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March 12, 2026

Jon Boyer
Enterprise BESS LLC
201 Enterprise Street
Escondido, CA 92029

Data Requests for Enterprise Emergency Peaker Project (01-EP-10C)

Dear Jon Boyer:

The California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Request which is necessary for the staff analysis of the Enterprise Emergency Peaker Project (EEPP) revised petition to amend (TN#262237). The petition proposes to modify the EEPP by constructing and operating a nominal 52-megawatt (MW) battery energy storage system (hereinafter, Enterprise BESS Project). The proposed Enterprise BESS Project would be located on the adjacent property(s) to the north along the south side of Auto Park Way.

This Data Request seeks further information in the area of Biological Resources based on the contents of the petition to amend.

To assist CEC staff in timely completing its environmental review and to meet the requirements of CEQA (see Cal. Code Regs., tit. 14, §§ 15108, 15109), CEC staff is requesting response to the data request within 30 days. If you are unable to provide the information requested or need to revise the timeline, please let me know within 10 days of receipt of this letter.

If you have any questions, please email me at Joseph.Douglas@energy.ca.gov.

Joseph Douglas

Joseph Douglas
Compliance Project Manager

Enclosure: Data Requests:

ENTERPRISE EMERGENCY PEAKER PROJECT (01-EP-10C)
DATA REQUESTS

TECHNICAL AREA

BIOLOGICAL RESOURCES

Author: Carol Watson

BACKGROUND: Vegetation Type and Coastal California Gnatcatcher

As stated in the application, the vegetation type classified as Disturbed Diegan Coastal Sage Scrub does not occur within the Project Area, but 0.12 acres is located within the Survey Buffer. Less than one acre (0.97 acres) of Diegan coastal sage scrub also occurs offsite. These vegetation types may support the coastal California gnatcatcher (*Polioptila californica californica*).

The application (TN 262238, page 7) states that United States Fish and Wildlife Service (USFWS) protocol breeding surveys for coastal California gnatcatcher were conducted in suitable habitat from April 19, 2023, through May 24, 2023, and survey findings were negative. A formal survey report was submitted to USFWS on July 7, 2023. Additionally, USFWS protocol non-breeding coastal California gnatcatcher surveys were conducted between October 17, 2023, and February 13, 2024. The survey results for all nine protocol non-breeding surveys were negative. The second and final coastal California gnatcatcher survey was submitted to USFWS in March 2024.

Staff estimates the proposed activities would occur as close as 240 feet north of disturbed Diegan coastal sage scrub, and approximately 50 feet east of Diegan coastal sage scrub, based on Figure 5 (TN 262238). Both habitats may be suitable for the coastal California gnatcatcher, which could be adversely affected by project activities.

DATA REQUESTS

1. Please describe the potential for offsite noise, vibration, or other construction impacts to disrupt coastal California gnatcatcher behavior, particularly during sensitive periods such as nesting or foraging.
2. Please describe the planned approach for implementing BIO-7, which requires performance of protocol surveys for coastal California gnatcatcher. Staff notes that survey results are considered valid for a period of one year from the date the survey was completed (USFWS 2019). Specifically, describe how surveys would be coordinated with site mobilization activities.
3. Please describe if surveys on the planned construction laydown area would also be necessary and describe/map any potential on or offsite coastal California gnatcatcher habitat. The project owner's proposed measure, BIO-7, mentions surveys would be performed on the construction laydown area (refer also to Data Requests 7 and 8).

4. Please describe avoidance buffers or other protective measures to be implemented should nesting coastal California gnatcatchers be detected. Please identify the appropriate USFWS personnel who were contacted regarding coordination of this effort. Include the name, title, and contact information, as well as records of any communications (such as emails, meeting notes, phone call summaries, etc.).

BACKGROUND

Staff requests clarification on the definition and extent of the "Study Area" as referenced in the petition. As first mentioned, (page A-12, TN 262237) "The Study Area for biological resources, including the area to the west of the Project site and its surroundings provides habitat for wildlife species that commonly occur in urbanized and disturbed habitats within San Diego County." However, this definition is unclear when reviewing the coastal special-status avian species accounts. Specifically, does the project owner anticipate this species has the potential to occur on the site? Or within the broader "Study Area"? The petition (TN 262238) alternately uses the term "survey area" and "Study Area".

DATA REQUESTS

5. Please clarify the term "Study Area". Define all areas included within this designation and provide a figure, as necessary, to show the boundary.
6. Please clarify the species accounts for coastal California gnatcatcher and Cooper's hawk (*Accipiter cooperii*), including whether these species are expected to occur within the project site, the broader Study Area, or both.

BACKGROUND

The petition states a construction laydown area has not been identified for the project (page A-16, TN 262237).

DATA REQUESTS

7. Please clarify if a temporary laydown area would be necessary for the proposed activities.
8. If a laydown area is necessary, please provide a full description including the exact location and size. Include maps and baseline biological information. Include any associated access roads for the offsite laydown area.

