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September 27, 2024

Curt Hilderbrand  
Hydrostor, Inc.  
400 Capitol Mall, Suite 3000  
Sacramento, CA 95814-4497

**Data Requests Set 4 for Willow Rock Energy Storage Center (21-AFC-02)**

Dear Curt:

Pursuant to California Code of Regulations, title 20, section 1716, California Energy Commission (CEC) staff is asking for the information specified in the enclosed Data Requests Set 4, which is necessary for a complete staff analysis of the Willow Rock Energy Storage Center (WRESC) under the Warren-Alquist Act and California Environmental Quality Act (CEQA).

Responses to the data requests are due to staff within 30 days. If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send written notice to me and the Committee within 20 days of receipt of this letter. Such written notification must contain the reasons for not providing the information, the need for additional time, or the grounds for any objections (see California Code of Regulations, title 20, section 1716 subd. (f)).

If you have any questions, please email me at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov).

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Leonidas Payne  
Project Manager

Enclosure: Data Requests Set 4

# **WILLOW ROCK ENERGY STORAGE CENTER DATA REQUESTS SET 4**

## **BIOLOGICAL RESOURCES**

### **BACKGROUND: Survey Locations Outstanding**

In the applicant's filing on August 5, 2024, a Joshua Tree Census Report 2024 (TN258311) and Joshua tree observation figures (under confidential cover) were provided. In both filings the figures include areas labeled as "No Access Permitted". This area is part of P1 and consists of two parcels: 431-122-14 and 431-122-18. In the Biological Resources section of the Supplemental AFC (TN254806), under Construction Site and Laydown Area, P1 is to be used as a laydown area and additional workspaces for parking. It goes on further to state if cavern rock is stored offsite, P1 will be utilized as a laydown area and P2 for parking and equipment storage. The applicant has not provided updated maps showing other locations that would be used for parking and laydown in lieu of these parcels or information on whether these parcels are still adequate for parking and laydown use. Biological resources surveys need to be conducted on these two parcels, so CDFW and CEC staff can evaluate potential impacts to species.

### **DATA REQUESTS**

81. Please conduct all appropriate surveys for biological resources for the following: state jurisdictional drainages, special-status plants, desert tortoise, Swainson's hawk, burrowing owl, Mohave ground squirrel, on the P1 parcels as part of the proposed project. Alternatively, the applicant may provide additional information to support an absence determination for each group listed above for the two parcels.

82. Please provide updated aerial imagery and mapping at a scale of 1:6,000 showing the updated survey results for the surveys listed in DR BIO-1 above. Include shapefiles (via Kiteworks).

### **BACKGROUND: CDFW Lake and Streambed Alteration Agreement**

The applicant submitted two documents under confidential cover, on August 5, 2024: JDHydrology Map Mapbook (20240805T165549) and AllJurisdictionalDelin Mapbook (20240805T165524). Based on CEC staff and CDFW review, neither appears to include all project components or fully delineate all streams within and adjacent to the project area. In addition, the mapping provided is not sufficient in scale or transparency to allow for adequate analysis of the project in relation to the hydrological features that are located within and adjacent to the project area. "Project area" is defined as the WRESC site, parcels within the Project Boundary, and Right-of-Way (ROW) associated with the gen-tie line. The "project boundary" is defined by the WRESC site and parcels of land (P1, P2N, P2S, VH Additional 133 acres of private land surrounding WRESC).

## **WILLOW ROCK ENERGY STORAGE CENTER DATA REQUESTS SET 4**

With respect to the sufficiency of project mapping, to fully evaluate all potential impacts resulting from project activities, CDFW reiterates, and CEC staff agrees, the importance in providing detailed and comprehensive hydrological mapping. This mapping should depict all project components, including transmission pole locations, transmission pole construction sites, pull and tensioning sites, and new access roads.

For CEC staff and CDFW to determine whether the proposed project would avoid all potential jurisdictional drainages per Fish and Game Code section 1602, an evaluation of the following information is needed to confirm that a Lake and Streambed Alteration Agreement (LSAA) would not be required. This information includes each drainages' lateral extent including the floodplain as well as the longitudinal extent that goes beyond the project area. The information outside of the study area may include a desktop review of aerial imagery to determine the longitudinal extent. Per the CEC process, which includes issuance of state permits as part of a positive final decision, more complete construction plans with all project features are needed to fulfill the LSAA application to determine if a permit would be required or not.

