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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

**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY
COMMENTS ON PRESIDING MEMBER'S PROPOSED DECISION
FOR WILLOW ROCK ENERGY STORAGE CENTER**

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**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY
COMMENTS ON PRESIDING MEMBER'S PROPOSED DECISION
FOR WILLOW ROCK ENERGY STORAGE CENTER**

In accordance with the Committee's July 17, 2025, Fifth Revised Scheduling Order (TN 264853), Intervenor Center for Biological Diversity (the "Center") respectfully submits these comments on the Presiding Member's Proposed Decision for the Willow Rock Energy Storage Center Project ("Willow Rock Project").

As a preliminary matter, the Center acknowledges the significant work of the Presiding Member, the Committee, CEC Staff, and the Applicant in developing the record and preparing the Proposed Decision. The Center appreciates the Presiding Member's careful review of the evidence and thoughtful analysis reflected throughout the document.

The primary issues raised by the Center have been largely addressed through the Willow Rock Project's Conditions of Certification, particularly BIO-12 and BIO-14. The Center notes, in particular, the Proposed Decision's recognition of the full extent of the Project's effects on biological resources—including long-lasting impacts characterized by the Applicant as temporary—and its requirement that impacts to western burrowing owl, Crotch's bumble bee and Joshua tree woodlands be mitigated at a 3:1 compensatory mitigation ratio. The Center agrees that the substantial evidence in the record supports these findings, which satisfy the requirements of both CESA and CEQA.

The Center maintains its position that potential impacts to western Joshua trees cannot be fully evaluated until the Applicant provides a complete and accurate census of all western Joshua trees within the project site and appropriate buffers. This information is necessary to determine whether the Applicant has satisfied the Western Joshua Tree Conservation Act's mandated avoidance, minimization, and mitigation obligations. The Center also emphasizes that avoidance is the most effective means of conserving imperiled species such as the western Joshua tree, its habitat and its associated woodlands. Nevertheless, the Center acknowledges that the Conditions of Certification appropriately ensure that no impacts to Joshua trees may be authorized unless and until all information, and all required avoidance, minimization, and mitigation measures under the Western Joshua Tree Conservation Act for issuance of an incidental take permit have been demonstrated, submitted, reviewed, and approved. This includes completion of a census of Joshua trees and woodlands within and adjacent to the final footprint of the Project, a final

relocation plan, and payment of applicable mitigation fees before impacts can be authorized.

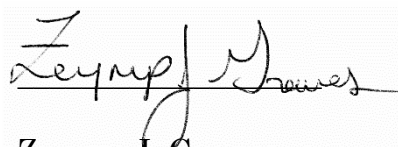
The Center also notes that on December 5, 2025, the California Department of Fish and Wildlife announced its annual Western Joshua Tree Conservation Act mitigation-fee adjustment, effective January 1, 2026. These updated fees result in an increase in the cost of take authorization and may affect the Applicant's estimated and final mitigation-fee obligation under BIO-12.¹

In addition, the Center suggests one technical correction to Table 7.A-5 (Conformance with Applicable LORS). To maintain accuracy and consistency with the Presiding Member's Proposed Decision, desert kit fox should be moved from the "Fully Protected Species" section of the table to the "Furbearing Mammals" section. *See* PMPD at 7.A-38.

The Center again thanks the Presiding Member, the Committee, CEC Staff and the Applicant for their work throughout the Application for Certification process. The Center looks forward to attending and participating in the December 19 public hearing.

Dated: December 12, 2025

Respectfully,



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¹ Cal. Dep't of Fish & Wildlife, WJTCA Annual Mitigation Fee Adjustment to be Implemented January 1, 2026 (Dec. 5, 2025), <https://content.govdelivery.com/accounts/CNRA/bulletins/3fdfa9c>(last accessed Dec. 11, 2025).