BACKGROUND: Tree Mitigation Approaches

The petition notes that up to five mature Canary Island pine trees (*Pinus canariensis*) may need to be removed to install the gen-tie cable tray (page 8, TN 262237). Further, page A-16 (TN 262237) states "It is expected that impacts associated with the potential removal of Canary Island pine trees associated with installation of the gen-tie cable tray will be mitigated via onsite replacement in accordance with a forthcoming landscape plan and/or via purchase of mitigation credits at an offsite bank such as the City of

Escondido's Daley Ranch Conservation Bank." Staff requests additional information regarding these proposed mitigation options.

DATA REQUESTS

9. For mitigation proposed through an onsite landscape plan, please prepare and submit a Landscape Plan that includes the following:
    a. A map and coordinates of the proposed planting area;
    b. The proposed mitigation ratios for tree replacement and species to be planted;
    c. Information on soil type;
    d. A description of the management regime (i.e., tree maintenance and watering schedule, if any);
    e. Include a replacement plan in case of tree loss due to decline or failure; and
    f. Written confirmation from the City of Escondido that this approach would be acceptable mitigation for loss of trees.
10. Alternatively, for mitigation involving purchase of credits from an approved mitigation bank, please provide the following:
    a. Records of conversation with the conservation bank (e.g., transcripts of meetings, emails, etc.) confirming availability of mitigation credits for tree replacement; and
    b. Written confirmation from the City of Escondido that this approach would be acceptable as mitigation.

BACKGROUND: Tree Removal Classification

According to Table 3 of TN 262238, (PDF page 71), mature trees numbered 110 through 112 are queen palms (*Syagrus romanzoffiana*) marked for removal. Also marked for removal are five mature Canary Island pine trees (trees 31, 32, 78, 81, and 82). Based on a mitigation ratio of 1:1, as prescribed within the City of Escondido's Grading Ordinance Section 33-1068, a total of eight replacement trees would be required to be planted (TN 262238 page 76).

However, TN 262237 (pdf page 48) indicates only that "impacts associated with the potential removal of Canary Island pine trees associated with installation of the gen-tie cable tray will be mitigated". Staff requests additional information regarding the proposed tree mitigation measures.

DATA REQUEST

11. Please clarify the number and species of trees that would be mitigated and specify the species proposed for replacement. See also Data Requests 9 and 10.

BACKGROUND: THERMAL RUNAWAY AND BESS FIRE

Section 5.14.3 of the PTA, Mitigation Measures, states that impacts related to public services and wildfire hazards are expected to be less than significant and, therefore, will not require additional mitigation measures. However, it is possible that the BESS system could be subject to thermal runaway and result in a battery fire. Fires at battery storage facilities can be difficult to extinguish and can result in the discharge of hydrogen fluoride, heavy metals such as lithium, cobalt, nickel and copper, and semi-volatile organic compounds (SVOCs) (TEEX 2024). Potential impacts from a BESS fire on special status plant and wildlife species could occur from smoke and fine particles contaminating habitat and water sources (Claassen et al., 2024). Impacts could include risks from chemical exposure, smoke inhalation, soil and water contamination, mortality, and habitat degradation. A BESS fire would be expected to pose a high risk to special status species if the smoke plume deposits chemicals in the project area for species with limited ranges, breeding species, and species that forage on plants that would contain harmful chemicals, and species that rely on ephemeral water sources that could concentrate harmful chemicals should a fire occur.

Chemicals from firefighting runoff can contaminate forage and water, while noise and human activity may disrupt critical behaviors for special status species such as foraging and burrow use. Soil contamination and habitat degradation in adjacent areas may also persist long after the fire event. Post fire clean up or soil sampling could result in disturbance to burrows and animals in adjacent habitat and contaminated spoils could transport dust far from the initial source of the fire.

DATA REQUESTS

12. Describe potential impacts caused by a BESS fire, including but not limited to:
    a. direct mortality of special status species caused by fire;
    b. airborne deposition of heavy metals, semi-volatile compounds, and other chemicals released by fire on species status habitats, and
    c. impacts associated with fire control activity such as use of fire retardant.

13. Describe the potential effects that the impacts above may have upon biological resources, including but not limited to:
    a. effects on wildlife and vegetation, including soil microbiota;
    b. effects on changes in habitat type; and
    c. effects related to soil contamination.

14. Describe any potential mitigation for the above impacts (DR 12) and effects (DR 13) if they are considered significant.

References

Claassen et al. 2024 – Claassen, M., Bingham, B., Chow, J.C., Watson, J.G., Wang, Y., & Wang, X. (2024). Characterization of Lithium-Ion Battery Fire Emissions – Part 1: Chemical Composition of Fine Particles (PM2.5). Batteries, 10(9), 301. Accessed online at: https://www.mdpi.com/2313-0105/10/9/301

TEEX 2024 – Texas A&M Engineering Extension Service (TEEX). 2024. Lithium-ion battery fires and emissions characterization report. Southwest Research Institute. Accessed online at: https://teex.org/wp-content/uploads/LITHIUM-ION-BATTERY-FIRES-AND-EMISSIONS-CHARACTERIZATION.pdf

USFWS 2019 — United States Fish and Wildlife Service 2019. Coastal California Gnatcatcher (Polioptila californica californica) Presence/Absence Survey Protocol. Accessed online at: https://www.fws.gov/sites/default/files/documents/survey-protocol-for-coastal-california-gnatcatcher.pdf