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National Parks Conservation Association comments on DEIR Staff Assessment

Additional submitted attachment is included below.

February 27, 2026

California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Comments on Soda Mountain Solar Staff Assessment / Draft EIR

Commissioner Gallardo and Commissioners,

On behalf of the National Parks Conservation Association, we write to express our continued opposition to the Soda Mountain Solar project. The California Energy Commission (CEC) Staff Assessment / Draft Environmental Impact Report (SA/EIR) relies on a patchwork of unsubstantiated evidence of the impacts to desert bighorn sheep, and visual impacts to the adjacent Mojave National Preserve (MOJA).

0.25 Mile Bighorn Sheep Buffer Relies on Insubstantial Evidence

The California Environmental Quality Act (CEQA) is clear in its guidelines in defining whether a project may or may not have a significant effect on the environment. When these guidelines are applied to the impacts to desert bighorn sheep in the Soda Mountain region it's clear the CEC has chosen to apply impact standards for what fits best for the applicant. The SA reveals this choice—the CEC acknowledges that desert bighorn sheep are impacted by 1) population fragmentation from development 2) movement restriction and habitat loss from development footprint and fencing 3) substantial collar and movement evidence of sheep using adject areas.

Dr. Christina Aiello, bighorn sheep biologist and author of leading studies on the Soda Mountain region population including a report commissioned by the National Park Service that was submitted to the CEC in this process, repeatedly outlines the importance of the Soda Mountain I-15 corridor to maintaining long term habitat connectivity. Aiello even goes so far as to say that "movement between the Soda and Cady Mountains ranked among the top five existing movement corridors with the largest contributions to region-wide connectivity."[1] Aiello proposes three specific mitigations to lower the level of impacts to the desert bighorn sheep populations to less than significant, including, (1) a minimum of a 0.62 mile buffer—a recommendation in direct contrast with the SA's chosen 0.25 mile buffer, (2) delay construction of the solar project until after movement of desert bighorn sheep has been established over the new wildlife crossing that is currently under development, and (3) reassess any mitigations based on conditions following adoption of the crossing by wildlife.

[1] Aiello 2025 – Christian Aiello (TN 261255). Christian Aiello comments – Impacts to desert bighorn sheep, dated January 23, 2025. Accessed online at: https://efiling.energy.ca.gov/GetDocument.aspx?tn=261255&DocumentContentI d=9762

CEC relies on an outdated 2013 recommendation from the California Department of Fish and Wildlife (CDFW) for their 0.25-mile buffer. The acceptance of a 0.25 mile buffer ignores the empirical and biological evidence from the Aiello study, a study that uses GPS-collar data and peer-reviewed literature. Importantly, CDFW has informed the CEC numerous times, including at the CEC SA/DEIR public meeting in February, that (1) there is caution in relying upon the Dudek Report, as CEC is doing to justify a 0.25mi buffer, because that report was developed as part of a public process that never started and the report wasn't put forward in any public process, (2) that CDFW has not determined if that 0.25mi buffer represents the most up-to-date, best-available science on this matter in light of its understanding of the Aiello Report commissioned by the National Park Service, (3) that CDFW's 0.25mi buffer stems from a recommendation from 2013 and Dudek Report's incorporation of that simply reflects what was stated previously and carried over, not that the buffer represents what's required to reduce level of impact to less than significant, and (4) that it is the CEC's responsibility to assess the Aiello Report to determine how it influences the CEC's determination of impact significance and related, how it influences CEC's incorporation of mitigation measures. Said differently, CDFW has stated that CEC cannot use an objectively outdated CDFW report and CDFW's name as justification to throw the nation's leading bighorn sheep scientists, and their research, under the bus.

While the CEC SA widely acknowledges the adjacent future Brightline West project and its accompanying wildlife crossing, its 0.25 mile buffer does not consider cumulative impacts from these multiple projects, and the importance of the Soda Mountains to greater Mojave desert bighorn sheep populations.

Despite CEC's SA recognizing the Brightline West project and its wildlife crossings, the significant and unavoidable impacts to desert bighorn sheep, and the leading bighorn sheep biologists clear recommendations, a 0.25 mile buffer is still chosen. CEQA requires a lead agency to consider a reasonable range of potentially feasible alternatives, not simply alternatives that are in the applicants best interest.

The SA should have, and CEC must now, analyze alternatives with the mitigations provided in the Aiello Report. While the applicant has proposed a 300 megawatts (MW) PV / 300 MW, 1,200 MW-hours storage facility, CEC's Opt-In process explicitly authorizes it to approve "Solar photovoltaic or terrestrial wind electrical generating power plants generating 50 megawatts (MW) or greater" and "Energy storage systems capable of storing 200 megawatt-hours (MWh) [50 megawatts] or more," highlighting that the CEC itself understands smaller-scale projects are both appropriate and feasible.