Section 1.3 Project Elements of the Willow Rock Energy Storage Center SAFC – Volume 1, Part A (TN254806), mentions approximately 125 transmission poles would be needed, along with conductor and tensioning sites, but the application does not show their proposed locations on any figures. Section 5.2 Biological Resources also mentions transmission pole construction sites and new access roads but does not provide more details and does not show where these occur in the project area or on maps. Section 2.0 Project Description "Table 2-3: Summary of Estimated Permanent and Temporary Disturbance With and Without Onsite Rock Re-use" lists transmission poles and transmission pole construction sites, pull and tensioning sites, and new access roads and how much acreage is disturbed with and without a berm. This section also mentions approximately 1.75-miles (4 acres) of unpaved service access road along the gen-tie may be needed.

In CDFW's review of the project site using Google Earth, applicant's maps, and ArcGIS, they noted the presence of drainages that have not been mapped by the applicant. In addition, a comment letter from Regional Water Quality Control Board (RWQCB) staff (TN258495) states that this information is necessary to determine whether waters of the state are present on site. In addition, RWQCB staff noted that the applicant did not provide maps at an appropriate scale, nor field data or supporting documentation for the conclusions made on the presence or absence of state jurisdictional waters. Data Request 69 in CEC staff's Data Request Set 3 (TN259256) requests a response to RWQCB comments.

### **DATA REQUESTS**

83. Please provide a discussion of where the transmission poles, transmission pole construction sites, new access roads, tensioning and pull sites would be located.

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84. Please provide updated aerial imagery and mapping at a scale of 1-inch equals 400 feet that includes all project components, and the new access roads, conductor pull and tension sites, including transmission pole locations and transmission pole construction sites.

85. Please provide maps (scale of 1-inch equals 400 feet) with more transparent data so all mapped features are easily detected, and the underlying aerial imagery can also be viewed.

86. Please clarify whether the new access roads and unpaved service access roads are the same. If they are not, please describe each in more detail and show unpaved service access roads on an aerial imagery map at a scale of 1-inch equals 400 feet if these areas are different than the new access roads.

87. Please provide updated state jurisdictional drainage maps of all streams in the project area. This should include the lateral and longitudinal extent of the streams including the floodplain.

### **BACKGROUND: Western Joshua Tree**

Located within WRESC Western Joshua Tree Report 1 of 2 (TN254820), is Appendix B, the WJT Census Data Sheet, containing a list of all trees observed during 2023 surveys. The Joshua Tree Census Report 2024 filed on August 5, 2024 (TN258311), does not include a similar table for the additional areas surveyed in 2024. In addition, this document, last sentence in section 1.1 states "...many of the western Joshua trees included in the 2024 survey area, were included in the 2023 western Joshua tree census report."

The western Joshua tree census data included in Supplemental Application Attachment (TN258311) did not include a WJT census map or a completed WJT census data spreadsheet as required in the Western Joshua Tree Conservation Act (WJTCA) census instructions available here <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/Census-Instructions#Conducting>.

Requirements for an Incidental Take Permit (ITP) through the WJTCA, include a relocation plan following the Western Joshua Tree Relocation Guidelines and Protocols July 2024. and is available on the CDFW website (<https://wildlife.ca.gov/Conservation/Environmental-Review/WJT> ). This relocation plan must be reviewed and approved by CEC staff and CDFW prior to filing CEC staff's preliminary staff assessment. A complete WJT census with a table of data for all completed WJT surveys must also be provided as part of the review process. If data is considered sufficient an invoice will be issued for the fee to CDFW. Once the fee is paid and these prior steps are complete, then CDFW can work on the ITP language for inclusion into CEC biological resources staff's conditions of certification (mitigation) of the preliminary staff assessment.

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Willow Rock Energy Storage Center SAFC – Volume 1, Part A (TN254806) states up to 325 trees may be relocated. The recently filed Willow Rock Joshua Tree Census 2024 Addendum (TN258311) states CDFW will determine whether relocation would be required and does not mention anything about how many additional trees would be relocated. In Appendix B WJT Census Data Sheet (TN254820), it lists trees to be relocated from 2023 surveys.

P1 parcels 431-122-14 and 431-122-18 were not surveyed since no access was available. Surveys for western Joshua tree for a complete WJTCA census need to be completed for these parcels.

