

DOCKETED

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TN #:	258867
Document Title:	CEC's response letter to Willow Rock Energy Storage Center's repeated confidentiality application, dated August 5, 2024
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September 3, 2024

Via Email

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**Repeated Application for Confidential Designation: Willow Rock Energy Storage Center/GEM A-CAES, LLC
Docket No. 21-AFC-02**

Dear Mr. Harris, Ms. Neumyer, and Ms. Melms:

The California Energy Commission (CEC) received Willow Rock Energy Storage Center's (Applicant) (formerly GEM A-CAES, LLC), repeated application for confidential designation, dated August 5, 2024 (TN 258317).

The Applicant requests confidential designation for the following biological resources information provided as part of the Supplemental Application for Certification:

• **Biological Resources**

- 31406639-000_01_04_FX-X-04_Rev1 _SoilsMap_CONFIDENTIAL_Mapbook
- 31406639-000_01_05_FX-X-_05_Rev1_VegetationMap_CONFIDENTIAL_Mapbook
- 31406639-000_01_06_FX-X-_06_Rev1_AllJurisdictionalDelin_CONFIDENTIAL_Mapbook
- 31406639-000_01_08_FX-X-_08_Rev1_ProtectedConservedLands_CONFIDENTIAL_Mapbook
- 31406639-000_01_09_FX-X-_09_Rev1_SpecialStatusPlants_CONFIDENTIAL_Mapbook

- 31406639-000_01_10_FX-X-
_10_Rev1_SpecialStatusWildlife_CONFIDENTIAL_Mapbook
- **Burrowing Owl**
 - 31406639-000_01_04_F03-
04_Rev1_BUOL_SurveyTransects_CONFIDENTIAL_Mapbook
 - 31406639-000_01_05_F03-
05_Rev1_BUOL_Occurances_CONFIDENTIAL_MapBook
- **Crotch's Bumble Bee**
 - 31406639-000_01_04_F08-
04_Rev1_CBBeeAndNectarSources_CONFIDENTIAL_Mapbook
- **Desert Tortoise - NONE**
- **Jurisdictional Delineation**
 - 31406639-000_01_04_F07
04_Rev1_JD_HydrologyMap_CONFIDENTIAL_Mapbook
 - 31406639-000_01_05_F07-
05_Rev1_JD_Vegetation_CONFIDENTIAL_Mapbook
 - 31406639-000_01_06_F07-
06_Rev1_JD_NWI_Map_CONFIDENTIAL_Mapbook
 - 31406639-000_01_07_F07-
07_Rev1_JD_USDA_Soils_CONFIDENTIAL_Mapbook
 - 31406639-000_01_08_F07-
08_Rev1_JD_JurisdictionalDelin_CONFIDENTIAL_Mapbook
- **Mohave Ground Squirrel**
 - Hydrostor MGS Survey Report_Resource Agency Version
- **Sensitive Plants**
 - 31406639-000_01_04_F05-
04_Rev1_SP_CNDDDB_CONFIDENTIAL_Mapbook
 - 31406639-000_01_05_F05-
05_Rev1_SP_SensitivePlants_CONFIDENTIAL_Mapbook

- **Swainson's Hawk**

- 31406639-000_01_04_F02-04_Rev1_SH_ActiveNestLocations_CONFIDENTIAL_Mapbook
- 31406639-000_01_05_F02-05_Rev1_SH_SWHAObsv_CONFIDENTIAL_Mapbook

- **Western Joshua Tree**

- 31406639-000_01_04_F06-04_Rev1_JT_Obvs_CONFIDENTIAL_Mapbook

The application states that confidential designations were granted by the CEC's executive director to be confidential by letter dated June 1, 2022 (TN 243369) and May 21, 2024 (TN 256496) regarding certain information relating to biological cultural resources for the Willow Rock Energy Storage Center. The Applicant further states that the information previously granted confidential designation is substantially similar to the information contained in the listed documents and that all facts and circumstances relating to the prior determination of confidentiality remain unchanged. These statements were made under penalty of perjury.

California Code of Regulations, title 20, section 2505(a)(4) provides as follows:

If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to section 2508, or for which an application for confidential designation was granted by the Executive Director pursuant to subdivision (a)(3)(A) of this section, the new application need contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.

Executive Director's Determination

The applications for confidentiality previously submitted by the Applicant regarding biological resources were granted by letters dated June 1, 2022, and May 21, 2024, based on California Code of Regulations, title 20, section 2505(a)(3)(A). By certifying under penalty of perjury that the information submitted is substantially similar to this prior submission and all the facts and circumstances relevant to confidentiality remain unchanged, the Applicant has met the criteria for the identified records to be deemed confidential pursuant to

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California Code of Regulations, title 20, section 2505(a)(4). For the reasons stated, the above-referenced documents are designated as confidential indefinitely, consistent with the confidentiality period designated in the June 1, 2022, and May 21, 2024, letters.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC's chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in California Code of Regulations, title 20, sections 2506-2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Drew Bohan', with a long horizontal stroke extending to the right.

Drew Bohan
Executive Director