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Filer:	Jeffery D. Harris
Organization:	Climate Edge Law Group
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**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification of the
Willow Rock Energy Storage Center

Docket No. 21-AFC-02

APPLICANT'S OPPOSITION TO CEC STAFF MOTION

Jeffery D. Harris
Samantha G. Neumyer
Climate Edge Law Group
3000 El Camino Real
Building 4 Suite 400
Palo Alto, CA 94306
jharris@celawgroup.com
samantha@celawgroup.com

Attorneys for Applicant

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APPLICANT’S OPPOSITION TO CEC STAFF MOTION

Pursuant to Section 1211.5 of the California Energy Commission’s (“CEC’s”) Rules of Practice and Procedure¹ and Committee’s *Third Revised Scheduling Order*,² GEM A-CAES, LLC (“Applicant”) hereby files this opposition (“Opposition”) to CEC Staff’s *Motion Seeking a New Scheduling Order* (“Staff Motion” or the “Motion”).³ The Staff Motion requests that the Committee delay several critical deadlines set forth in the *Third Revised Scheduling Order*, including the publication deadlines for both the Preliminary Staff Assessment (“PSA”) and Final Staff Assessment (“FSA”).

Maintaining schedule in this proceeding is critical to ensure that the Willow Rock Energy Storage Center (“WRESC” or the “Project”) is available to meet the California Public Utilities Commission’s Mid-Term Reliability procurement mandates to support grid reliability,⁴ commence construction in 2025 so ratepayers will benefit from the Inflation Reduction Act Investment Tax Credits that apply to the project, and retain the conditional commitment for a \$1.76 billion loan guarantee from the U.S. Department of Energy.

The Applicant does not agree with the requested delay because, as discussed below, the CEC Staff has a sufficient evidentiary record to produce the PSA. Further, to the extent that additional information is necessary for its analysis, the *Third Revised Scheduling Order* provides

¹ As set forth in Title 20, Division 2, Chapter 2 of the California Code of Regulations (“C.C.R.”).

² TN#: 262562.

³ TN#: 262571.

⁴ CPUC, Decision Requiring Procurement to Address Mid-Term Reliability (2023-2026) (D. 21-06-035), R. 20-05-003 (June 30, 2021); Decision Ordering Supplemental Mid-Term Reliability Procurement (2026-2027) and Transmitting Electric Resource Portfolios to California Independent System Operator for 2023-2024 Transmission Planning Process (D. 23-02-040), R. 20-05-003 (February 28, 2023).

clear direction in Ordering Paragraph 2 as to how this information should be identified and addressed in the April 16, 2025, PSA.⁵

The Staff Motion does not provide sufficient explanation as to why the PSA publication date of April 16, 2025 cannot be met. The *Third Revised Scheduling Order* articulates the steps that should be taken if further information is needed to complete any resource analysis. As demonstrated below, there is no basis for delay in accordance with the terms of the *Third Revised Scheduling Order*. For the reasons set forth herein, the Applicant requests the Committee deny the Staff Motion and maintain the deadlines for the proceedings, including a Final Decision in November 2025, as set forth in the *Third Revised Scheduling Order*.

I. ORDERING PARAGRAPH 2 OF THE COMMITTEE’S ORDER PROVIDES A PATH FORWARD TO AN APRIL 16, 2025 “PRELIMINARY” STAFF ASSESSMENT

The Committee in this proceeding on its own accord and initiative filed the *Third Revised Scheduling Order*. Ordering Paragraph 2 of the *Third Revised Scheduling Order*, reiterated in the Committee’s Notice of Status Conference,⁶ provides a clear path forward to an April 16, 2025 Preliminary Staff Assessment:

The CEC Staff shall publish the Preliminary Staff Assessment and Final Staff Assessment no later than 5:00 p.m. on [April 16, 2025 and May 30, 2025 respectively]. If the Staff lacks sufficient information to complete any resource analysis, the discussion in the assessment shall identify what is missing, describe the chronology of Staff’s attempts to obtain the information, and explain the impact of the missing information on Staff’s ability to determine whether there are significant impacts from the project or mitigation to lessen the impacts to a level below significant.⁷

This path is the CEC’s standard AFC process and keeps this critical long duration storage project on schedule.

The document at issue here is a “Preliminary” Staff Assessment. It is the first document to be produced, post-Discovery. It is not the functional equivalent of a “Draft” EIR. It is not Staff’s final “Testimony” in this proceeding. The PSA is the preliminary version of Staff’s

⁵ TN#: 262562, Ordering Paragraph 2.

