

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	249844
Document Title:	California Native Plant Society Comments
Description:	N/A
Filer:	System
Organization:	Brendan Wilce/California Native Plant Society
Submitter Role:	Public
Submission Date:	4/21/2023 10:27:43 AM
Docketed Date:	4/21/2023

Comment Received From: Brendan Wilce - California Native Plant Society
Submitted On: 4/21/2023
Docket Number: 21-AFC-02

California Native Plant Society Comments on Willow Rock Energy Storage Center

Please see attached comments

Additional submitted attachment is included below.



CALIFORNIA
NATIVE PLANT SOCIETY

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Protecting
California's native
flora since 1965

March 13, 2023

California Energy Commission
Attn: Leonidas Payne
715 P Street
Sacramento, CA, 95814

California Department of Fish and Wildlife
Attn: Julie Vance
1234 E. Shaw Avenue
Fresno, Ca 93710

Submitted via email to: leonidas.payne@energy.ca.gov, Julie.Vance@wildlife.ca.gov

**Re: California Native Plant Society Comments on Willow Rock Energy Storage Center:
21-AFC-02**

Dear Mr. Payne and Ms. Vance:

Thank you for the opportunity to comment on the Willow Rock Energy Storage Center, CEC docket number 21-AFC-02. The following comments are submitted on behalf of the California Native Plant Society (CNPS), a non-profit environmental organization with over 12,000 members in 36 Chapters across California and Baja California, Mexico. CNPS's mission is to protect California's native plant heritage and preserve it for future generations through the application of science, research, education, and conservation. We work closely with decision-makers, scientists, and local planners to advocate for well-informed policies, regulations, and land management practices.

While we support the need for energy storage to increase the effectiveness of renewable energy projects we are concerned that this project may have significant impacts to several special status plant species including the Western Joshua Tree (*Yucca brevifolia*) and several protected wildlife species with habitats that depend on the local diversity of native flora. The thoroughness of the surveys, the resistance by the developer to perform the required surveys, and the persistence of the developer to classify information that is relevant to disclosing the impacts of this project for meaningful public engagement has made this approval process, that is supposed to be equivalent to the CEQA process, lacking in the data needed to analyze the potential impacts.

Surveys & Incomplete Biological Information

There is contradictory information on the timing of the botanical surveys. Section 5.2 Biological Resources states that surveys occurred between April 13th and May 5th of 2021 and were conducted by Desiree Johnson and Haylee Milner where the Biological Technical Report states that the survey was conducted on March 31st 2021 and was conducted by Kris Alberts and Tawni Gotbaum, the Preliminary Staff Assessment (PSA) should clarify these discrepancies. It is likely that none of these surveys would have detected the presence of Horn's milk vetch (*Astragalus hornii* var. *hornii*) as this species does not begin to bloom until May, and surveys only occurred in the first few days of that month with no mention of a reference site to confirm that it would be identifiable. Additionally the 2021 surveys occurred in a year of low rainfall and many species may not have been present. We would recommend that the Spring 2023 surveys include surveys specific to identifying botanical resources and that they use reference populations to ensure that special status species are identifiable. We appreciate CEC and CDFW coordination with the applicant to ensure the quality of these surveys.

To adequately disclose the potential impacts of this project surveys need to capture all of the biological resources that could be present in the project area. We appreciate the data requests that would require additional surveys including those for Crotch's bumble bee and the recent request for Mohave ground squirrel (MGS) surveys given the presence of habitat and forage. Not only did CDFW not agree with the findings of the November 7, 2022 habitat assessment for MGS but the Memorandum of Understanding from CDFW authorizing Karla Flores to conduct surveys for MGS appears to have expired in December of 2021. Data request 12 asks that the impacts to special status wildlife species be identified, and the developer responded that the supplemental spring-summer 2023 surveys would identify these impacts, however there is no language or data requests to indicate that there would be surveys specific to bats.

The applicants repeated efforts to avoid compliance with standard protocols for biological assessments and to classify the results of the assessments that have been performed has not allowed for an accurate portrayal of the baseline conditions necessary for disclosing the potential impacts for the public review of this project. We are glad to hear that additional surveys have been requested and look forward to reviewing updated biological information and addressing the mitigation measures when the addendum with detailed impact calculations becomes available. Considering the initial surveys may not have had sufficient staffing to accurately capture the biological baseline conditions across the transects described in the period of time that was indicated, we would recommend that the spring and summer 2023 surveys reexamine the initial findings in addition to providing supplemental data. These surveys should be allowed adequate time and personnel to fully capture the potential impacts of this project. We would recommend that all findings of these surveys be made available for review, and would recommend that the redacted portions of previous surveys be disclosed.

Organization of Information

As a CEQA equivalent process the Application for Certification (AFC) process should allow the public to understand and meaningfully consider the evidence and conclusions outlined in the documents provided. Reviewing the docket log has required cross referencing several different documents containing similar information, and in some cases contradictory information, leading to uncertainty of the quality and validity of the documents posted. As a document functionally equivalent to an EIR the forthcoming PSA should meet the requirements of an EIR, *See*

generally San Joaquin Raptor Rescue (2007) 149 Cal.App.4th 645, 659 (EIR should not force public and decision makers to “sift through obscure minutiae or appendices” to determine the “fundamental baseline assumptions” used for the environmental analysis); *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 (county could not rely on information not actually incorporated or described and referenced in the EIR).

We ask that the methods used to identify the biological resources on the project site be fully examined by CEC and CDFW, and that all relevant classified information regarding biological resources be made available for public review as part of the AFC proceeding. We remind the CEC that CEQA, and by extension the CEC's CEQA equivalent process, are intended to provide for informed decision-making. All relevant information should be compiled into a PSA that would allow the public to understand and meaningfully consider the evidence outlined in the documents provided, without the need to sift through obscure minutia or appendices.

Thank you for the opportunity to comment on this project and please contact me if you have any questions.

Sincerely,



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