

2.3 Project Alternatives

Page 3-15 item 4, line 1. "eliminated" is misspelled.

Page 3-15 item 6, line 3. "unavoidable" is misspelled.

2.4 Compliance Monitoring Plan

No suggested changes.

2.5 Engineering Assessment

2.5.1 A. Facility Design

Page 5.A-1, 6th line under i. Introduction: Exclusive Agriculture zoning designation is "A" not "A-1". Strike ~~A-1~~ and replace with **A**.

Page 5.A-1, footnote 2. ASCE acronym is incorrect. Update "² Ex. 2000, FSA, p 4.2-2, citing the American Society of Civil Engineers' (~~ACSE's~~)" to **ASCE**.

2.5.2 B. Power Plant Efficiency

No suggested changes.

2.5.3 C. Power Plant Reliability

Page 5.C-6, iii. Compliance with Laws, Ordinances, Regulations and Standards: After the 1st sentence there is extraneous text “~~The Facility Design Section 5(“~~ that should be deleted.

2.5.4 D. Transmission System Engineering

No suggested changes.

2.5.5 E. Transmission Line Safety and Nuisance

Page 5.E-2, b. Gen-Tie Line, first paragraph, lines 3 and 4. “Right-of-way” is misspelled.

Page 5.E-3, e. Aviation Safety: The text is incorrect and should be revised to be consistent with the correct analysis under the Land Use section (beginning at page 8.A-6 under Code of Federal Regulations (CFR), Title 14, Part 77.9(b)) as follows: “CEC staff evaluated the potential for a civil aviation hazard regarding the height of the proposed project transmission lines. ~~The project transmission system will be 90 feet in height, which is less than the 200-foot height of concern to the Federal Aviation Administration (FAA). Additionally, the nearest civilian airport (Meadows Field Municipal Airport) to the project site is 28 miles distant from the Willow Rock Energy Storage Center, outside the 3.3 nautical miles which would trigger a Notice of Proposed Construction to the FAA.~~ **The public use airport nearest to the project is Rosamond Skypark. Because the project is approximately 18,400 feet northeast of the closest edge of Rosamond Skypark’s nearest runway, any project structures exceeding 184 feet in height, relative to the airport’s elevation, will require Federal Aviation Administration (FAA) notification pursuant to Code of Federal Regulations (CFR), Title 14, Part 77.9(b). Based on the higher elevation of the Willow Rock site relative to the airport, the planned structures of the facility and transmission poles that will measure approximately 100 feet in height will require notification to the FAA. The FAA has determined that none of the project’s transmission poles will result in airspace obstruction hazards and requires the project owner notify the FAA within five days after each pole reaches its greatest height. LAND-4 will require the project owner to submit notifications to the FAA for the structures and transmission poles, in compliance with CFR, Title 14, Part 77.9(b).12.** Therefore, evidence establishes that the transmission lines will not pose a significant collision hazard to civil aviation or aircraft.”⁷ “

Page 5.E-7, Table 5.E-1 replace the 2nd column text for the first entry (14 CFR Part 77) with the same text used in Table 8.A-2; “ Compliant. ~~The Project’s overhead gen-tie line structures will be 90 feet in height, which is less than the 200-foot height of concern to the FAA~~ **The applicant notified the FAA of the transmission poles by submitting Form FAA 7460-1, “Notice of Proposed Construction or Alteration”, for each structure. The FAA issued Determinations of No Hazard for each pole, with a requirement that the project owner notify the FAA within 5 days after each pole reaches its greatest height. Condition of Certification LAND-4 will ensure the project owner complies with this requirement and submits FAA notifications for any new or relocated transmission poles. LAND-4 will also ensure the project owner submits FAA notification for the approximately 100-foot-tall structures on the main project site.”**

Page 5.E-9, first paragraph after table. Remove second “that” —“Therefore, we find that ~~that~~ transmission line design,...”.

2.6 Public Health and Safety

2.6.1 A. Climate Change and Greenhouse Gas Emissions

Page 6.A-2, b. Regulatory Setting, first paragraph, line 3. Add “s” to “The California Air Resources Board...”.