### **DATA REQUESTS**

88. Please provide a complete WJT census map at a scale of 1:6000 (1-inch equals 500 feet) of all trees observed during surveys.
89. Please provide a completed census data spreadsheet to include all WJT observed from the surveys completed.
90. Please provide a total count of WJT.
91. Please provide a total number of trees proposed for relocation.
92. Please provide a draft WJT Relocation Plan following the Western Joshua Tree Relocation Guidelines and Protocols document for CEC staff and CDFW review and approval.
93. Please conduct surveys for western Joshua tree on the P1 parcels 431-122-14 and 431-122-18 to provide a completed WJTCA ITP package which includes the census data and relocation plan.

### **BACKGROUND: Crotch's Bumble Bee Incidental Take Permit**

Crotch's bumble bee (CBB) protocol surveys were conducted in 2023 (WRESC Biological Resources Technical Report TN254816) and 2024 (Willow Rock Crotch's Bumble Bee Survey 2024 Addendum TN258314) and identified areas with suitable nectar sources primarily Phacelia in the project area (Figure 4, Nectar Sources) along with photographs of the bees (Appendix B TN258314). One queen was observed foraging on Phacelia flowers within the northern portion of the project site and no nests were observed in 2023. Project site is defined here as the energy storage facility, gen-tie lines and the 125-foot buffer corridor. Figure 5 of the *Draft* Results of Crotch's Bumble Bee Surveys (20240301T180154) provided under confidential cover, shows two other CBB sightings. One southeast of the WRESC site and another at Willow Springs Butte but are outside of the project site as defined here. However, these sightings are not discussed. In addition, this document mentions the closest known hive recorded occurs 7 miles to the east on Edward's Airforce Base. It goes on to state a queen makes a new hive every season.

## **WILLOW ROCK ENERGY STORAGE CENTER DATA REQUESTS SET 4**

Protocol surveys were conducted in 2024 and identified three queen bees and five worker bees. Queens were only seen foraging in the Phacelia patches and no hives were identified. Bees were observed in P2 South additional workspace, P2 North additional workspaces, and in separate locations within the gen-tie line alternative routes. The applicant does acknowledge the presence of CBB in the project area. Project area is defined as the WRESC site, parcels within the project boundary, and the right-of-way associated with gen-tie line.

The applicant proposes to avoid take of this species by removing and completing all initial vegetation clearing outside of the bumble bee flight season (March to August). This does not consider potential nests (hives) that may be present and only removes floral resources. In addition, if construction activities must occur during the flight season, the applicant proposes protocol level surveys be completed the season prior to any construction activity and if no CBB are observed then no compensatory mitigation would be required. The agencies already consider this species as present in the project area; CEC staff will evaluate this species for impacts from the project and provide the appropriate mitigation in the preliminary staff assessment. All mitigation measures must be part of the PSA and FSA and should consider the possibility of “take” of CBB and any appropriate mitigation measures such as language for an Incidental Take Permit (ITP).

Since CBB has been seen foraging on site the applicant also proposes pre-construction clearance surveys prior to vegetation removal or soil disturbance. This survey would include 100 percent cover of the entire project site to identify newly established hive locations between protocol level surveys and construction activities. The applicant further states a biological monitor will be present during vegetation removal throughout the entire flight season to ensure no bees are impacted.

The applicant also proposes that if any bees or hives are found during pre-construction surveys or any subsequent monitoring efforts, then the applicant would get an ITP. Surveys conducted for 2023 and 2024 in the project area, show that CBB and floral resources are located on the WRESC site, and P1, P2N, P2S, and parts the gen-tie and this species is considered present in the study area. However, it is unclear if all possible nest (hive) substrates were searched during protocol surveys. In addition, all and any permits needed for the project must be included into the conditions of certification as part of compliance with laws, ordinances, regulations, and standards in the preliminary staff assessment.

The applicant states in the Willow Rock Crotch’s Bumble Bee Survey 2024 Addendum (TN254813), while the project site (WRESC) contains suitable foraging habitat (i.e., floral resources), these resources end their flowering period by May and the bee requires adequate nectar sources throughout their flight season to establish a hive. This period is to the end of July and suggests that there are not sufficient nectar sources to support a hive. It is known that these bees can forage up to 6.2 miles from their nest

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sites and other areas adjacent and around the project site could contain floral resources as well as nests (hives). Therefore, it is not necessary for the project site to contain all the floral resources or a nest (hive) to sustain a colony.

