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STATEMENT OF STAFF APPROVAL OF POST CERTIFICATION CHANGE

Mojave Solar Project (09-AFC-05C)

On December 20, 2024, Mojave Solar LLC. (project owner), filed a Post Certification Petition for changes in Project Design, Operation or Performance and Amendments to the Commission Decision (TN 260764) with the California Energy Commission (CEC) requesting to amend the Mojave Solar Project (MSP) Final Commission Decision (Final Decision).

The MSP is a 250-megawatt[1] (MW) solar electric generating facility certified by the CEC in September 2010 and began commercial operation in December 2014. The facility is located at 42134 Harper Lake Road in Hinkley, San Bernardino County.

DESCRIPTION OF PROPOSED CHANGE

The project owner is seeking approval to establish limited sharing of existing and proposed transmission infrastructure and existing onsite well water with the Overnight Solar Project (OSP), owned by Overnight Solar, LLC., a wholly owned subsidiary of Atlantica and affiliate of Mojave Solar, LLC.

MSP has proposed the following:

1. The construction of a 1.1-mile long 230 kilovolt (kV) generation interconnect (gen-tie) corridor that would run east, across the southern portion of the Alpha block, and connect to an existing gen-tie line located in the southern perimeter of Alpha substation. The connection will utilize a "T-Tap" intertie to provide a power interconnection for OSP; and
2. To supply OSP with groundwater for construction and operational purposes from wells Alpha-1 or Alpha-2. Groundwater used during the construction phase would be drawn from either the Alpha-1 or Alpha-2 wells and transferred to an adjacent temporary water tank to facilitate the delivery of water to the OSP site utilizing water trucks. The water tank would be located next to the selected well, within MSP site boundaries, in

1 On September 25, 2024, the project owner filed an addendum (MSP 2024b) to another active petition to amend for MSP (MSP 2023) to construct two new permanent surface impoundments (or evaporation ponds), to revise MSP's project description MW output reflecting the actual maximum power output, from 250 MW to 275 MW, as included in a 2015 amendment to Large Generator Interconnection Agreement (LGIA).

an existing graded paved area; therefore, no ground disturbance is required to accommodate the temporary water tank (MSP 2024a).

3. Provide groundwater to OSP for fire suppression and routine solar panel maintenance purposes during OSP's operational phase. Like the construction phase, groundwater would be pumped from either Alpha-1 or Alpha-2 wells, then transported and contained on the OSP site in a water tank located near OSP's main entrance, in the southeast corner of the OSP site (OSP FEIR 2025).

To access the petition to amend, go to the CEC's project webpage, https://www.energy.ca.gov/powerplant/solar-thermal/mojave-solar-project-abengoa. In the box labeled "Compliance Proceeding" click on the Docket Log (09-AFC-05C) and locate the petition by the transaction number noted above.

CEC STAFF REVIEW AND CONCLUSIONS

California Code of Regulations, title 20, section 1769(a)(1) requires a project owner to petition the CEC for the approval of any change the project owner proposes to the project design, operation, or performance requirements of a certified facility. Pursuant to 1769(a)(3)(A), the petition may be approved by CEC staff (staff) only if the following criteria are met:

i. There is no possibility that the change may have a significant impact on the environment, or the change is exempt from the California Environmental Quality Act;

ii. The changes would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards (LORS); and

iii. The changes will not require a change to, or deletion of, a condition of certification adopted by the Commission in the Final Decision or subsequent amendments.

Staff reviewed the petition for potential environmental effects and consistency with LORS. Staff's conclusions for all technical and environmental areas are summarized in **Table 1**.

In addition, to ensure MSP complies with the applicable conditions of certification (COCs) included in staff's analysis for this petition, MSP is required to submit monthly "Compliance Verification Submittals" as required by **COMPLIANCE-3** for all applicable COCs and a "Pre-Construction Matrix and Tasks" for the applicable COCs discussed in this document, prior to the start of construction, as required by **COMPLIANCE-4.**

Verification of compliance with COCs can be accomplished by submitting monthly compliance reports, filed by the project owner or authorized agent, reporting on work done and providing pertinent documentation, as required by specific COCs.

A cover letter is required for the monthly submittals and correspondence pertaining to compliance reporting for the project change. Last, prior to commencing construction, a compliance matrix addressing only those conditions that must be fulfilled before the start of, and during construction, shall be submitted by the project owner, or representative of, to the CPM. This matrix will be included with the MSP's first compliance submittal and included in the monthly report until the project change has commenced.