2.6.2 B. Air Quality

Page 6.B-8. The numbering starting with “1. CEQA checklist criterion “a”: willow rock will not conflict with or obstruct implementation of any applicable air quality plan” seems too far indented, and continuing throughout the list.

Table 6.B-8 Maximum Hourly and Annual Operation Emissions has some text that is not fully visible and cut off.

Page 6.B-14, A. Construction, first paragraph, line 6. Add “period” between “from the most recent 3 year **period** available...”.

Under Table 6.B-10, the last paragraph where it has text “With the implementation of **AQ-SC1** through **AQ-SC5**” does not have “through” bolded, whereas all other mentions do. It should be “With the implementation of **AQ-SCQ through AQ-SC5**”.

Page 6.B-18, first full paragraph, line 6. “Feet” either needs to be removed or the number of feet that equates 10 meters needs to be added--“are less than 10 meters feet above ground level...”.

Page 6.B-22, Table 6.B-12 Laws, Ordinances, Regulations, and Standards, row Rule 210.1 – New and Modified Stationary Source Review, second column. “Ensure” is misspelled.

Page 6.B-23, Table 6.B-12 Laws, Ordinances, Regulations, and Standards, row Rule 423 – National Emissions Standards for Hazardous Air Pollutants, second column. It appears that a word may be missing after “major”—“This Rule establishes national emission and operating limitations for hazardous air pollutants (HAP) emitted from stationary reciprocating internal combustion engines at a major and area sources of HAP emissions.”

2.6.3 C. Public Health

Page 6.C-2, b. Setting, paragraph 2. The text states that the nearest residential receptor is approximately 0.4 miles from the Willow Rock project boundary, including the laydown areas. According to the Supplemental AFC Section 5.9.1.1, the nearest residential receptor is located approximately 0.8 miles from the property fenceline of the WRESC.

2.6.4 D. Worker Safety and Fire Protection

Page 6.D-11, first paragraph, line 6. Remove “only”—“materials spill response will be covered only at ~~only~~ the first responder level by stations”.

Page 6.D-12, first bullet, line 7. Replace “close” with “closure”—“accidents result in temporary ~~close~~ **closure** of Route 58 thus adding more time for...”.

2.6.5 E. Hazards, Hazardous Materials Management, Hazardous Waste, and Wildfire

Page 6.E-3, Table 6.E-1 Hazards and Hazardous Materials, Hazardous Waste, and Wildfire, row viii. Row has some text that is cut off and out of place/text box.

Page 6.E-9, first paragraph, line 4. Remove “the”—“This ensures that any new or ~~the~~ change in the amount of a hazardous material introduced to the project site will comply with applicable LORS.”

Page 6.E-19. “Conformance with LORS Applicable to Wildfire” table does not have a table number.

2.6.6 F. Solid Waste Management

No suggested changes.

2.7 Environmental Analysis

2.7.1 A. Biological Resources

Page 7.A-2, a. Environmental Setting, second paragraph. The zoning designations for the proposed gen-tie line and options should include Natural Resource and Mobile Home Park.

Page 7.A-2, 1, 1. Regional Setting, first paragraph, line 2. The text should be amended to "...which describe ecosystems that share common ~~climatic~~ **climatic** and vegetation characteristics."

Page 7.A-4, 3. Vegetation and Landforms. The text states "100 plant species were observed, of which 91 were native species and 11 non-native species." 91 and 11 add up to 102, not 100. Please amend the text. This inconsistency is stated again on page 7.A-44 in section V. *Findings of Fact* under item 5. Please amend item 5 with the correct numbers.

Page 7.A-10, 4. Surveys for Swainson's hawk, line 4. "Swainson's" is misspelled. "...all occupied Swainson's hawk nest trees, suitable nest trees, and..."

Page 7.A-28, first paragraph, line 3. Remove "the with"—"...occur under ~~the with~~ Option 2 - With Berm."