⁶ TN #: 262592.

⁷ *Id.*

independent report, the Final Staff Assessment (“FSA”), that examines, among other items, a project’s environmental effects, proposed mitigation measures, and compliance with applicable LORS.⁸ The Final Staff Assessment, incorporating comments from the Parties and the Public, will serve as the Staff’s Testimony.⁹

As the Committee notes, “The dates for the Evidentiary Hearing and other key procedural dates [like the PSA publication date] were set to provide certainty about the schedule.” Ordering Paragraph 2 of the *Third Revised Scheduling Order* provides the path and the certainty to ensure the preservation of the State’s interests in this important Project while also facilitating a rigorous, legally sound public process in the public interest.

II. EVEN IF YOU ACCEPT THE INFORMATION “NEEDS” STAFF ASSERTS IN ITS MOTION, CEC STAFF HAS HAD THE INFORMATION THEY REQUESTED FOR MORE THAN 30 DAYS BEFORE THE ORDERED APRIL 16, 2025 PSA PUBLICATION DATE

The Motion asserts that the Staff cannot meet the April 16, 2025 Ordered PSA Deadline because they “need” information related to the Division of Dam Safety (“DSOD”) application, an Incidental Take Permit application, Cultural and Tribal Resources report, and the evaporation pond removed to avoid potential impacts. As discussed below, Staff has this information and will have had it for more than a month before the Ordered April 16th PSA Publication date.

III. THE DESIGN OF THE HYDROSTATICALLY COMPENSATING SURFACE RESERVOIR HAS NOT CHANGED

On March 1, 2024, the Applicant submitted a Supplemental Application for Certification (“SAFC”) for the WRESC. The SAFC describes the design of the hydrostatically compensating surface reservoir. That design remains unchanged.

Throughout the time the Applicant has proactively engaged with the Staff, the public, and other agencies, the design of the compensating reservoir set forth in the SAFC has not changed. The SAFC included the expectation that the reservoir would not be subject to the jurisdiction of the Division of Safety of Dams (“DSOD”) because the height of the berms and quantity of water stored between the maximum water elevation and the outside toe of the berm did not meet the

⁸ 20 C.C.R. § 1742.

⁹ *Id.*

statutory definition of a jurisdictional dam.¹⁰ This was, and remains, a reasonable reading of the California Water Code, which was never intended to apply to Advanced Compressed Air Energy Storage (“A-CAES”) facilities. The Applicant consulted with DSOD following submission of the SAFC to confirm that the reservoir would be non-jurisdictional.¹¹

During this consultation, the Applicant was informed that the design would likely, in DSOD’s view, be deemed jurisdictional due to their interpretations of the technical definitions employed by the DSOD.¹² DSOD did not issue a formal jurisdictional determination, and the Applicant continues to appreciate DSOD Staff’s efforts to bring these issues to resolution. The Staff needs no additional information related to the reservoir as the design has not changed.¹³

IV. THE APPLICANT PROPOSED A CONDITION OF CERTIFICATION TO ADDRESS DSOD DESIGN CRITERIA IN THE PSA

The Commission, not DSOD, is the lead agency responsible for compliance with CEQA. DSOD’s role is that of an agency that the Commission will consult with during the CEC’s application process as well as during the post-approval phase. The Application’s environmental review is within the Commission’s responsibilities. Consistency with DSOD’s design criteria is a post-Certification detailed engineering review matter, not an environmental impact review matter. Post-Certification, the CEC also has the role of ensuring the project will be built in compliance with applicable LORS, like the California Building Code (the “Building Code”).

The Commission ensures compliance with the Building Code post-Certification by a series of engineering Conditions, standard “GEN” conditions, like GEN-1. The Project’s compliance with the Building Code is always a post-Certification, or colloquially, post-approval process. Satisfaction of DSOD’s design criteria should proceed post-Certification, just like compliance with the Building Code.

The DSOD jurisdictional question has reportedly been a matter of close coordination between CEC Staff and DSOD. On January 13, 2025, CEC Staff issued a data request for information regarding DSOD jurisdiction.¹⁴ On January 27, 2025, the Applicant timely

¹⁰ TN#: 254805, p. 5.15-18.

¹¹ TN#: 261314, p. 2.

¹² TN#: 261314, p. 2.