TABLE 1
Summary of Conclusions for all Technical and Environmental Areas

Technical Areas Reviewed	CEQA				Conforms with applicable LORS
	Potentially Significant Impact	Less Than Significant Impact with Mitigation (with Revised or New COCs)	Less Than Significant Impact (with or without Existing COCs)	No Impact	
Air Quality			X		X
Biological Resources			X		X
Cultural Resources			X		X
Efficiency				X	
Facility Design					X
Geological and Paleontological Resources			X		X
Hazardous Materials Management			X		X
Land Use				X	X
Noise and Vibration				X	X
Public Health			X		X
Reliability					
Socioeconomics			X		
Soil and Water Resources			X		X
Traffic and Transportation			X		X
Transmission Line Safety and Nuisance			X		X
Transmission System Engineering					X
Visual Resources			X		X
Waste Management				X	X
Worker Safety and Fire Protection			X		X

Areas shown in gray are not subject to CEQA consideration or have no applicable LORS the project must comply with.

Staff has determined that the modified project would continue to comply with applicable LORS, and the project change would not result in any significant adverse environmental impacts or require a change to any COCs. The basis for each of staff's conclusions are provided below:

AIR QUALITY

The construction of the transmission corridor would result in emissions from the vehicles and fugitive dust. However, these emissions would be classified as short term. Existing COCs **AQ-SC1** through **AQ-SC5** in the Decision, which address all project construction activities, would continue to apply to the proposed project change.

In addition, any construction equipment used for the proposed project change would be temporary and stationary source air permits would not be required through the local air district. Any diesel equipment used would still be required to meet the State of California diesel equipment requirements. As applicable, the diesel equipment used would need to be registered through the Statewide Portable Equipment Registration Program or Diesel Off-road On-line Reporting System and associated equipment permits would be retained onsite.

The construction of the transmission corridor is not associated with a change in operational emissions from the project, and therefore, does not cause any additional air quality impacts during operation. With the existing COCs, the project would continue to comply with all applicable air quality LORS and construction related impacts would be mitigated to less than significant.

BIOLOGICAL RESOURCES

The proposed project modifications and equipment staging would occur within the existing MSP site boundary, in previously disturbed and developed areas used for current facility operations. While the project modifications would include ground disturbance, no vegetation removal would be required. Construction activities would be entirely within the existing desert tortoise fencing and not take place near any sensitive habitat. However, potential impacts to individual special-status species may still occur during construction, as both burrowing owl (*Athene cunicularia*) and desert kit fox (*Vulpes macrotis*) have been documented within the fenced site. Although recent surveys conducted in spring 2025 found no suitable burrows, shelter sites, or live burrowing owls within the proposed gen-tie alignment or 200-meter survey buffer, burrowing owl is known to occur on site, including documentation of an active burrow in 2025. The new gen-tie line could pose a collision risk to special-status and migratory bird species during operation.

Construction activities would also result in increased traffic along Harper Lake Road, which is adjacent to critical habitat for the federally and state listed threatened desert tortoise (*Gopherus agassizii*) and within the Bureau of Land Management Superior–Cronese Desert Wildlife Management Area. Although portions of the road are fenced, there are known gaps in the desert tortoise exclusion fence that could allow desert tortoise onto the roadway, increasing the risk of wildlife-vehicle collisions during construction.

During coordination with staff, the U.S. Fish and Wildlife Service (USFWS) concluded that construction of the proposed gen-tie line would not result in significant effects to the federally threatened desert tortoise due to its location, lack of recent tortoise records, the presence of exclusion fencing, and ongoing management measures for common raven subsidies (USFWS 2025). As a result, the construction of the OSP gen-tie line does not require coverage under the proposed federal Incidental Take Permit (ITP) for the OSP and does not trigger reinitiation of formal consultation for the MSP under Section 7 of the federal Endangered Species Act. In addition, management measures to minimize common raven (*Corvus corax*) subsidies are in place and will continue to be implemented to reduce the risk of raven predation on juvenile desert tortoises, per existing COC **BIO-18** in the Commission Decision (USFWS 2025).

Existing COC **BIO-13**, which requires implementation of the approved Burrowing Owl Monitoring and Mitigation Plan, would not apply because the OSP project owner would be covered under a state ITP to be issued by California Department of Fish and Wildlife (CDFW). The ITP would authorize activities that may result in take of burrowing owl, including construction of the gen-tie line within the MSP site. In April 2025, Atlantica submitted an updated ITP application to CDFW for the OSP to include construction of the gen-tie interconnection within the MSP footprint, in addition to the OSP project site.