Page 7.A-29, F. Other Special Status Birds, i. Swainson's hawk, first paragraph, line 2. Add apostrophe and add period—"...distribution of Swainson's hawks in the project area."

2.7.2 B. Soil and Water Resources

Page 7.B-4, 1. Federal, paragraph 1. The text is missing the COC number, not bold, and missing period. Amend text as follows: "Instead, waste discharge requirements are included in Condition of Certification **WATER-2.**"

2.7.3 C. Cultural and Tribal Cultural Resources

Page 7.C-11, d. Consultation with California Native American Tribes, fourth paragraph, line 7, Change "ancestral" to "ancestral"—"ancestral territory and of interest to the tribe,...".

Page 7.C-15, first paragraph after bullets, line 3. Remove "an" and replace with "a"—"resource or its immediate surroundings such that the significance of an historical..."

2.7.4 D. Geological and Paleontological Resources

Page 7.D-4, paragraph 2, sentence 3. The text should be amended as follows: "The CGS's Earthquake Shaking Potential Map categorizes the project site ~~has~~ **as having** medium to low shaking potential."

Page 7.D-12, paragraph 2, sentence 2. The text should be amended as follows: "Additionally, the Willow Rock site will include permanent embankments for the hydrostatic compensation surface reservoir and, potentially, a permanent architectural berm ~~permanently~~ to store excavated rock and soil."

Page 7.D-12, paragraph 2, sentence 3. The text should be amended as follows: "New permanent slopes associated with these features will be designed, graded, and constructed for slope stability, including appropriate minimum safety ~~features~~ **factors** during static and seismic conditions:"

Page 7.D-13, paragraph 2, sentence 1. The text should be amended as follows: "During project construction and operation, compliance with **GEO-1** and Facility Design Conditions of Certification **GEN-1**, **CIVIL-1**, and **STRUC-1**, will ensure the project's design, grading, and ~~design~~ **construction** will mitigate potential impacts from expansive soils on the project, including on human life, property, and grid reliability, to less than significant."

Page 7.D-16, Table 7.D-2 Conformance with Applicable LORS, U.S. Army Corps of Engineers. The text should be amended to: "Engineering Manual 1110-1-1804: Engineering and Design, Geotechnical Investigations recommends guidance **for** geotechnical investigations for civil engineering projects. (USACE 2001)"

2.8 Local Impact Analysis

2.8.1 A. Land Use, Agriculture, and Forestry

Page 8.A-10, c. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?, line 4. The text should be amended—"Thus, the project, including its proposed gen-tie lines, will not cross any Farmland, and there will **be** no impacts to Farmland during construction or operation."

2.8.2 B. Traffic and Transportation

Page 8.B-8, e. Cumulative Impacts, second bullet. There is an errant from at the end of the statement—"Class II bike lanes on Rosamond Boulevard from 60th Street West to Sierra Highway ~~from~~ (4.2 miles)".

2.8.3 C. Socioeconomics, Environmental Justice, and Public Benefits

Page 8.C-2 and Page 8.C-3. Rosamond is incorrectly referenced as **Rosemond**.

Page 8.C-2, paragraph 3. San Bernardino is incorrectly spelled as **San Bernadino**.

Page 8.C-7, b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?, second sentence. The text should be amended to—"For any non-local workers seeking temporary housing near the project site, there are multiple hotels, motels, and RV parks in **the** nearby ~~the~~ communities **of** Rosamond, Palmdale, Lancaster, Mojave, and Tehachapi."

Page 8.C-8, 1. Fire Protection, first paragraph, second sentence. Remove "the"—"...a risk for fire or the need for ~~the~~ fire protection due to heated exhaust or sparks..."

Page 8.C-11. the **WORKER SAFETY-8 COC** is incorrectly referenced as **WORK SAFETY-8**.

2.8.4 D. Noise and Vibration

Page 8.D-5, 1. Construction, first paragraph, last sentence. Remove the "s" at the end of construction—"...~~constructions~~ activities along the gen-tie will be subject to these limits."

Page 8.D-8, first paragraph. The text should be amended—"The operational noise level of 50 dBA at NSA-1 will **be** below the General Plan's..."

