

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	260296
Document Title:	Center for Biological Diversity Data Request Set 1
Description:	Data requests to Hydrostor, Inc. regarding Willow Rock Energy Storage Center Project
Filer:	Zeynep J. Graves
Organization:	Center for Biological Diversity
Submitter Role:	Intervenor Representative
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November 26, 2024

Jeffery D. Harris
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Re: Center for Biological Diversity Data Requests Set 1 for Willow Rock Energy Storage Center (21-AFC-02)

Pursuant to Title 20, section 1716(b) of the California Code of Regulations, the Intervenor Center for Biological Diversity (“Center”) submits this initial set of data requests to Hydrostor, Inc. regarding the Willow Rock Energy Storage Center Project (“Project”).

The requested information is relevant and necessary to determine the Project’s environmental impacts and assess potential avoidance, minimization and mitigation measures.

Pursuant to Section 1716(f), written responses to these requests are required within 30 days. If you are unable to provide the requested information or object to doing so, you must submit a written notice within 20 days, detailing the reasons for your objection and/or inability to respond.

Should you have any questions or require clarification, please email Zeynep Graves at the address provided below. Thank you for your attention to and cooperation with these requests.

Zeynep J. Graves
Senior Attorney
Center for Biological Diversity
zgraves@biologicaldiversity.org

Enclosure: Data Request Set 1

STATE OF CALIFORNIA

State Energy Resources Conservation and
Development Commission

In the Matter of:

WILLOW ROCK ENERGY
STORAGE CENTER

Docket No. 21-AFC-02

INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY
DATA REQUEST SET 1

November 26, 2024

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Western Joshua Tree & Joshua Tree Woodlands

Background:

The Willow Rock Energy Storage Center SAFC – Volume 1, Part A (TN254806 at 187) states up to 325 western Joshua trees may be relocated. However, the Draft Preliminary Conceptual Western Joshua Tree Relocation Plan (the “Draft WJT Relocation Plan”), DR 92-1, identifies two scenarios: under Scenario 1, a maximum of 249 trees would be relocated, and under Scenario 2, a maximum of 266 trees would be relocated.

Data Request No. 1:

Please clarify the discrepancy between the initial projection of 325 trees to be relocated and the lower numbers provided in the Draft WJT Relocation Plan. Specifically, please explain the factors contributing to the difference.

Background:

In response to CEC Staff Data Request 90, the Applicant reported a total count of 3,781 western Joshua trees (WJTs) (TN259736).

For mitigation fee calculation purposes, a western Joshua tree individual is defined as a stem or trunk arising from the ground, regardless of its proximity to any other western Joshua tree stem or trunk. Cal. Fish & G. Code § 1927.3(b).

Although the Applicant’s Western Joshua Tree Census Survey materials state that each WJT stem or trunk emerging from the ground was treated as an individual tree regardless of proximity to other WJT stems or trunks (TN254820 at 6), the most recent WJT census (DR 89-1) identifies several entries within the Applicant’s reported total of 3,781 as including multiple individuals under the “Number of Individuals” column. Additionally, for entries listing multiple individuals in this column, the WJT census (DR 89-1) does not consistently include corresponding tree numbers for each individual. For example, where a tree is listed as having 9 “individuals,” there are not 9 separate tree number entries corresponding to that figure. This discrepancy suggests potential inconsistencies in how individual WJTs were counted or categorized.

Data Request No. 2:

Please confirm whether the total count of 3,781 WJTs reported in response to CEC Staff’s Data Request 90 and reflected in the corresponding census (DR 89-1) accounts for each stem or trunk arising from the ground as a separate individual.

Data Request No. 3:

If the 3,781 total does not treat each stem or trunk as an individual WJT, please provide the corrected total, ensuring each stem or trunk arising from the ground is counted as a separate WJT.

Data Request No. 4:

If the 3,781 total treats each stem or trunk as an individual WJT, please explain what the numbers under the “Number of Individuals” column on DR 89-1 indicate. Additionally, please explain why the WJT census does not consistently provide corresponding tree numbers for each individual recorded in the “Number of Individuals” column.

Background:

To obtain an incidental take permit under the Western Joshua Tree Conservation Act, a permittee must, among other requirements, submit “a census of all western Joshua trees on the project site, including size information and photographs, that categorize the western Joshua trees according to” specified class sizes. Cal. Fish & G. Code § 1927.3(a).

In response to data requests from CEC Staff, the Applicant submitted its most recent WJT census data, DR89-1. However, the data provided in DR 89-1 does not include complete information for each individual WJT, such as photographs, size class, and tree height.