The final Environmental Impact Report (EIR) was issued by San Bernardino County in April 2025. Once San Bernardino County issues the Conditional Use Permit, CDFW may issue an ITP to the OSP project owner authorizing incidental take for burrowing owl during OSP construction activities within the MSP site. The ITP would also cover use of internal roads by OSP/MSP staff for groundwater transport during construction. OSP would be required by CDFW to implement the avoidance and minimization measures included in the ITP during construction. The MSP project owner would need to submit a copy of the final ITP for the OSP to the CEC Compliance Project Manager (CPM), as required by COC **BIO-6**. All relevant avoidance and minimization measures in the ITP must be included as an addendum to the MSP Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and implemented by MSP during OSP construction activities on the MSP site.

Implementation of the existing Biological Resources COCs, including **BIO-1** through **BIO-8**, **BIO-14**, **BIO-18**, and **BIO-21** would mitigate impacts to biological resources

to a less-than-significant level. During construction the Designated Biologist shall submit record summaries of tasks in the MCR, per **BIO-2**. Construction and operation of the gen-tie line would follow bird-safe design standards consistent with existing COC **BIO-7**, Item 5. The OSP and MSP project owners would implement measures requiring compliance with APLIC guidelines to reduce the risk of bird electrocutions and collisions.

Therefore, with implementation of the applicable existing Biological Resources COCs the project would remain in compliance with all applicable LORS related to biological resources.

CULTURAL RESOURCES

The proposed project modifications entail constructing a 1.1-mile 230-kV gen-tie interconnection, installation of a temporary water tank, and temporary use of MSP's water wells. Staff review of the of the proposed modifications anticipates ground disturbances associated with construction of the gen-tie transmission line and approximately 11 new gen-tie poles. Two historic-era cultural resources (P-36-006557H, a farming and residential complex; and P-36-006558, a ranching farming, commercial, and residential complex) have previously been recorded in the proposed gen-tie corridor. Additionally, eight archaeological resources, consisting of historic-era dump and refuse scatters and Native American lithic materials, have been previously recorded in the proximity of the proposed gen-tie corridor. Project modifications are proposed in an area with a moderate to high potential for significant direct impacts on unknown buried Native American archaeological deposits.

Implementation of Cultural Resources COCs **CUL-1** through **CUL-7** would mitigate any impacts to cultural or tribal cultural resources to a less-than-significant level. With implementation of the existing Cultural Resources conditions of certification, the project would remain in compliance with all applicable LORS related to cultural and tribal cultural resources.

EFFICIENCY

The proposed construction of a gen-tie line to share the existing transmission line of MSPOSP to the grid, along with the use of MSP's wells with a temporary water tank to supply water for OSP's construction would not impact the power plant's efficiency. No LORS apply to power plant efficiency.

FACILITY DESIGN

Construction of the gen-tie line, temporary water infrastructure, and installation of water tank must be in accordance with the 2022 edition of the California Building Code. Implementation of the existing Facility Design COCs adopted in the CEC Decision and

construction compliance oversight by the CEC's delegate chief building official would ensure this compliance. The proposed project would comply with applicable LORS.

GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The MSP is proposing to construct a 1.1-mile gen-tie line, temporary water infrastructure, and water tank. Potential impacts from geologic hazards, and the project's impacts on geologic hazards would be mitigated by conformance of the construction and operation of the proposed project modification with the 2022 California Building Code, existing LORS, and existing COCs, including COCs **CIVIL-1**, **CIVIL-2**, **GEN-1**, **GEN-5, SOIL & WATER-1, SOIL & WATER-2, SOIL & WATER-3,** and **TSE-2**. With mitigation, the impact of geologic hazards on the proposed project modification, and the impact of the proposed project modification on geologic hazards, would be less than significant.

Cuts into undisturbed native materials below a depth of 2 feet have a high potential to encounter paleontological resources. To mitigate potential impacts on paleontological resources, construction and operation of the proposed project modifications must comply with existing LORS and Paleontological Resources COCs **PAL-1** through **PAL-7**. With mitigation, the proposed project modification would have a less than significant impact on paleontological resources.

HAZARDOUS MATERIALS MANAGEMENT

The proposed construction of a 1.1 mile 230-kilovolt gen-tie between the southern portion of the MSP site and existing gen-tie line located at the MSP substation, and construction of temporary water tanks would not use extremely hazardous materials during construction. The only hazardous materials used during the construction phase would be paints, cleaners, solvents, gasoline, motor oil, welding gases and lubricants. Hazardous materials would be stored, handled, and used in accordance with applicable LORS. When not in use, any hazardous materials would be stored in designated construction areas in compliance with LORS. Compliance with applicable LORS and existing COCs would ensure that impacts related to hazardous materials management would be less than significant. Therefore, the proposed project modification would not have a significant impact on the offsite public or the environment.

LAND USE

The petition to amend requests the shared use of groundwater for OSP dust abatement during construction and for solar panel maintenance and fire suppression during project operation. It also requests the CEC's authorization for OSP to utilize MSP's existing utility infrastructure to allow for the construction of a new gen-tie line on the MSP site to facilitate a T-Tap interconnection with the OSP project.