¹³ It is also unclear why Staff did not make any additional information requests during the Committee Ordered Discovery periods from July 16, 2024 through January 13, 2025.

¹⁴ TN#: 261072, pp. 2-3.

responded to CEC Staff's data request describing the ongoing consultations with DSOD and confirming that the reservoir would be constructed in compliance with all applicable laws, ordinances, regulations, and standards.¹⁵ While the Applicant and DSOD took no formal positions on whether A-CAES projects are even within the class of projects subject to DSOD jurisdiction, the Applicant's ultimate priority is to ensure that the facility is designed and operated safely, reliably, and in compliance with all applicable LORS. Therefore, the Applicant has been working closely with both DSOD and CEC Staff to respond to requests for information and ensure that DSOD's engineering review process is appropriately integrated into this AFC proceeding in accordance with the Committee's Order.¹⁶

To resolve these issues, the Applicant proposed a post-approval Condition of Certification that would, like the Building Code process, allow for DSOD's design review to occur during the post-approval process. Just like Building Code approval, DSOD approval could occur post-Certification, without any injury or prejudice to the processes.

In an information exchange, Counsel for the Applicant shared the proposed DSOD Condition of Certification, on March 13, 2025, proposing to use the draft condition language or similar language for a Condition of Certification for DSOD's LORS analyses. Applicant has followed up with offers to meet with CEC Staff and DSOD to discuss the Condition approach.

The Committee Ordered April 16, 2025 PSA offers a perfect forum for the Staff to accept, reject, or modify the Condition of Certification approach, following the Commission's clear guidance in Ordering Paragraph 2 of the *Third Revised Scheduling Order*.

V. FILING A SECOND STATE LAW APPLICATION WITH DSOD IS INCONSISTENT WITH THE COMMISSION'S EXCLUSIVE SITING JURISDICTION

The Commission has exclusive state law siting jurisdiction over thermal powerplants. The Commission made a determination years ago that this A-CAES project is within the Commission's exclusive State Law jurisdiction. The filing of a second application with DSOD or any other state agency is inconsistent with the Commission's exclusive jurisdiction.

¹⁵ TN#: 261314, p. 2.

¹⁶ TN#: 261314, p. 2.

The Staff has proposed that WRESC also file a DSOD application. Staff's most recent post-Discovery information requests of April 2, 2025, requests the filing of such a second State Law application:

122a. Using the document titled "Outline of Procedure for the Construction or Enlargement of Dams and Reservoirs within State Jurisdiction" (Instructions) [link deleted] and "Application for Approval of Plans and Specifications for the Construction or Enlargement of a Dam and Reservoir" DWR 3 (Rev. 11/21) [link deleted] provide a completed Application Form to both CEC and DSOD.¹⁷

As a matter of law, the Commission has exclusive State Law authority. To delay this SAFC to require the Applicant to submit a second application for a process that is preempted by the Commission is inconsistent with the Commission's exclusive state law jurisdiction.

VI. THE STAFF HAS THE INCIDENTAL TAKE PERMIT APPLICATIONS REQUESTED TO PREPARE THE PSA

Staff has suggested that it cannot proceed without a California Department of Fish and Wildlife Incidental Take Permit Application for the Crotches Bumble Bee and the recently-listed Candidate species, the Burrowing Owl.

The Applicant has provided the Incidental Take Permit Applications requested in the form requested, a CDFW application. Staff has the Incidental Take Permit Applications, filed in October of 2024 for bumble Bee¹⁸ and the recently listed candidate species, the owl as well.¹⁹

VII. THE APPLICANT HAS PROVIDED THE INFORMATION ON CULTURAL AND TRIBAL RESOURCES TO ALLOW FOR THE PUBLICATION OF THE PSA

With respect to Cultural and Tribal resources, the Applicant provided CEC Staff with a technical memorandum to facilitate preparation of the PSA. CEC Staff indicated on March 7, 2025 that only a "couple of holes" needed to be plugged in the PSA, and on March 11, 2025, CEC Staff further stated that it had enough information. With the provision of the Phase II

¹⁷ TN #: 262563.

¹⁸ TN #: 259736: Attachment DR95-1.

¹⁹ TN #: 262196.

Testing Report on March 17, 2025, there is no outstanding information relating to tribal and cultural resources.

In terms of CEC precedent, PSAs have been regularly issued with “indeterminate” findings for subject areas relating to the environmental analysis or LORS consistency determination pending the receipt of additional information or completion of review by other agencies to make a determination regarding LORS consistency.²⁰ The *Third Scheduling Order* is consistent with past practice at the CEC in ordering publication of the PSA even if CEC Staff cannot make a determinate conclusion or requires additional information. This project should not be treated differently from other projects.