Page 8.D-9, 1. Construction, third paragraph, first sentence. The text should be amended—"Additionally, construction vibration from gen-tie line **and** associated road construction..."

2.8.5 E. Visual Resources

Page 8.E-1, first paragraph, line 6. Capitalize "it" at beginning of sentence. "surroundings. **it** addresses the project's ability to comply with applicable laws..."

Page 8.E-9. There are two Figure 8.E-4, second figure should be Figure 8.E-5. "Figure 8.E-~~4~~**5** KOP 2 PLUS SIMULATION OF PROPOSED PROJECT

Page 8.E-10, Page 8.E-11, Page 8.E-13. The text should be amended to—"This combination of ratings yields a conclusion that the project would have a significant effect on the environment in the ~~degrading~~ **degradation** of the existing visual character or quality of the public view of the site and its surroundings."

Page 8.E-13, last paragraph. "Appropriate" is misspelled and add "of". "...subjective viewer sensitivity is an appropriate element of this CEQA criterion regarding the degradation **of** the existing visual character or quality of public views of the site and its..."

Page 8.E-14, first paragraph. Remove "that"—"Applicant suggests that, even if there is a significant impact on public views from the Willow Rock Energy Storage Center, ~~that~~ it can be mitigated pursuant..."

Page 8.E-14, 5. Project Emissions, second paragraph. Periods should be added to specify temperatures. "...load standby are 914 degrees and 1025 degrees Fahrenheit."

2.9 Override Findings

No suggested changes.

2.10 Appendix A - Conditions of Certification

Facility Design Conditions of Certification

GEN-1 verification text is missing.

Transmission System Engineering Conditions of Certification

Condition of Certification TSE-2, is incorrectly numbered as TSE-22.

Condition of Certification TSE-3, is incorrectly numbered as TSE-33.

Condition of Certification TSE-4, is incorrectly numbered as TSE-44.

Condition of Certification TSE-5, is incorrectly numbered as TSE-55.

Condition of Certification TSE-6, is incorrectly numbered as TSE-66.

Transmission Line Safety and Nuisance

No suggested changes.

Air Quality Conditions of Certification

Condition of Certification AQ-SC5, numbers 3 and 4 refer to "item 2" when it should be "item b".

Public Health Conditions of Certification

In PH-1, bullet h. the text should be amended as follows to define the acronym:

*h. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (**NIOSH**)—approved respirators shall be provided to onsite personal, upon request. When exposure to dust is unavoidable, provide appropriate NIOSH-approved respiratory protection to affected workers. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with Cal/OSHA's Respiratory Protection standard (Cal. Code Regs., tit. 8, § 5144).*

Worker Safety And Fire Protection Conditions Of Certification

WORKER SAFETY-1, fourth bullet. Remove “a”.—“a Rock Crusher Safety Program that includes a dust and particulate emissions controls;”.

Condition of Certification WORKER SAFETY-22 is incorrectly numbered and should be WORKER SAFETY-2

Condition of Certification WORKER SAFETY-33 is incorrectly numbered and should be WORKER SAFETY-3

Condition of Certification WORKER SAFETY-44 is incorrectly numbered and should be WORKER SAFETY-4

Condition of Certification WORKER SAFETY-55 is incorrectly numbered and should be WORKER SAFETY-5

Condition of Certification WORKER SAFETY-66 is incorrectly numbered and should be WORKER SAFETY-6

Condition of Certification WORKER SAFETY-77 is incorrectly numbered and should be WORKER SAFETY-7

Condition of Certification WORKER SAFETY-88 is incorrectly numbered and should be WORKER SAFETY-8

Condition of Certification WORKER SAFETY-99 is incorrectly numbered and should be WORKER SAFETY-9

Condition of Certification WORKER SAFETY-1010 is incorrectly numbered and should be WORKER SAFETY-10

Condition of Certification WORKER SAFETY-1111 is incorrectly numbered and should be WORKER SAFETY-11

Condition of Certification WORKER SAFETY-1212 is incorrectly numbered and should be WORKER SAFETY-12

Condition of Certification WORKER SAFETY-55 (should be 5) refers to “§§” when it should be written as “sections”

Condition of Certification WORKER SAFETY-55 (should be 5) has a numbered list when it should be a bullet point list

Hazards and Hazardous Materials Conditions of Certification

Condition of Certification HAZ-5 numbering is incorrect. Numbers 6 and 7 should be 5A and 5B, number 8 should be 6, number 9 should be 7, number 10 should be 8, and number 11 should be 9.