MSP proposes to construct a 230 kV gen-tie corridor, approximately 1.1-miles long, that would run east across the southern portion of Alpha Block and connect to an existing gen-tie line located at the south of Alpha substation.

The gen-tie corridor located on the MSP site is currently zoned as Rural Living (RL) in the San Bernardino General Plan. While the County's Development code section 82.04.040 determines that renewable energy-generating facilities are allowed in the RL-zoned land with a conditional use permit (CUP), the County Board of Supervisors adopted an amendment to the Renewable Energy and Conservation Element (RECE) of the Countywide Plan/Policy Plan on February 28, 2019 to include Renewable Energy (RE) Policy 4.10, which prohibits utility scale renewable energy developments on lands zoned RL or on lands located within the boundary of an existing community plan (SBCRECE 2017).

Accordingly, the transmission line corridor on the MSP site to be utilized by OSP would undergo a Zoning Amendment so that it would not conflict with RE Policy 4.10 and would be rezoned from RL to Resource Conservation (RC) and redesignated from RL to Resource Land Management (RLM) in the Countywide Plan/Policy Plan.

With the change in zoning designation for the transmission line corridor from RL to RLM and the issuance of the CUP the proposed modifications would be consistent with RECE of the Countywide Plan/Policy Plan and therefore would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and the project would comply with LORS. For these reasons, there would be no land use impacts from the proposed shared facilities with OSP.

NOISE AND VIBRATION

The modification proposed in this petition would not increase noise at nearby residences. The operational noise would not be affected as a result of this petition to amend. Furthermore, the project would continue to meet operational noise requirements established in the Decision. Any noise generated during the construction of the gen-tie line and temporary water infrastructure would be temporary, intermittent, and consistent with the San Bernardino County noise requirements (San Bernardino County General Plan, Section 3.11). With implementation of the existing Noise COCs in the Decision, the proposed modifications would create a less-than-significant impact due to construction and operational noise. The proposed modification with all applicable LORS.

PUBLIC HEALTH

The construction of the transmission corridor would be for a short duration. Staff expects the public health impacts of construction would be less than significant. The

construction of the transmission corridor is not associated with project operation and would have no impact on public health. The project would continue to conform with the applicable LORS related to public health.

RELIABILITY

The modifications proposed in this petition would not affect the power plant's overall reliability.

SOCIOECONOMICS

Construction of the gen-tie line and installation of the water tanks at the existing MSP would require a total workforce of six to eight workers. Project construction would take approximately 38-days to complete (MSP 2025).

Once the gen-tie transmission line and water tank have been constructed it would be operated and maintained by existing MSP personnel and no permanent onsite staff would be required. There are no socioeconomics related LORS or conditions of certification applicable to the change, and there would be less than significant workforce-related impacts on population, housing, and public services.

SOIL AND WATER

This PTA proposes to share water supply and transmission lines with the proposed OSP adjacent to the MSP. According to the PTA, the OSP water demand during the 26-month construction period would be 200 acre-feet (AF). Per COC **SOIL & WATER-5**, total MSP annual water use must not exceed 2,160 acre-feet per year (AFY). Based on data reported by the project owner over the last ten years, MSP water use has remained below the COC **SOIL & WATER-5** threshold by 341 to 2,058 AFY and averaged 783 AFY. Therefore, the difference between typical MSP operational water use and the **SOIL & WATER-5** threshold would accommodate OSP construction water demand. The draft environmental impact report (DEIR) submitted to San Bernardino County indicates that the OSP operational water demand (11 AFY) would also be supplied by MSP groundwater production wells. Although this is not mentioned in the PTA, MSP has the capability to provide both construction and operational water supply for OSP and not exceed the COC **SOIL & WATER-5** threshold. Moreover, the Mojave Water Agency Watermaster, Jeffrey D, Ruesch, has stated that the proposed OSP total water demand is not a concern with respect to impacting the local groundwater basin (MSP 2025). In addition, CEC legal staff has determined that sharing water with OSP complies with COC **SOIL & WATER-5.** The modification would conform to applicable LORS related to soil and water resources and changes to the existing COCs would not be required.

TRAFFIC AND TRANSPORTATION

Vehicle trips generated by the installation of the new gen-tie line and water tanks would generate a maximum of 15 construction worker trips per day for a total of 570-trips over the construction period. An excavator, crane, two semi-flatbed trailers, 120-foot bucket truck, two cement trucks, and light vehicles would be required for placement of the transmission poles, pulling the transmission lines, and installation of the water tanks. Construction worker parking and laydown area would be within the MSP property (MSP 2025). Thus, the addition of the transmission gen-tie line and installation of the water tanks would generate a negligible number of trips and is expected to have a less-than-significant transportation impact. The temporary construction activities are estimated to take approximately 38 days to complete. Operations and maintenance of the MSP would remain unchanged.