With respect to Cultural and Tribal Cultural Resources, and, more specifically, the Phase II Testing Plan, the Applicant worked extensively with CEC Staff and Tribal representatives to ensure that Tribal feedback and guidance were incorporated into both the plan and the fieldwork. On June 17, 2024, the Applicant docketed a Phase II Testing Plan.²¹ On July 26, 2024, CEC Staff issued a series of data requests relating to the Phase II Testing Plan.²² On August 23, 2024, the Applicant responded to the data requests, noting its close coordination with Tribal representatives and CEC Staff to revise the Phase II Testing Plan.²³ The Applicant noted that all changes to the Phase II Testing Plan within its control had been incorporated, and that a final Phase II Testing Plan would be docketed following receipt of input from Tribal representatives.²⁴

On November 7, 2024, the Applicant submitted a Final Phase II Testing Plan to CEC Staff prior to an in field kick-off meeting with Tribal representatives and CEC Staff.²⁵ During the meeting, Tribal representatives provided additional clarity and input regarding the Final Phase II Testing Plan, specifically the treatment of finds.²⁶ Comments and guidance from Tribal representatives were incorporated into the Final Phase II Testing Plan and resubmitted to CEC Staff for review and comment on November 21, 2024.²⁷ Fieldwork commenced in December

²⁰ For example, see Alamitos Energy Center (13-AFC-01), Preliminary Staff Assessment, Executive Summary-Table 1, p. 1-7 (TN#: 2122840); Huntington Beach Energy Project (12-AFC-02) Preliminary Staff Assessment Part A, Executive Summary-Table 3, p. 1-9 (TN#: 200828); Mission Rock Energy Center (15-AFC-02), Preliminary Staff Assessment, Executive Summary Table 1, p. 1-7 (TN#: 221860).

²¹ TN#: 257813.

²² TN#: 258088.

²³ TN#: 258681.

²⁴ TN#: 258681, pp. 2-6.

²⁵ Declaration of L. Lees, Paragraph 5.

²⁶ Declaration of L. Lees, Paragraph 6.

²⁷ Declaration of L. Lees, Paragraph 7.

2024.²⁸ Additional comments from CEC Staff were incorporated into the Phase II Testing Plan, and a revised version submitted to CEC Staff on November 25, 2024.²⁹ Fieldwork commenced in November 2024 for non-tribal resources.³⁰ Fieldwork under the approval Final Phase II Testing Plan commenced in December 2024.³¹ The Applicant provided updates upon request regarding the fieldwork to CEC Staff.³²

On January 23, 2025, the Applicant provided CEC Staff with a technical memorandum summarizing the cultural resources field work to date to facilitate CEC Staff's preparation of the PSA.³³ On March 7, 2025, CEC Staff requested an updated memorandum to complete the PSA.³⁴ On March 10, 2025, the Applicant requested clarification as to the specific information needed to complete the PSA.³⁵ On March 11, 2025, CEC Staff responded that an updated memorandum was no longer needed, that CEC Staff had the information, and that CEC Staff could wait for the final report.³⁶

As these facts demonstrate, Cultural and Tribal resource information needs have been satisfied, and the PSA should proceed on schedule as ordered by the Committee.

VIII. THE APPLICANT HAS REMOVED THE EVAPORATION POND, DESPITE THERE BEING NO EVIDENCE OF ANY POTENTIALLY SIGNIFICANT EFFECTS

On February 24, 2025, forty-two (42) days after the January 13, 2025 Committee Ordered Close of Discovery, the CEC Staff docketed Lahontan Regional Water Quality Control Board comments on Applicant's Response to Data Set 6, Attachment DR 121-1.³⁷

Of significance, the post-Discovery discussion of the evaporation pond did not produce evidence of any potentially significant effects. The issue was instead potential for delay. Specifically, having been told on March 13, 2025, that these late-filed Discovery requests might endanger the release of the PSA as ordered, the Applicant began working diligently to take this

²⁸ Declaration of L. Lees, Paragraph 8.

²⁹ Declaration of L. Lees, Paragraph 7.

³⁰ Declaration of L. Lees, Paragraph 8.

³¹ Declaration of L. Lees, Paragraph 8.

³² Declaration of L. Lees, Paragraph 9.

