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

Errata filed December 16, 2025

This document details the changes made by the Hearing Officer to the Presiding Member's Proposed Decision, as presented in the Proposed Final Decision filed on December 16, 2025, for the Commission's consideration at the Public Hearing on December 19, 2025.

I. Non-substantive edits to the Presiding Member's Proposed Decision (PMPD) included in the Proposed Final Decision:

- A. Changes to document title (Presiding Member's Proposed Decision changed to Proposed Final Decision), date, and publication number on the Cover Page.
- B. General formatting and style changes to fonts, spacing, paragraph spacing, pagination, tables, and figures to improve organization, readability, and digital accessibility.
- C. Re-ordering of Attachments A through F to Appendix A to correct merge errors.
- D. Corrections to digital scrivener's errors during document production including: misspellings, stray or erroneous punctuation; incorrect outline levels and indentation; and erroneous double numbering of Conditions of Certification in **TSE-1 through TSE-6, WORKER SAFETY-2 through WORKER SAFETY-12, BIO-1 through BIO-24, and PAL-2 through PAL-8.**
- E. Non-substantive edits to acronyms, short-forms, capitalization of defined terms, and styles of citations to authorities or evidence in the record for consistency.
- F. Typographical or scrivener errors identified by CEC Staff and Applicant in their Comments on the PMPD.¹
- G. Updated Table of Contents.

II. Clarifying corrections or required additions to the PMPD included in the Proposed Final Decision:

- A. Insertion of the Proposed Commission Adoption Order, following the Cover Sheet.
- B. In response to the Intervenor Center for Biological Diversity (the Center) Comments on the PMPD²:
 - 1. **Appendix A Condition of Certification BIO-12(1)(H):** Clarifying that the calculation of the amount of fees for take authorization of western Joshua tree is based on the fees in effect pursuant to the annual adjustment made by the California Department of Fish and Wildlife pursuant to Section 1927.8(b).

¹ TN 267891 (Staff) and TN 267907 (Applicant).

² TN 267909, filed December 12, 2025.

".... Upon review and approval by the CPM of the Final Western Joshua Tree Relocation Plan, the CPM will provide an invoice for the required mitigation fee. Based on preliminary data submitted by the applicant, this is estimated to be \$319,580.00 for Option 1 – Without Berm and \$457,394.75 for the Option 2 - With Berm (see **Table 7.A-3**); however, the total fee shall be dependent on the final number of trees and class sizes that are authorized for take, and based on the amount of fees in effect pursuant to California Fish and Game Code section 1927.8(b) at the time of the review and approval of the Final Western Joshua Tree Relocation Plan. The project owner shall submit the mitigation fee payment to the CDFW Region 4 office by check or money order with a copy of the invoice attached. No impacts to WJT shall be authorized until confirmation by CDFW that the mitigation fee has been received from the project owner...."

2. **Table 7.A-5:** Correction to protection of desert kit fox as a furbearing mammal in Table 7.A-5, consistent with analysis in Section 7(A) Biological Resources:

- a. **Under State – Fully Protected Species:**

"**Compliant.** Fully-protected species with the potential to occur within the project area include golden eagle, California condor, and ringtail, ~~and desert kit fox~~...."

- b. **Under State – Furbearing Mammals:**

"Contains regulations for taking furbearing mammals, including prohibiting the harassment or unapproved take of furbearing mammals, including desert kit fox, fisher, American badger, Sierra Nevada Mountain beaver, Pacific marten, and Sierra red fox."

- C. In response to Staff's Comments on the PMPD³, the following corrections to the PMPD are noted. Suggested corrections to formatting without new or modified content, or to correct syntax or spelling were accepted without being detailed here. Proposed corrections to text not listed here were respectfully declined as not necessary or warranted.