Installation and operation of the proposed gen-tie line and water tanks would comply with COC **TRANS-2** "Traffic Control Plan", to obtain heavy haul permits from the applicable jurisdictions, as required.

The project would not conflict with local plans or ordinances addressing circulation; would not cause a significant increase in vehicle miles travelled in the area; and would not result in a substantial increase in hazards or inadequate emergency access. Therefore, potential transportation impacts would be less than significant, and the project would continue to comply with applicable LORS.

TRANSMISSION LINE SAFETY AND NUISANCE

MSP's petition to amend proposes shared use of MSP's existing generator line with the adjacent OSP project by constructing a new 1.1-mile OSP generator line on site, and a T-Tap interconnection to connect to MSP's generator line. The applicant proposes to build the new gen-tie line within the correct right-of-way (R/W) and with the transmission lines' proper clearance from the ground, in accordance with CPUC G.O.95 standards. Therefore, the addition of the new onsite 1.1-mile gen-tie line would not result in significant impacts related to Transmission Line Safety and Nuisance and the project would continue to comply with all LORS.

TRANSMISSION SYSTEM ENGINEERING

MSP's petition to amend proposes shared use of MSP's existing gen-tie line with the adjacent OSP project by constructing a new 1.1-mile OSP gen-tie line on site, and a T-Tap interconnection to connect to MSP gen-tie line.

Under the Large Generator Interconnection Agreement (LGIA) with Southern California Edison (SCE), the total net output capacity of the OSP would be 150 MW and the total charging capacity of the battery energy storage system (BESS) would be 160 MW.

OSP's new 1.1 mile-long 220 kV overhead gen-tie would tap the existing MSP 220 kV gen-tie that connects from the Alpha Substation to the SCE Sandlot Substation. The new 220 kV OSP gen-tie would be built with 2B-477 kilo circular mils (kcmil) aluminum conductor steel-reinforced (ACSR) overhead conductor.

The existing 220 kV gen-tie is not capable of carrying all the generation from MSP, OSP, and BESS. Therefore, the applicant should consider implementing a Remedial Action Scheme. This scheme will effectively curtail the excess generation when it exceeds the transmission line current carrying capacity, ensuring that the total net output of the OSP and BESS would not exceed 150 MW. This will provide a reliable and stable transmission system. The existing COC **TSE-6** ensures any impending changes and modifications that are necessary to comply with applicable LORS.

VISUAL RESOURCES

The project modification proposes to construct a 1.1 mile long 230-kV gen-tie interconnection and add a temporary water tank within the MSP site to accommodate the construction and operation of the OSP project. The new gen-tie line would require 11 new transmission poles measuring 95-feet tall and would be consistent with the design and specifications of the existing transmission line infrastructure.

The project is located on flat land in a rural area developed with large acreage solar thermal power generation facilities. There is no scenic resource designated or identified in the county General Plan in the vicinity of the project.

The project would be visually concordant with the existing character of the site and surrounding area. The project would not substantially degrade the existing visual character or quality of public views of the site and the surrounding utility transmission infrastructure; therefore, the project change would have a less than significant effect on the environment. The project would continue to conform with the applicable LORS related to Visual Resources.

WASTE MANAGEMENT

This PTA proposes to share water supply and transmission lines with the proposed OSP adjacent to the MSP. According to the PTA, the proposed modification would not result in increase in waste generation to MSP. Therefore, no impacts to waste management are expected. The modification would conform to applicable LORS related to waste management and no changes to the existing COCs would be required.

WORKER SAFETY AND FIRE PROTECTION

During the proposed construction of a 1.1 mile 230-kilovolt generation interconnect (gen-tie) between the southern portion of the MSP site and existing gen-tie line located at the MSP substation, and construction of temporary water tanks, continued

compliance with existing COCs **WORKER SAFETY-1** and **WORKER SAFETY-3** would ensure that the proposed project modification would comply with applicable LORS. Therefore, the proposed project modification would not have a significant impact on the worker health and safety or the offsite public.

CALENVIROSCREEN 4.0

Staff reviewed CalEnviroScreen 4.0 data to determine whether the United States census tract where the Mojave Solar Project is located (06071011600) is identified as a disadvantaged community. This science-based mapping tool is used by the California Environmental Protection Agency (CalEPA) to identify disadvantaged communities based on geographic, socioeconomic, public health, and environmental hazard criteria pursuant to Health and Safety Code section 39711 as enacted by Senate Bill 535 (De León, Chapter 830, Statutes of 2012). The CalEnviroScreen 4.0 overall percentile score for this census tract is 56.86 and, thus, is not identified as a disadvantaged community[1].