³³ Declaration of L. Lees, Paragraph 10.

³⁴ Declaration of L. Lees, Paragraph 11.

³⁵ Declaration of L. Lees, Paragraph 12.

³⁶ Declaration of L. Lees, Paragraph 13.

³⁷ TN #: 261932.

new issue off the table to facilitate a timely PSA. On March 12, 2025, in response to Data Request 129, and an additional information exchange on March 6, 2025, the Applicant decided to remove the evaporation pond and reverse osmosis system as potential project design feature to prevent schedule delays. Instead, most water created from operations of the facility will be reused in the system immediately. If required, any volume will be hauled offsite to an appropriate treatment facility in compliance with all applicable laws, ordinances, regulations, and standards.³⁸ On March 17, 2025, the Applicant explained how the water would be handled, assuming conservatively a tank of 21,000 gallons with up to an additional 12.5 truck trips total per year during operations. The potential additional truck trips would be a de minimis increase (i.e., that would not affect the Air Quality and Transportation sections of the PSA).³⁹ On March 19, 2025, the Applicant provided Staff requested Air Quality calculations associated with the most conservative / worst case scenario of hauling 250,000 gallons of water offsite to a facility 27 miles away in Palmdale 13 times per year using Heavy Duty Diesel vehicles.⁴⁰

The timely and robust responses provided to newly raised issues between March 13 and March 19, 2025, provide the information Staff needs to issue the April 16, 2025 PSA.

IX. THE APPLICANT’S EFFORTS TO AVOID OR MINIMIZE POTENTIAL EFFECTS ARE NOT “CHANGES” TO PROJECT DESCRIPTION.

One of CEQA’s primary objectives is the avoidance or minimization of potential effects. Measures to avoid or minimize potential effects, even when those effects are already less than significant, are the hallmark of the CEC’s iterative process.

In this process, the project is deemed Data Adequate. Discovery ensues. After receipt of information, if the Staff deems an impact potentially significant, the CEC process provides two alternative means of resolution: (1) Staff and Applicant can agree to disagree and let the Committee decide in Evidentiary Hearings whether an effect is significant or whether the Applicant’s proposal avoids or minimizes those alleged potential effects; or (2), as preferred by

³⁸ TN #: 262349.

³⁹ *Id.*

⁴⁰ *Id.*

all, the Applicant can respond to Staff's preliminary determination by agreeing to measures to avoid or minimize those potential effects.

This second, preferred outcome -- the identification of issues and application of measures to avoid or minimize impact -- is one of the hallmarks of the Commission process that offers numerous public comment and participation avenues not afforded in the traditional CEQA process. When an Applicant provides additional information in response to Staff's preliminary determinations, offering avoidance and mitigation measures, this iterative process cannot be fairly characterized as "The applicant provided project changes to CEC staff..."⁴¹

The avoidance and minimization measures offered in the Applicants responses to Staff post-Discovery information requests are not "changes" to the Project Description. The responses to the Staff's request made in late January, February, March, and April are not "changes" to what remains a stable Project Description. As a matter of good public policy, the review process should not result in Applicants being placed in the position of "expect a delay if you do not consider an avoidance measure or expect a delay if you do."

CONCLUSION

On December 11, 2024, the Committee issued a scheduling order ("December 11th Order") recognizing the importance of schedule in this proceeding and specifically ordered a "modest acceleration of the schedule."⁴² The Committee's December 11th Order set "due dates for deliverables [and] key events", including the deadline for the last day for any party to request information in a data request, January 13, 2025.⁴³ The *Third Scheduling Order* confirms that "*no party has the delegated authority to override the Committee's Order.*"⁴⁴ The December 11th Order also ordered publication of the Preliminary Staff Assessment on March 13, 2025, and the Final Staff Assessment on May 28, 2025.⁴⁵

The Applicant has continually advocated for a reasonable schedule that both adheres to the rigorous environmental requirements of the Commission's certified regulatory program pursuant to the California Environmental Quality Act ("CEQA") and aligns with the statutory provisions of the Warren Alquist Act that require decisions on applications for certification to be

⁴¹ TN #: 262571, p. 2.

⁴² TN #: 260601.

⁴³ *Id.*

⁴⁴ TN#: 262562, p. 2.