1. Section 5(C), subsection (iii): "No federal, state, or local regulations related to facility reliability apply to the project. ~~The Facility Design Section 5(-~~ "
2. Section 5(D), subsection (ii)(b): "In each train, power will be stepped up to 230 kV by generator step-up (13.8/230 kV) transformers rated at 96/128/160 ~~105/140/175~~ megavolt amperes (MVA)."
3. Section 5(D), subsection (v)(3): "In each of the four generating trains, power will be stepped up to 230 kV by a generator step-up (13.8/230 kV) transformer rated at

³ TN 267891.

96/128/160 ~~105/140/175~~ MVA via a dedicated 4000 Ampere (A) breaker on the low side."

4. Section 6(A) footnote 13: "Cal. Code Regs., tit. 17, § ~~95452~~ **95352**."
5. Section 6(A) footnote 28: "Ex. 2000, FSA, pp. 5.3-9 – **5.3-11** ~~5.3-10~~."
6. Section 6(A) footnote 29: "Ex. 2000, FSA, pp. 5.3-9 = ~~5.3-10~~, 5.3-12."
7. Section 6(A) footnote 31: "Ex. 2000, FSA, pp. 5.3-9 = ~~5.3-10~~, 5.3-12."
8. Section 6(A) footnote 38: "Ex. 2000, FSA, pp. 5.3-9 – 5.3-~~11~~**10**."
9. Section 6(A) footnote 39: "Cal. Code Regs., tit. 17, § **95352** ~~95452~~."
10. Section 6(A) footnote 44: "Ex. 2000, FSA, pp. 5.3-13 – **5.3-14**."
11. Section 6(A) footnote 48: "Ex. 2000, FSA, pp. 5.3-9, ~~5.3-10~~, and = 5.3-12."
12. Section 6(B) footnote 5: "Ex. 2000, FSA, pp. 5.1-1 – **5.1-2**."
13. Section 6(B), subsection (ii)(b)(2)(A) (below Table 6.B-7): "Because the onsite emissions from NOx **(in both scenarios)** and PM10 **(in the With Berm scenario)** exceed the EKAPCD criterion thresholds"
14. Section 6(B), subsection (ii)(b)(2)(B) (at bottom of p. 6.B-12): ".... which are equivalent to 0.05 ~~tons trips~~ per year (tpy) of NOx and 0.008 tpy of VOCs. As a result, emissions from the worker trips will be less than significant."
15. Section 6(D), subsection (ii)(b)(first paragraph): "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."
16. Section 6(D), subsection (ii)(b)(1) (add after first paragraph): "**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 need to be augmented with additional worker safety requirements to decrease risks and increase safety at the surface facilities and provide a structure for underground fire control and rescue.

With a footnote citing Ex. 2000, FSA, p. 4.4-23.

17. Section 7(A) Table 7.A-1: The total is corrected from 3,913.17 to 3,870.90.
18. Section 7(A), subsection (i)(a)(4)(at end of first paragraph): "... and CDFW jurisdictional streams under Sections 1600 through 1615 of the Fish and Game Code."
19. Section 7(A), subsection (i)(a)(4)(in second paragraph): "... even though some are short ~~the CDFW.~~"
20. Section 7(A), subsection (i)(b)(first bullet): "Critical habitats for federally ~~and state~~-listed species do not occur in or adjacent to the project site."
21. Section 7(A), subsection (i)(b)(final bullet): "Six surveys or special status ~~and~~ habitat assessments for special status species ~~wildlife~~ were conducted by the Applicant as summarized in **Table 7.A-2.**"
22. Section 7(A), subsection (ii)(b)(last paragraph before subsection (ii)(b)(1)): "Because of the CEC's regulatory obligation under Title 14, California Code of Regulations, section 783 ~~Section 1600 et seq of the California Fish and Game Code~~ to comply with CESA requirements"
23. Section 7(A), subsection (ii)(b)(2)(B)(ii): "Impacts to western Joshua trees ~~plants~~ from the operation of the facility...."
24. Section 7(A), subsection (v)(6): "Critical habitats for federally ~~and state~~-listed species do not occur in or adjacent to the project site."
25. Section 7(A), subsection (ii)(b)(1)(B): "Should the project owner or CPM ~~CDFW~~, based on the updated surveys or natural community mapping, ~~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**. 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~~ based on updated surveys or natural community mapping receive appropriate mitigation, should they be impacted by the Willow Rock project."