ENVIRONMENTAL JUSTICE

Environmental Justice Figure 1 shows 2020 census blocks in the six-mile radius of the Mojave Solar Project with a minority population greater than or equal to 50 percent. The population in these census blocks represents an environmental justice (EJ) population based on race and ethnicity as defined in the United States Environmental Protection Agency's *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*. Staff conservatively obtains demographic data within a six-mile radius around a project site based on the parameters for dispersion modeling used in staff's air quality analysis. Air quality impacts are generally the type of project impacts that extend the furthest from a project site. Beyond a six-mile radius, air emissions have either settled out of the air column or mixed with surrounding air to the extent the potential impacts are less than significant. The area of potential impacts would not extend this far from the project site for most other technical areas included in staff's EJ analysis.

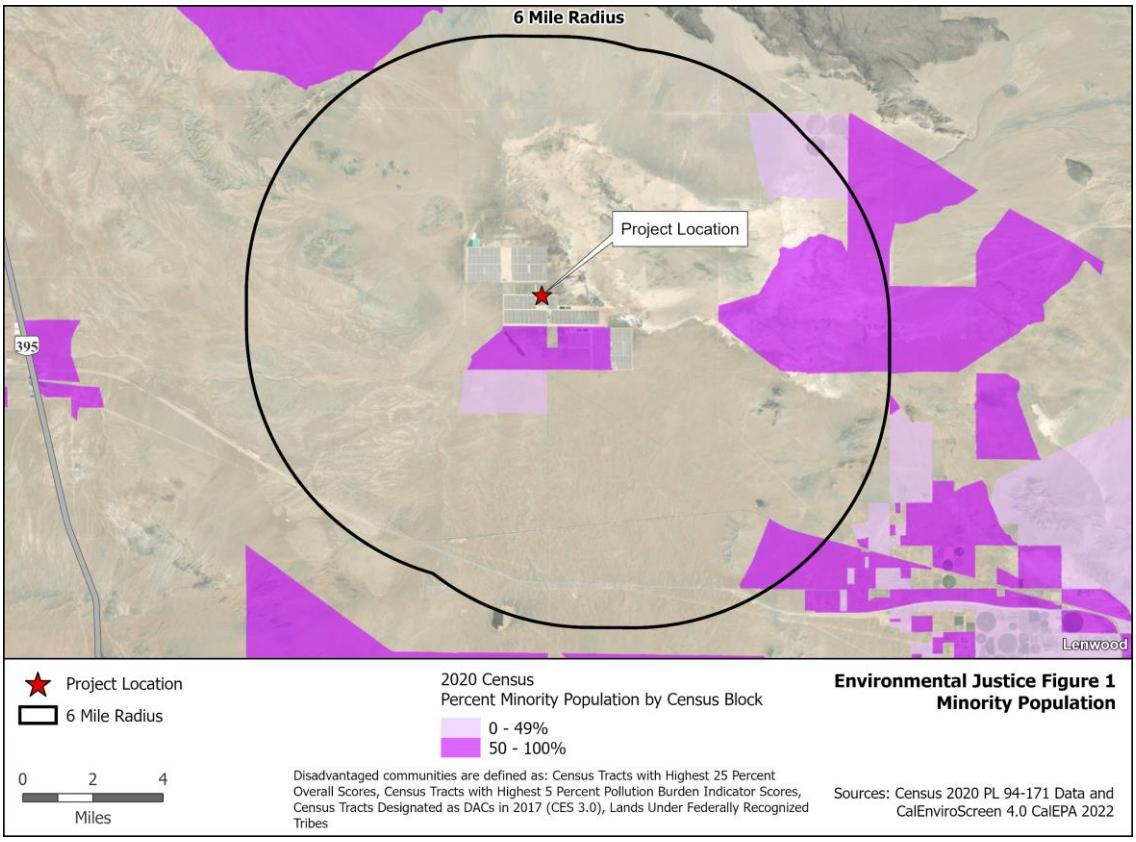
Environmental Justice – Table 1
Low Income Data within the Project Area

SCHOOL DISTRICTS IN SIX-MILE RADIUS	Enrollment Used for Meals	Free or Reduced Price Meals	
Barstow Unified	6,318	4,548	72.0%
REFERENCE GEOGRAPHY			
San Bernardino County	396,860	283,741	71.5%
Source: CDE 2024. California Department of Education, Data Quest, Free or Reduced Price Meals, District level data for the year 2023-2024, http://dq.cde.ca.gov/dataquest/.			

