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M e m o r a n d u m

To: Commissioner Andrew McAllister, Presiding Member
Commissioner Noemi Gallardo, Associate Member

Date: February 26, 2025

From: California Energy Commission
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**Subject: STAFF STATUS REPORT #7 FOR THE WILLOW ROCK ENERGY
STORAGE CENTER (21-AFC-02)**

In its *Second Revised Committee Scheduling Order* filed December 11, 2024 (TN 260601), the Willow Rock Energy Storage Center AFC Committee (Committee) on the Willow Rock Energy Storage Center project ordered the parties to “continue submitting monthly status reports no later than the 26th day of every month” and further clarified that “[s]tatus reports shall inform the Committee whether the case is progressing satisfactorily and bring potential delays and other relevant matters to the Committee’s attention.”

California Energy Commission staff (staff) continues to coordinate with partner agencies, including the California Department of Fish and Wildlife (CDFW), California Department of Water Resources, Division of Safety of Dams (DSOD), the Lahontan Regional Water Quality Control Board (RWQCB), and Department of Conservation to gather information necessary for our analysis of the application. Staff is continuing conversations with potentially affected California Native American tribes.

On January 13, 2025, the day discovery closed, staff filed Data Requests Set 6 regarding biological and water resources. Per the Second Revised Committee Scheduling Order, applicant’s responses to all data requests were due no later than January 27, 2025. On January 27, 2025, the applicant submitted partial data request responses, and submitted the remaining responses on January 31, 2025. Staff is reviewing the filings to ensure that complete, satisfactory responses have been provided.

On January 23, 2025, applicant notified staff by email that they will be submitting a revised Cultural Resources Report within the next four to six weeks. Staff needs the analyses and results of these excavations as soon as possible in order to incorporate the results into the Preliminary Staff Assessment (PSA). Tribal representatives have requested to review the results of the applicant’s Phase II excavations, the results of which will inform the ongoing consultation with staff regarding the identification,

evaluation, and potential mitigation measures to cultural and tribal cultural resources. In addition, the applicant will provide missing information about historic built environment resources in the report documenting the archaeological resources.

On January 27, 2025, staff inquired if the applicant wanted to seek incidental take authorization for the burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*), two species recently proposed for listing by CDFW. On January 29, 2025, the applicant notified staff that take coverage would be requested. To prepare the appropriate analysis, staff is requesting the applicant provide additional information that would typically be included in an Incidental Take Permit application. Staff emailed an informal data request on February 26, 2025, which will be filed to the docket.

On January 31, 2025, staff met with DSOD and the applicant to discuss whether the project's compensation reservoir meets the requirements of a jurisdictional dam under Water Code sections 6002 and 6003. Staff is continuing conversations with DSOD and the applicant, and awaiting additional information from the applicant, regarding the reservoir.

On February 7, 2025, staff met with Lahontan RWQCB to discuss the applicant's data request response to Data Requests Set 6 and project timelines, including time needed to review and prepare waste discharge requirements for the proposed evaporation pond under Title 27 of the California Code of Regulations once adequate information is received. On February 19, 2025, the Lahontan RWQCB provided a letter with their determination that the applicant's response is incomplete or insufficient and outlined outstanding information needed for review. This letter was filed to the docket on February 24, 2025 (TN 261932).

Staff is preparing the PSA. However, the timelines for receiving the necessary information to finalize the PSA, addressing the Lahontan RWQCB's requested information, DSOD information, and coordinating with partner agencies, including the Lahontan RWQCB, CDFW, and DSOD collectively impact staff's ability to file a complete PSA for public review per the committee's scheduling order. Based on the factors outlined in this and previous status reports, staff anticipates requesting an extension of the due date to file the PSA.

Staff will continue to follow the directives of the Second Revised Committee Scheduling Order and provide regular updates to the Committee.