Although some of this information appears to have been provided in earlier census data (*see* TN254820–21 and TN258311), tree identifiers (tree numbers and IDs) are not used consistently across all data sets.

Data Request No. 5:

To the extent not already provided, please provide complete data for each WJT included in the census, DR 89-1, including the following details for each tree: photographs, tree height, tree class, tree status (alive or dead), and indication of whether the WJT is mature.

Data Request No. 6:

To the extent not already provided, please indicate the proposed impact type to each WJT included in the census, DR 89-1, specifying whether it is planned for removal, relocation, or preservation in place.

Data Request No. 7:

Please provide a table or data in another form that reconciles the tree numbers, tree IDs and photo IDs across all three data sets containing WJT census data provided to date: TN254820–21, TN258311, DR 89-1.

Background:

Under the Western Joshua Tree Conservation Act, “[n]o person or public agency shall . . . take . . . a western Joshua tree *or any part or product of the tree*,” except as authorized. Cal. Fish & G. Code § 1927.2(a) (emphasis added).

According to CDFW’s August 31, 2022, comment letter regarding the Applicant’s original project proposal (TN245782at 17), a 290-foot buffer is recommended for individual WJTs. As CDFW explained, “[a] 290-foot buffer is warranted to not only avoid impacts to individual trees, but *potential impacts to the seed bank as well*. Vander Wall et al. (2006) documented 290 feet as a maximum distance of seeds dispersed carried by rodents.” (*Id.* (emphasis added).)

To avoid damage to a WTJ’s root zone, a 50-foot buffer is recommended. *See, e.g.*, CDFW, Census Instructions, <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/Census-Instructions> (last accessed November 25, 2024).

Data Request No. 8:

Using the Tree IDs provided in DR89-1, please identify all western Joshua trees that will be preserved in place (*i.e.*, not lethally removed or relocated) and are expected to fall within 290 feet of any project-related activities. This includes, but is not limited to, project construction, temporary construction laydown areas, parking, gen-tie line routes, and temporary storage and relocation of western Joshua trees.

Data Request No. 9:

Using the Tree IDs provided in DR89-1, please identify all western Joshua trees that will be preserved in place (*i.e.*, not lethally removed or relocated) and are expected to fall within 50 feet of any project-related activities. This includes, but is not limited to, project construction, temporary construction laydown areas, parking, gen-tie line routes, and temporary storage and relocation of western Joshua trees.

Background:

CDFW recognizes Joshua tree woodlands as a Sensitive Natural Community. CDFW, California Natural Community List (June 1, 2023). According to the supplemental AFC, 74.66 acres of Joshua tree woodland habitat was mapped in the project site. (TN254816 at 28.) Despite this, the SAFC does not assess the Project's impacts on Joshua tree woodlands. (*See, e.g.*, TN254806 at 136–37.)

Data Request No. 10:

Please provide all data relevant to the Project's potential direct and indirect impacts on Joshua tree woodlands, including whether the Project will reduce the extent of this sensitive natural community, and fragment or degrade its quality.

Surface Reservoir and Stormwater Pond

Background:

As outlined in the Supplemental AFC, the Project includes a 21.5-acre, 577-acre-foot capacity hydrostatically compensating surface reservoir with a liner and an interlocking shape floating cover to minimize evaporative water loss. (TN254806 at 40, 56.) The Project also includes a site stormwater drainage system and stormwater percolation/evaporation pond. (TN254806 at 40.)

However, the Supplemental AFC does not evaluate the reservoir's or percolation/evaporation pond's potential impacts on wildlife, particularly the risks of entrapment or entanglement for wildlife species including terrestrial and volant wildlife.

Data Request No. 11:

Please provide details regarding the material composition and load bearing capacity of the interlocking shape floating cover.

Data Request No. 12:

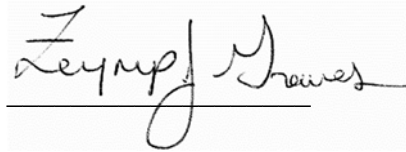
Please specify the dimensions of the interlocking shape floating cover, including any gaps between the interlocking shapes and between the cover and the walls of the reservoir.

Data Request No. 13:

Please provide all data relevant to the Project's reservoir's and percolation/evaporation ponds' potential impacts on wildlife, including the risk entrapment or entanglement for wildlife species.

Dated: November 26, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Zeynep J. Graves", written over a horizontal line.

Zeynep J. Graves
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