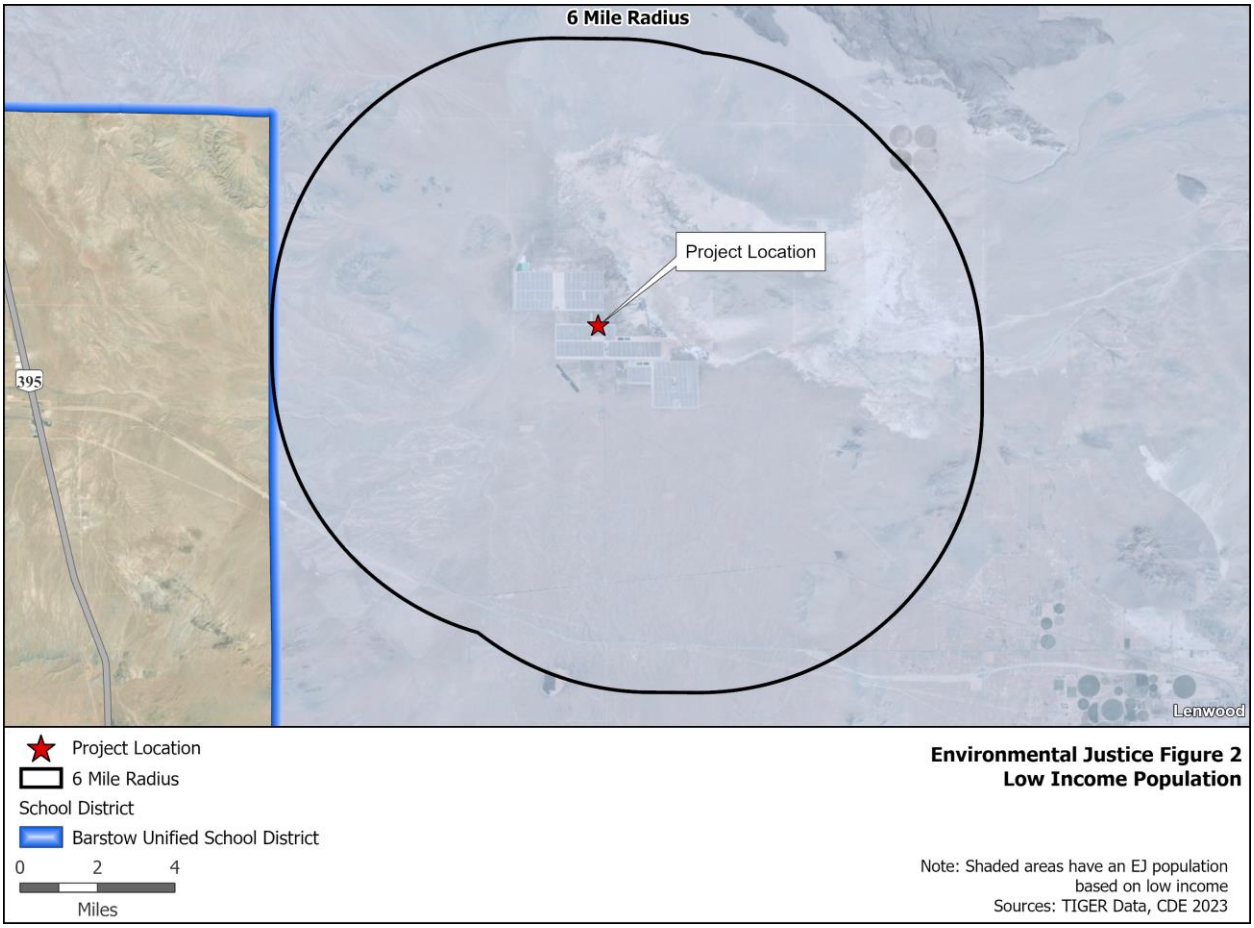
Based on California Department of Education data in the **Environmental Justice Table 1**, staff concluded that the percentage of those living in the Barstow Unified

School District (in a six-mile radius of the project site) and enrolled in the free or reduced-price meal program is larger than those in the reference geography. Thus, it is considered an EJ population based on low income as defined in *Guidance on Considering Environmental Justice During the Development of Regulatory Actions*. **Environmental Justice – Figure 2** shows where the boundaries of the school district are in relation to the six-mile radius around the Mojave Solar Project site.

Environmental Justice Figure 1
Minority Population



Environmental Justice Figure 2
Low Income Population



Environmental Justice Conclusions

For this petition, the following technical areas consider impacts to EJ populations: Air Quality; Cultural and Tribal Cultural Resources; Hazards, Hazardous Materials Management, Wildfire; Water Resources; Land Use, Agriculture, and Forestry; Noise and Vibration; Public Health; Socioeconomics; Solid Waste Management; Transportation; and Visual Resources. Cultural and Tribal Cultural Resources considers impacts to Native American populations. For the 13 technical areas listed above that address EJ, staff determined impacts would be less than significant, or less than significant with or without implementation of existing COCs; thus, impacts would be less than significant on the EJ population represented in **Environmental Justice Figure 1**, **Figure 2**, and **Table 1**.