⁴⁵ TN#: 260601, p. 6.

made in 12 months from “Data Adequacy,” in recognition of the important grid reliability and public benefits that projects such as the WRESC provide.⁴⁶

The Staff’s Motion instead calls for a twelve month process for the issuance of a Final Staff Assessment, the Staff’s portion of the proceedings, not a final Commission decision. The Project was deemed Data Adequate on July 16, 2024. The Staff’s Motion lists a release date for the Final Staff Assessment of July 16, 2025 – one year to the day from Data Adequacy.

Fortunately, there is an identified, more reasonable approach to schedule. Ordering Paragraph 2 of the Third Revised Scheduling Order provides the reasonable and timely path forward.

RELIEF REQUESTED

For the reasons stated in the Third Revised Scheduling Order and herein, the Committee should deny the Motion.

Dated: April 9, 2025

Respectfully Submitted,

CLIMATE EDGE LAW GROUP

By: _____
Jeffery D. Harris
Samantha G. Neumyer
jharris@celawgroup.com
samantha@celawgroup.com

Attorneys for Applicant

⁴⁶ Public Resources Code § 25540.6.

**DECLARATION OF LAUREL LEES IN SUPPORT OF
APPLICANT’S OPPOSITION TO CEC STAFF MOTION**

DECLARATION OF LAUREL LEES

I, Laurel Lees, declare as follows:

1. I am currently the Senior Director of Development-Permitting (North America) for Hydrostor, Inc. (“Hydrostor”). I have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I can and will competently testify to these facts.

2. My responsibilities include environmental and permitting activities relating to the Application for Certification (“AFC”) proceeding for the Willow Rock Energy Storage Project on behalf of Hydrostor’s affiliate, GEM A-CAES, LLC, the applicant in this proceeding (“Applicant”).

3. I am responsible for coordinating and overseeing the Applicant’s responses to information requests from California Energy Commission (“CEC”) Staff, including information and status update requests relating to the Cultural Resources Phase II Testing Plan and Cultural Resources Phase II Report.

4. In the fall of 2024, consultants to the Applicant organized an in-field meeting between Tribal representatives, CEC Staff, and subject matter experts for the Applicant to discuss implementation of the Cultural Resources Phase II Testing Plan.

5. On November 7, 2024, I directed Applicant’s team to submit the Final Phase II Testing Plan to the CEC Staff.

6. On November 12, 2025, I attended the in-field meeting, which was attended by Tribal representatives and technical subject matter experts for the Applicant relating to implementation of the Cultural Resources Phase II Testing Plan. At the in-field meeting, Tribal representatives provided direction and proposed revisions to the Cultural Resources Phase II Testing Plan, specifically the treatment of finds.

7. Following the in-field meeting, I directed the Applicant’s subject matter experts to incorporate the comments and guidance from Tribal representatives into the Cultural Resources Phase II Testing Plan. Following receipt of additional comments from CEC Staff, I also directed the incorporation of those comments into the Cultural Resources Phase II Testing Plan.

**DECLARATION OF LAUREL LEES IN SUPPORT OF
APPLICANT’S OPPOSITION TO CEC STAFF MOTION**

A revised, proposed final, version of the Cultural Resources Phase II Testing Plan was submitted to CEC Staff on November 25, 2024.

8. Fieldwork for non-tribal resources commenced on November 18, 2024. Remaining fieldwork conducted pursuant to the approved Cultural Resources Final Phase II Testing Plan commenced on December 2, 2024.

9. When queried about the status of fieldwork, I provided updates to CEC Staff, including on December 17, 2024, January 15, 2025, and January 23, 2025.

10. To facilitate CEC Staff’s work on the Preliminary Staff Assessment, the Applicant prepared a technical memorandum that described the results of the fieldwork, feedback from Tribal representatives, and potential minimization and mitigation measures in advance of the Cultural Resources Phase II Report. This technical memorandum was provided to CEC Staff on January 23, 2025. I also informed CEC Staff that a revised Cultural Resources Phase II report was anticipated in approximately four to six weeks.

11. On March 7, 2025, CEC Staff requested an updated memorandum to complete the PSA and “plug a couple holes.”

12. On March 10, 2025, I requested clarification as to the exact information needed.

13. On March 11, 2025, CEC Staff stated that an updated memorandum was no longer needed, they had sufficient information for now, and that they could wait for the Cultural Resources Phase II Report.

14. On March 17, 2025, I informed CEC Staff that the Cultural Resources Phase II Report would be docketed.

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Executed via my approved electronic signature this ninth day of April 2025.

/s/ Laurel Lees
Senior Director of Development-Permitting
North America
Hydrostor, Inc.