Condition of Certification HAZ-5 refers to “Attachment B”, “Attachment C”, and “Attachment D”, when it should be “Attachment A”, “Attachment B”, and “Attachment C”, respectively. The same applies to its verification.

Condition of Certification HAZ-6 numbering is incorrect. Number 12 should be number 9, number 13 should be number 10, and number 14 should be number 11.

Solid Waste Management Condition of Certification

No suggested changes.

Biological Resources Conditions of Certification

BIO-1 is incorrectly labelled as BIO-11.

BIO-2 is incorrectly labelled as BIO-22.

BIO-3 is incorrectly labelled as BIO-33.

BIO-4 is incorrectly labelled as BIO-44.

BIO-5 is incorrectly labelled as BIO-55.

In BIO-5, the text should be amended as follows,

The WEAP shall be administered to all onsite personnel who will enter the project site including but not ~~to~~ limited to surveyors, construction engineers, employees, contractors, contractor's employees, supervisors, inspectors, subcontractors (but excluding delivery personnel), biologists, cultural, tribal, and paleontological monitors.

BIO-6 is incorrectly labeled as BIO-66.

BIO-7 is incorrectly labeled as BIO-77.

BIO-8 is incorrectly labeled as BIO-88.

BIO-9 is incorrectly labeled as BIO-99.

BIO-10 is incorrectly labeled as BIO-1010.

BIO-11 is incorrectly labeled as BIO-1111

In BIO-11, section 3, item “**b. Occupied Habitat, No Habitat Threats.**”, the item label should be changed to “**a.**”

In BIO-11, item 7, the sub-items are incorrectly labeled, the text should be amended as follows:

a. ~~e.~~ Preliminary Report. ... b. ~~d.~~ Title/Conveyance. ... d. Property Analysis Record. ... e. ~~d.~~ Long-term Maintenance and Management Funding. ... f. Mitigation Security.

In BIO-11, item 8, sentence 3, the text should be amended as follows for clarity:

Conservation lands would be acquired consistent with the specifications identified above under ~~Item~~Section b. Title /Conveyance.

BIO-12 is incorrectly labeled as BIO-1212

BIO-13 is incorrectly labeled as BIO-1313

BIO-14 is incorrectly labeled as BIO-1414

In BIO-14, item f, an extra period is included, text should be amended as follows:

... for 843 acres or an adjusted value calculated based on the assessment of the defined project disturbance footprint.

In BIO-14, item 2, sentence 1, there is repetition, please amend text as follows:

If the project owner elects to purchase credits to complete Crotch's bumble bee, and western burrowing owl compensatory mitigation obligations, then project owner shall purchase 843 acres, ~~for 843 acres~~ or an adjusted value calculated based on the assessment of the defined project disturbance footprint.

BIO-15 is incorrectly labeled as BIO-1515

BIO-16 is incorrectly labeled as BIO-1616

BIO-16 incorrectly references the Raven Management and Reporting plan in paragraph 2. Revise text as follows:

*The Designated Biologist(s) shall also prepare and implement a Raven Management and Reporting Plan (Raven Plan), per ~~Item 5~~**Item 4**, to minimize project-related predator subsidies and prevent any increases in raven numbers or activity within desert tortoise habitat during construction and operation phases.*

BIO-17 is incorrectly labeled as BIO-1717

BIO-18 is incorrectly labeled as BIO-1818

BIO-19 is incorrectly labeled as BIO-1919

In BIO-19 item 1, paragraph 1, amend text as follows:

*The project owner shall submit a Burrowing Owl Mortality Reduction Plan prepared **by** the Designated Biologist(s) ~~(s)~~ for review and approval to the CPM...*

BIO-20 is incorrectly labeled as BIO-2020

BIO-21 is incorrectly labeled as BIO-2121

BIO-22 is incorrectly labeled as BIO-2222

BIO-23 is incorrectly labeled as BIO-2323

BIO-23 number 2 paragraph ends with a comma instead of a period.