CEC STAFF DETERMINATION

Staff has determined that the petition meets the criteria for approval by staff, and therefore, submission to the CEC for approval is not required. Specifically, based on the environmental and other analysis set forth above, staff has determined the proposed changes described in the petition meet the following requirements:

1. There is no possibility that the change may have a significant impact on the environment, or the change is exempt from the California Environmental Quality Act;
2. The changes would not cause the project to fail to comply with any applicable laws, ordinances, regulations, or standards; and
3. The changes will not require a change to, or deletion of, a condition of certification adopted by the Commission in the final decision or subsequent amendments.

Staff also concludes that none of the findings specified in section 1748(b) apply to the proposed changes and the proposed changes do not meet any of the criteria requiring the production of subsequent or supplemental review pursuant to Public Resources Code section 21166 and California Code of Regulations, tit. 14, section 15162.

WRITTEN COMMENTS

This statement of staff summary and approval of the proposed project changes has been filed in the docket for this project. Pursuant to California Code of Regulations, title 20, section 1769(a)(3)(C), any person may file an objection to the CEC staff's determination within 14 days of the filing of this statement on the grounds that the project change does not meet the criteria set forth in sections 1769(a)(3)(A) or (a)(3)(B). Absent any objections as specified in section 1769(a)(3)(C), this petition will be approved 14 days after this statement is filed.

The CEC's project webpage, https://www.energy.ca.gov/powerplant/solar-thermal/mojave-solar-project-abengoa, has a link to the petition and this Statement of Staff Approval on the right side of the webpage in the box labeled "Compliance Proceeding." Click on the "Docket Log (09-AFC-05C)" option.

Written comments or objections to staff's determination may be submitted using the CEC's e-Commenting feature, as follows: Go to the CEC's project webpage and click on either the "Comment on this Proceeding," or "Submit e-Comment" link. When your comments are filed, you will receive an email with a link to them.

Written comments or objections may also be mailed to:

California Energy Commission
Docket Unit, MS-4
Docket No. 09-AFC-05C
715 P Street
Sacramento, CA 95814-5512

All comments and materials filed with the Docket Unit will be added to the facility Docket Log and be publicly accessible on the CEC's project webpage.

If you have questions about this document, please contact Compliance Project Manager Ashley Gutierrez, Compliance Monitoring and Enforcement Unit, Safety and Reliability Branch, at (916) 839-0400, or via email at Ashley.Gutierrez@energy.ca.gov.

For information on public participation, please contact the CEC's Office of Public Advisor, Energy Equity, and Tribal Affairs at (916) 957-7910 or email at publicadvisor@energy.ca.gov.

News media inquiries should be directed to the CEC's Media Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

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Listserv: Mojave Solar Project

REFERENCES

MSP 2023- Petition to Amend the Mojave Solar Project, for Approval of Two New Evaporation Ponds (TN 253750 segment 1, TN 253751 segment 2 and TN 253752 segment 3) dated December 26, 2023. Accessed online at: https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=09-AFC-05C

MSP 2024a- Petition to Amend the Mojave Solar Project, for Approval for Shared Facilities with the Overnight Solar Project (TN 260764) dated December 20, 2024. Accessed online at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=260764&DocumentContentId=97073

MSP 2024b- Addendum to December 26, 2023, Petition for Modification for Revision to the Original Large Generator Interconnection Agreement (TN 259278) dated September 25, 2024. Accessed online at:

https://efiling.energy.ca.gov/GetDocument.aspx?tn=259278&DocumentContentId=95363

MSP 2025- Mojave Solar Project, Response to California Energy Commission's Data Requests, Set 1 (TN 262634 and TN 262633) dated April 9, 2025. Accessed online at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=262633&DocumentContentId=99228 and https://efiling.energy.ca.gov/GetDocument.aspx?tn=262634&DocumentContentId=99227

OSP FEIR 2025- Overnight Solar Project, Final Environmental Impact Report. San Bernardino County (SCH No. 2024010434) dated April 2025. Accessed online at: https://lus.sbcounty.gov/wp-content/uploads/sites/48/Overnight-Solar-FEIR_06-06-2025.pdf

SBCRECE 2017- County of San Bernardino General Plan, Renewable Energy and Conservation Element. Dated February 2019. Accessed online at: https://countywideplan.com/wp-content/uploads/sites/68/2021/02/REC-Element.pdf