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October 3, 2023

**Via U.S. Mail and Email**

Steven E. White, Director  
Dept of Public Works and Planning  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721  
Email: [stwhite@fresnocountyca.gov](mailto:stwhite@fresnocountyca.gov)

Bernice E. Seidel  
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2281 Tulare St, Room 301  
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**Via Email Only**

Jeremy Shaw, Planner  
Email: [jshaw@fresnocountyca.gov](mailto:jshaw@fresnocountyca.gov)

**Via Online Portal**

<https://fresnocountyca.nextrequest.com/>

**Re: Request for Immediate Access to Documents Referenced in the Draft Environmental Impact Report – Key Energy Storage Project (CUP# 3734; SCH 2022070414)**

Dear Mr. White, Ms. Seidel, and Mr. Shaw:

We are writing on behalf of California Unions for Reliable Energy (“CURE”) to request ***immediate access*** to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report (“DEIR”) prepared for the Key Energy Storage Project (CUP# 3734; SCH 2022070414) proposed by Key Energy Storage, LLC. *This request excludes a copy of the DEIR and its appendices. This request also excludes any documents that are currently available on the County of Fresno’s website, as of today’s date.*<sup>1</sup>

The Project proposes the construction, operation, maintenance, and decommissioning of an energy storage facility that would store at least 3 gigawatts of energy. The Project site is located south of W. Jayne Avenue between I-5 and

<sup>1</sup> Accessed <https://www.fresnocountyca.gov/Departments/Public-Works-and-Planning/divisions-of-public-works-and-planning/development-services-division/planning-and-land-use> on October 2, 2023.

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South Lassen Avenue (State Route 269) in Fresno County (APN#s 085-040-58, 085-040-36, 085-040-37).

Our request for *immediate access* to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act (“CEQA”), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.<sup>2</sup>

We request access to the above records in their original form, as maintained by the agency.<sup>3</sup> Pursuant to Government Code Section 7922.570, if the requested documents are in electronic format, please upload them to a file hosting program such as Dropbox, NextRequest or a similar program. Alternatively, if the electronic documents are 10 MB or less (or can be easily broken into sections of 10 MB or less), they may be emailed as attachments.

We will pay for any direct costs of duplication associated with filling this request up to \$200. However, please contact me with a cost estimate before copying/scanning the materials.

Please use the following contact information for all correspondence:

**U.S. Mail**

Alex Stukan  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080-7037

**Email**

[astukan@adamsbroadwell.com](mailto:astukan@adamsbroadwell.com)

<sup>2</sup> See Public Resources Code § 21092(b)(1) (stating that “all documents referenced in the draft environmental impact report” shall be made “available for review”); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR . . . shall be readily accessible to the public”); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 (“[W]hatever is required to be considered in an EIR must be in that formal report. . .”), internal citations omitted.

<sup>3</sup> Gov. Code § 7922.570; *Sierra Club v. Super. Ct.* (2013) 57 Cal. 4th 157, 161-62.



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If you have any questions, please call me at (650) 589-1660 or email me at the address above. Thank you for your assistance with this matter.

Sincerely,



Alex Stukan  
Paralegal

AES:lj1



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