Smaller scale solar, battery, and solar + battery projects are not only appropriate and feasible under CEC's Opt-In process, but they are also being deployed in California, the American Southwest, and across the nation. For example, according to the Solar Energy Industries Association website, the Sienna 2 Solar (55MW) and Storage (55MW) project, the Desert Harvest 2 Solar (70MW) + Storage (35 MW) project, the Hudson High Solar (100MW) and Storage (50MW storage) project, the Colgreen North Shore Solar (75MW) project, the Silver State North Solar (50MW) project, and Sunray 3 Solar (13MW) project.

Visual Impacts to Mojave National Preserve

The proposed Soda Mountains Solar project lies within one mile of the Soda Mountains Wilderness Study Area and immediately adjacent to the Mojave National Preserve (MOJA). The applicant prepared visual resources technical report (VRTR) recognizes the importance of scenic viewsheds of National Park Service (NPS) managed units, and projects that are adjacent to them. Unfortunately, the VRTR, and the CEC SA fall woefully short of analyzing the significance of visual impacts to MOJA, despite an abundance of evidence pointing to NPS's concerns of this project in the past, and the foundational importance of scenic vistas to MOJA's landscape.

The CEC concludes that from the 11 key observation points (KOPs) there is a.significant.and. unavoidable.impact, an impact that fails to incorporate the importance of scenic vistas of a national park unit. They do however define a scenic vista, and conveniently use landscapes managed by NPS in their description,

> "An example of a scenic vista in a rural landscape would be the view through and along the Yosemite Valley as seen from the Wawona Tunnel overlook in Yosemite National Park, California. In an urban landscape, two examples include the view through and along the National Mall from the Washington Monument in Washington, D.C. and the view through and along Capitol Mall from the Tower Bridge to the California State Capitol building in Sacramento, California. Once a scenic vista is identified, an adverse effect is presumed when a sizable component(s) of the proposed project physically changes (e.g., obstructs) the scenic vista."

In analyzing the visual impacts both the VRTR and the CEC SA recognize the General Management Plan (GMP) and the NPS Night Sky Program, but then conclude, "No area of the preserve would experience full views of the project. For these reasons, combined with the project being located outside of the boundary of the Preserve and outside the jurisdiction of NPS land use management, the project would comply with the goals and policies of the General Management Plan for the Mojave National Preserve during the construction stage and O&M."[2] Since 2014, NPS has made it clear on the impacts of the Soda Mountain Solar project, as comment letter during the BLM EIS / San Bernardino County EIR process, "We are, therefore, concerned about the project's long-term degradation of the unique visual resources that define the Mojave Desert and contribute to scenic values of the area…NPS has identified the desert scenery as a fundamental resource for Mojave National Preserve." The importance of scenic vistas to National Parks is codified in the Organic Act stating, "which purpose is to conserve the scenery and the natural and historic objects and the wild life therein."[3] These values are reinforced in the General Management Plan and the Foundation Document for MOJA, where it is clearly stated that "desert scenery"[4] is fundamental to the values for the Preserve. For the VRTR to ignore the clear significance of a solar project next to a National Park unit is to undermine the fundamental value and resource of the Mojave National Preserve.

Conclusion

Substituting applicant convenience for substantial scientific evidence is not an acceptable method of CEQA analysis and permitting. Throughout multiple iterations of the Soda Mountain Solar project there has been evidence backed science focused on the impacts of this project to the regional

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[2]Appendix B Visual Resources Technical Report
https://efiling.energy.ca.gov/GetDocument.aspx?tn=264864&DocumentContentId=101637

[3] (16 USC §1)

[4] NPS, 2013. Foundation Document, Mojave National Preserve, California. June.
[http://home.nps.gov/moja/parkmgmt/upload/MOJA_FoundationDoc_Final_June_2013_W EB.pdf]

desert bighorn sheep populations. The underlying conclusion of this project has remained the same: there are significant and unavoidable impacts to this fully protected (under CESA) species. CEC has chosen to cherry-pick mitigation tactics in the name of project feasibility that suits an applicants desires.

The visual impacts from a utility scale solar project, especially one that sits adjacent to a wilderness area and a National Park unit, must consider the park-specific values of preserving scenic viewsheds, and utilize not just the applicant's contractor for visual impacts, but the agency that stands to be most impacted, the National Park Service.

Sincerely,

Mason Osgood
California Desert Program Manager
National Parks Conservation Association