BIO-24 is incorrectly labeled as BIO-2424

BIO-24 numbering is incorrect, number 2 is skipped and everything is off by 1. Number 3 should be 2, number 4 should be 3, number 5 should be 4, up until number 6.

BIO-24 deleted number 7 so number should continue from “6. Crossings” to “7. Herbicide Use” and so on.

Soil and Water Resources Conditions of Certification

In WATER-2, verification, sentence 5, the text should be amended as follows:

Any monitoring documentation associated with the SWRCB Order ~~WDR~~ shall ~~also~~ be included in the annual compliance report.

In WATER-6, verification, paragraph 5, the text should be amended as follows:

Filling of the HC-reservoir shall not commence until the DWR-DSOD has issued a certificate of approval that the HC-reservoir is suitable to impound water (Water Code ~~S~~section 6355).

Cultural and Tribal Cultural Resources Conditions of Certification

CUL/TRI-1, Verification, first sentence, the text should be amended as follows:

*Verification: To meet all time requirements set forth in the Conditions of Certification, the project owner shall submit the prospective CRS's and any Alternate CRS's qualifications at least ~~45~~ **30** days prior to the start of ground disturbance associated with site mobilization and construction.*

Geological and Paleontological Resources Conditions of Certification

PAL-2 is incorrectly labeled as PAL-22.

PAL-3 is incorrectly labeled as PAL-33.

PAL-4 is incorrectly labeled as PAL-44.

PAL-5 is incorrectly labeled as PAL-55.

In PAL-55, paragraph 2, sentence 3 the text should be amended as follows:

If a video is used, a qualified trainer shall be present to monitor training and respond to questions.

PAL-6 is incorrectly labeled as PAL-66.

PAL-7 is incorrectly labeled as PAL-77.

PAL-8 is incorrectly labeled as PAL-88

Land Use, Agriculture, and Forestry Conditions of Certification

Condition of Certification LAND-1 in the verification has “VH” in parentheses, when it should not be.

Traffic and Transportation Conditions of Certification

TRANS-4, Verification language has been omitted from the PMPD and should be reinserted.

Socioeconomics Conditions of Certification

No suggested changes.

Public Benefits Conditions of Certification

No suggested changes.

Noise and Vibration Conditions of Certification

Condition of Certification NOISE-2 refers to “Attachment F” when it should be “shown below”.

Visual Resources Conditions of Certification

No suggested changes.

Compliance Conditions of Certification

In COM-1, first sentence should be amended as follows:

The project owner shall ~~take all steps necessary to~~ ensure that the CPM, responsible CEC staff, and delegate agencies or consultants have unrestricted access to the facility site, related facilities, project-related staff, and the records maintained on site for the purpose of conducting audits, surveys, inspections, or general or closure-related site visits.

In addition, the “Verification” language for COM-1 from the FSA was inadvertently omitted from the PMPD and should be reinserted.

COM-2 should be amended as follows:

Compliance Record. *The project owner shall maintain electronic copies of all project files and submittals ~~related to the CEC license~~ **related to CEC license compliance** on site, or at an alternative site approved by the CPM, for the operational life and closure of the project. The files shall also contain at least one hard copy of:*

- 1. the facility's Supplemental AFC;*
- 2. all **post-certification** amendment petitions and CEC orders;*
- 3. all **post-certification** site-related environmental impact and survey documentation;*
- 4. all **post-certification** appraisals, assessments, and studies for the project;*

COM-16, Final Closure Plan, b.10 and b.11 should be subsections under b.9, and the following lines items renumbered.