26. Appendix A **BIO-11**, 9 Monitoring: "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."
27. Appendix A **BIO-14**: 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 **surveys or natural community mapping and/or CPM census and/or CDFW guidance** on the Willow Rock site.
28. Appendix A **BIO-20**, section 1: "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. **Surveys in Period I may not be used for this purpose.**"
29. Appendix A **BIO-20**, section 1: "Surveys will be designed and carried out by a qualified biologist with experience in the natural history and nesting behavior of Swainson's hawks. The survey periods will follow a specified schedule: Period I occurs from 1 January to 31 March, Period II occurs from 1 April to 30 April, Period III occurs from 1 May to 30 May, and Period IV occurs from 1 June to 15 July. ~~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.~~ 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."
30. Appendix A **BIO-21**, section 3: "(e.g., Tulare pocket mouse, Tehachapi pocket mouse, San Joaquin pocket mouse, ~~ringtail~~, etc.)".
31. Appendix A **BIO-21**, section 11: Replace "State waters" with "jurisdictional features".
32. Section 7(B), subsection (i)(a)(2)(second paragraph): Added: "**However, litigation resolved in 2015 defined the Antelope Valley Adjudication Area and created the Antelope Valley Watermaster Board (AVWB) to administer adjudicated water rights.**"
33. Section 7(B), subsection (ii)(b)(1)(A)(second paragraph): 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."
34. Appendix A **CUL/TRI-3** (second bullet): "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 Willow Rock 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."

35. Section 7(D), subsection (ii) (first paragraph): "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.**"
36. Section 7(D), subsection (v)(11): "Conditions of Certification **PAL-1 through PAL-8** require **the project owner to employ a qualified paleontological resource specialist and paleontological resource monitors to develop and implement a monitoring and mitigation plan for construction and earthwork activities and** 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.
37. Section 8(A), subsection (ii)(b)(1): 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.~~
38. Section 8(A), subsection (ii)(b)(1): "**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.~~"
39. Section 8(A), subsection (ii)(c): "**LAND-3** will ensure that the project owner obtains the ROW grant **or similar authorization** from BLM before proceeding with construction,...."
40. Section 8(A), subsection (ii)(c)(above bulleted list): "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.**

41. Section 8(A), subsection (ii)(c)(third bullet): Add: **"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."**
42. Section 8(A), subsection (ii)(c)(fourth bullet): "During construction, concrete batch plants and temporary rock crushing facilities will be used at the project site. **For non-CEC projects,** these uses **are will be** allowed with a **County-issued** 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"."
43. Section 8(A), subsection (ii)(c)(fifth bullet): "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:"
44. Section 8(A), subsection (ii)(c)(sixth bullet): "Alternatively, if the Applicant elects to construct the architectural berm, it will need to obtain review and **approval comment** 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."
45. Section 8(A), subsection (ii)(c)(above Kern County Airport Land Use Compatibility Plan): "**LAND-2** will further ensure project compliance with the Kern County Zoning Code through review **and** comment, **and approval** on all project site plans,"
46. Section 8(A), subsection (ii)(c)(Rosamond Specific Plan): "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 Air Force Base if necessary.**"
47. Table 8.A-2, BLM ROW Grant Requirement: "LAND-3 will ensure the project obtains a BLM ROW grant **or similar authorization** before moving forward."
48. Table 8.A-2, Operation/Architectural berm: ".... 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."

49. Table 8.A-2, Main Project Site: "**LAND-2** will require review and comment, ~~and approval~~ of the project's site plans by the Kern County Planning and Natural Resources Department,"

50. Section 8(A), subsection (v)(5): "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"

51. Appendix A **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 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."