CEC staff and CDFW have concerns that the applicant is not requesting an ITP for this species. From what we know about the species queens establish a nest in a new location every year and the bees are mobile which means they can be stepped on or hit by construction vehicles as they fly around searching for floral resources, and nests could be crushed by vehicles and equipment. CEC staff and CDFW believe not all the potential substrates that could support nests (hives) were surveyed.

### **DATA REQUESTS**

94. Please provide a discussion that includes detailed methods used to find nesting sites for CBB during protocol level surveys. This should include the types of CBB nesting substrates surveyors were looking for during surveys.

95. Please submit the information that would be included in an Incidental Take Permit application for Crotch's bumble bee for review by CEC staff and CDFW.

### **BACKGROUND: GIS shapefiles for 2024**

GIS shapefiles were provided for the 2023 biological resources data; however, none were provided with the recent filings on August 5, 2024.

### **DATA REQUEST**

96. Please provide shape files for all 2024 biological survey data.

### **BACKGROUND: Noise and Vibration**

The project materials mentioned in Willow Rock Energy Storage Center SAFC Volume II- Appendix 1A-51F (TN254812) indicate that a drill-and-blast method or other blasting method would be used to facilitate the construction of an underground cavern and Appendix 5.7D Controlled Detonations Impact and Vibration Estimates (TN254807) mentions drilling and blasting to excavate the cavern; however, an analysis of impacts to biological resources resulting from the drill-and-blast method or any other blasting method was not included.

### **DATA REQUESTS**

97. Please provide a detailed description of all activities that would utilize drill-and-blast method or other blasting method(s) used. This would include the method of blasting, type and size of charges, surface location and depths of blasting, and duration of blasting.



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98. Please provide an aerial imagery map (at a scale of 1:6000) showing the attenuation of sound and vibration out to 0.5-mile.
99. Please describe how blasting and any subsequent debris would be contained.
100. Please include detailed analyses of noise and vibration resulting from drill-and-blast method or other blasting method, as it relates to biological resources. This analysis should include an assessment of the concussive and acoustic outputs generated by blasting at various depths and surface locations, as well as an analysis on the potential for impacts to species known to be present within and adjacent to the project area.
101. Please provide enforceable mitigation measures to decrease the impacts of noise and vibration on biological resources.

### **HAZARDOUS MATERIALS and WORKER SAFETY/FIRE PROTECTION**

#### **BACKGROUND: Environmental Assessment for Gen-Tie Line**

The Supplemental Application includes a Phase I Environmental Site Assessment (ESA) for the WREASC site (Appendix 5.14A) and includes a discussion of hazardous materials database searches and hazardous material or environmentally contaminated sites at and near the WRESC site. However, the supplemental application does not include any type of hazardous materials assessment or database search for hazardous material or environmentally contaminated sites along or near to the 19-mile transmission line (Gen-Tie) route. The Gen-tie line is described as part of the project in SAFC section 2.0 (Project Description), SAFC section 3.0 (Electric Transmission (*"The Project or Project Area encompasses the WRESC Site, the parcels within the Project Boundary, and the right-of-way (ROW) associated with the WRESC's gen-tie line"*) and is discussed in detail in the SAFC, Volume 1, Part B, section 5.6.1 (Land Use). A preferred Gen-Tie route plus six other options are listed and at least the preferred option should have been analyzed and discussed in equal level of detail as the WREASC site. Additionally, CEQA requires determination as to whether the Project is located on a site which is included on a list of hazardous waste sites compiled pursuant to Government Code section 65962.5, and as noted above no information or discussion was provided about hazardous waste sites for the Gen-Tie route or routes. Information on locations and types of potential sources of known or suspected environmental contamination along the Gen-tie route is important in determining the level of risk to the environment, sensitive receptors, and workers from contaminated soil that may be disturbed by Project construction. Indeed, the preferred option includes 1.2 miles of undergrounding where the likelihood of workers encountering contaminated soil is significant.

#### **DATA REQUEST**

102. Please provide environmental database search results, such as an EDR database search (or equivalent) and a summary discussion of the results for anticipated areas of

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ground disturbance and undergrounding operations along the preferred Gen-Tie route. Please also provide any existing Phase I or Phase II ESAs of any identified hazardous waste sites along the preferred Gen-Tie route that may be available through a search of the permitting agencies for those projects (e.g., solar PV generating power plants located along Rosamond Blvd. west of 100th St W).