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Ensuring That The Darden Clean Energy Project Supports A Just Transition And Provides Meaningful Community Benefits

Additional submitted attachment is included below.



May 21, 2025

Governor Gavin Newsom
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715 P Street
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Vice Chair Siva Gunda
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Commissioner Noemí Otilia Osuna Gallardo
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Secretary Wade Crowfoot
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Commissioner J. Andrew McCallister, Ph.D.
California Energy Commission
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Commissioner Nancy Skinner
California Energy Commission
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Re: Ensuring That The Darden Clean Energy Project Supports A Just Transition And Provides Meaningful Community Benefits

Dear Governor Newsom, Secretary Crowfoot, and Commissioners:

We write in support of meaningful community benefits and a just energy transition from

agricultural lands to clean energy production. Specifically, we urge the California Energy Commission (CEC) to ensure that the Darden Energy Project (Project) advances energy equity by investing in community priorities and mitigating impacts on nearby disadvantaged communities. As the first project likely to complete AB 205 (2022) opt-in permitting, the CEC's oversight of this Project has the potential to either set the stage for an equitable just transition or, conversely, to continue patterns of disinvestment in low-income communities of color.

In its [Justice Access Equity Diversity Inclusion \(JAEDI\) Framework](#), the CEC adopted principles of just transition,¹ energy equity,² and racial justice.³ These mirror similar commitments made by Governors Brown and Newsom as part of the clean energy transition.⁴ And, they also follow the codification of environmental justice principles.⁵

The CEC now has its first opportunity to put these commitments into action as part of the new opt-in permitting process by ensuring that the Darden Clean Energy Project includes both effective mitigation and meaningful benefits to the disadvantaged communities most impacted by the Project.

The communities nearest to the Darden Project (Cantua Creek, Five Points, and El Porvenir) recently formed Comunidades de Westside (Comunidades) to advocate for the overall health and well-being of their communities, including equitable energy policy, programs, and investments that protect public health, prevent climate change, and reduce risk of harm to residents. Comunidades thus represents the interests of three rural disadvantaged communities of color, which have long worked in, relied upon, and borne the impacts of the agricultural economy. The communities' inherent character is defined by resilience in the face of poor air quality, undrinkable and unaffordable water, extreme heat, disinvestment, and lack of access to opportunity.

Now, the CEC is considering approval of one of the largest solar projects in the state, which would begin to transform west Fresno County from agriculture to clean energy production. Comunidades supports clean energy and the transition away from fossil fuels that pollute our air and water and cause climate change. At the same time, Comunidades expects that the state will

¹ See p. A-3 ["The transition away from fossil fuels to renewable energy to achieve a low-carbon regenerative economy that will remedy the injustices of the fossil-fuel energy system and extractive economy across multiple sectors."].

² See *Id.* ["Energy Equity recognizes the historical and cumulative burdens of the energy system borne by Tribes and Justice Communities and by Black, Brown, and Native people in particular. To eliminate these disparities, energy equity centers the voices of Tribes and Justice Communities in energy planning and decision-making and ensures the fair distribution of clean energy benefits and ownership. ..."].

³ See p. A-3 ["Racial equity is realized when race can no longer be used to predict life outcomes and outcomes for all groups are improved."].

⁴ See [Executive Order B-55-18](#), p. 8 ["All policies and programs undertaken to achieve carbon neutrality shall seek to improve air quality and support the health and economic resiliency of urban and rural communities, particularly low-income and disadvantaged communities."]; Governor Gavin Newsom, [Building The Electricity Grid Of The Future: California's Clean Energy Transition Plan](#) (May 2023) ["The state is positioned to simultaneously confront the climate crisis and build a more resilient, just, and equitable future for all communities..."].

⁵ See, e.g., Pub. Res. Code, § 30107.3 [defining environmental justice]; Health & Safety Code, § 116765 ["It is the intent of the Legislature that the State of California bring true environmental justice to our state and begin to address the continuing disproportionate environmental burdens in the state..."].

follow through on its stated commitment to energy equity, just transition, and racial justice.

Unfortunately, the Project as currently proposed falls short. As one example, while the Project includes a public benefits plan, it is supported by seven admittedly unenforceable donation agreements and one arguably enforceable contract that only commits the contractee to public support of the project without any guarantee that any benefits *at all* inure to residents.

To ensure that the Darden Project provides meaningful and direct community benefits⁶ and supports a just transition, the Project and community benefits plan must be modified to include community priorities, including:

- (1) Support utility affordability and reliability through electricity bill credits, solar for the communities' groundwater wells, and other measures.
- (2) Reduce impacts during construction, including by rerouting traffic during construction and operations so that 180 additional trucks and 1,186 personal vehicles do not pass through Five Points every day.
- (3) Provide community-identified upgrades to homes, community spaces, and green spaces.
- (4) Fund local fire service near the project site, which currently takes up to 45 minutes to respond, to mitigate additional fire risk from batteries.
- (5) Ensure that community residents have access to adequate clean transportation.
- (6) Include transparent access to information and data throughout construction and operations, including but not limited to air quality monitoring in nearby communities.

These measures are all reasonable and implementable, just as they are necessary to ensure that the requirements and intent of AB 205⁷ are met. Moreover, it may be possible to implement all or a portion of these community priorities through the Developer's existing community benefits plans and/or through a return-to-source agreement that ensures that tax revenue generated from the Project is spent in the communities closest to the Project.

We look forward to working with the Administration, CEC Commissioners and staff, and the Project developer to ensure that the Project provides meaningful community benefits and supports a just transition.

Sincerely,

⁶ The Department of Conservation recently adopted an excellent definition of meaningful benefit which the CEC should consider in implementing its own programs, including the AB 205 opt-in permitting program. (See Multi-Benefit Land Repurposing Program, [Round 2 Guidelines](#), Appx. E.)

⁷ See, e.g., Committee Analysis re AB 205, Senate Committee on Budget and Fiscal Review (June 22, 2022) ["Allows specified clean energy projects to seek consolidated permitting at the CEC by June 30, 2029, if they adhere to specified labor standards, including the use of skilled and trained workforce, and *provide community benefits*, as specified."] [emphasis added]; Senate Floor Analysis re AB 205 (June 29, 2022) [same]; Assembly Floor Analysis re AB 205 (June 29, 2022) [same].

⁸ On April 21, 2025, Leadership Counsel for Justice and Accountability and Central California Environmental Justice Network submitted a comment letter in response to the Darden Clean Energy Project Staff Assessment and Draft Environmental Impact Report. The letter highlighted the concerns of Comunidades. Unfortunately, the Updated Staff Assessment for the Darden Clean Energy Project, released on May 12, 2025, failed to adequately address these concerns.

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