52. Appendix A **LAND-2**:

"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 and comment, and to the CPM for 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."

53. Section 8(D), subsection (ii)(a)(2)(third paragraph): "NSA-7 is farther away from the highway and current ambient noise levels are lower than NSA-1. This location is 8,100 feet from the Willow Rock site.⁴ **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.** Based on updated data collected on August 1, 2025,"
54. Section 8(D), subsection (ii)(a): Delete fourth through seventh paragraphs.
55. Appendix A **WATER-5:** "4. 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.~~
56. Appendix A **WATER-5:** "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).
57. Appendix A **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...."

⁴ Ex. 1032, SAFC, Table 5.7-9.

- ~~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 the 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.~~"
- ~~"Verification: Once DWR-DSOD has approved the project owner's new dam construction application, t~~ 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) 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."

58. Appendix A **COM-4**: "2. The CPM has issued a Notice to Proceed ~~an authorization to construct~~ letter to the project owner."

- D. In response to Applicant's Comments on the PMPD⁵, the following corrections to the PMPD are noted. Suggested corrections to formatting without new or modified content, or to correct syntax or spelling were accepted without being detailed here. Proposed

⁵ TN 267907.

corrections to text not listed here were respectfully declined as not necessary or warranted.

1. Appendix A, **BIO-14**: "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.

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)."

2. Appendix A **WATER-5**, subsection 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."
3. Appendix A **LAND-1**: See Sections II(C)(37) and II(C)(51) above for added clarification in the Proposed Final Decision that a) the permits for temporary laydown and parking areas are off-site from the project and therefore not included in the CEC's exclusive jurisdiction, and b) reference to permits for stockpiling excavated rock has been deleted.
4. Section 8(A), subsection (ii)(c)(Kern County Zoning Ordinance): Staff's comment recommended clarifications on the same text. See Section II(C)(40) above. Those clarifications have been incorporated into the Proposed Final Decision. Applicant's recommendation regarding the County's approval is also incorporated 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 **and approved by the Board of Supervisors 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.**"

5. Appendix A, **LAND-2**: Staff's comment recommended clarifications on the same text. See Section II(C)(52) above. Those clarifications have been incorporated into the Proposed Final Decision.
6. Section 2 Project Description, subsection C: "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."
7. Section 2 Project Description, subsection H(10): Added "The project will include three diesel-fired emergency backup power supply engines to maintain critical loads in the event of a loss of power.
8. Section 5(E), subsection (ii)(e), Aviation Safety: Applicant identified inconsistent evidence in the record. Applicant's recommended text aligns with analysis in Section 8(A) Land Use. "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).~~ Therefore, evidence establishes that the transmission lines will not pose a significant collision hazard to civil aviation or aircraft.
9. Table 5.E-1 (first row): Replace explanation for Compliant with: **"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."

10. Section 6(C), subsection (i)(b) Public Health Setting: Added footnote 13 (Ex. 2000, FSA, p. 5.10-17 (Table 5.10-2, footnote 2 identifying a Maximally Exposed Individual Resident 2,200 feet northwest of the project boundary).)
11. Section 7(A), subsection (i)(a) Environmental Setting: Applicant recommends adding "Natural Resource" and "Mobile Home Park" to zoning designations related to the gentie route. However, no citations to the record are provided. These two designations do not appear in either Staff's or Applicant's Opening Testimony.
12. Section 7(A), subsection (ii)(a)(3): "~~100 plant species were observed, of which~~ 91 ~~were~~ native species and 11 non-native species were observed."
13. Section 7(A), subsection (v)(5): "The dominant vegetation communities that occur in the project site reflect those commonly found throughout the Western Mojave Basins Ecoregion, including ~~a total of 100 plant species of which~~ 91 ~~were~~ native species and 11 non-native species."
14. CUL/TRI-1: The recommendation to change 45 days to 30 days is declined, to ensure all time requirements are feasible.
15. COM-2: The recommended changes to this Condition of Certification is declined without concurrence from Staff.