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*Comment Received From: Conservation Organizations  
Submitted On: 2/27/2026  
Docket Number: 24-OPT-03*

## **Comments from Conservation Organizations**

Comments on behalf of: Amargosa Conservancy, Basin and Range Watch, California Desert Coalition, California Native Plant Society, CalWild, Center for Biological Diversity, Conservation Lands Foundation, Defenders of Wildlife, Desert Advocacy Media Network, Friends of the Amargosa Basin, Friends of the Inyo, Mojave Desert Land Trust, National Parks Conservation Association, Sierra Club, and Western Watersheds Project

*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 Amargosa Conservancy, Basin and Range Watch, California Desert Coalition, California Native Plant Society, CalWild, Center for Biological Diversity, Conservation Lands Foundation, Defenders of Wildlife, Desert Advocacy Media Network, Friends of the Amargosa Basin, Friends of the Inyo, Mojave Desert Land Trust, National Parks Conservation Association, Sierra Club, and Western Watersheds Project, we write to (1) express our ongoing opposition to siting a solar facility in this Soda Mountain region and (2) respond to the Staff Assessment / Draft Environmental Impact Report (SA/EIR).

We support renewable energy development, which is why we collaborated with the private and public sector, elected officials and community leaders to create the California Desert Renewable Energy Conservation Plan (DRECP).

The facts of this matter make painfully clear that Soda Mountain Solar represents the worst type of solar development and the opposite of “smart from the start” renewable energy planning:

- The project site is not designated in the DRECP as a Development Focus Area for solar energy project siting .
- This is a “zombie” application, originally filed to hold the site for industrial solar development in 2007, nearly 20 years ago and nearly 10 years prior to the finalization of the DRECP.
- The application has failed to advance under 3 different owners, and recently flipped to its 4<sup>th</sup> owner, New Jersey-based VC Renewables.
- The National Park Service, which manages the immediately adjacent Mojave National Preserve, has opposed this project for over a decade.
- The project was rejected by the San Bernardino County Board of Supervisors in 2016, who referenced the California Department of Fish and Wildlife (CDFW) and National Park Service’s concerns about the project’s impacts to the “Fully Protected” desert bighorn sheep.
- The National Park Service commissioned a report from the nation’s leading bighorn sheep scientists that represents the most current, best-available science and which concluded the significant, disproportionate impacts from developing this site, including risk of local extinction of the sheep population.
- Should the proposed Soda Mountain Solar Project be built, a legislatively required, ~\$35 million taxpayer funded wildlife crossing at this site stands to be subverted and rendered useless according to the bighorn sheep scientists.

## **WHY LOCATE PROJECTS IN DRECP-APPROVED ZONES?**

At its core, the DRECP is about doing renewable energy right. If renewables are proposed on public lands, they should be sited on lower conflict lands.

For developers, it means access to a huge swath of desert land (388,000 acres) for solar development, that brings certainty and efficiency to each project. For communities and conservation groups it means progress that doesn't sacrifice the very landscapes we're trying to protect.

The DRECP provides clear guidance on *where* renewable energy development is most appropriate, lands designated as Development Focus Areas. That upfront clarity reduces permitting risk, shortens timelines, and lowers the chance of costly delays, lawsuits, or project redesigns.

By steering development away from sensitive habitats and cultural sites, developers avoid mitigation surprises, legal challenges, and reputational risk. Predictability saves money.

## **COMMENTS ON SA/DEIR**

### Desert Bighorn Sheep

- The California Energy Commission (CEC) was provided the most up-to-date scientific information on desert bighorn sheep through multiple submittals by Dr. Christina Aiello, including a report commissioned by the National Park Service. That information describes a package of three mitigations needed to reduce the severity of adverse impacts to bighorn sheep to less than significant. However, the CEC did not include a single one of the mitigations in the package in either of the alternatives. The CEC disregarded this despite not pointing to a single piece of information to dismiss the package of mitigations.
- The CEC implies the CDFW has reviewed all the information submitted to the CEC, including the Aiello report, and that CDFW has dismissed the analysis from Aiello. This is false – the CDFW has never stated or implied that position. Based on this error, the CEC then implies that the CDFW has stated its analysis – older than Aiello's analysis – is superior, more reliable, and should be adopted. This too is false. The CDFW has not only never said that, but it has stated that the Aiello analysis represents the most current, best available science on the topic of bighorn sheep. CDFW has also stated that the analysis it commissioned by Dudek was never subject to any public review or formal process. CDFW has further stated that the CEC, not CDFW, must consider the best available science before it to independently assess and determine what measures are needed to reduce the level of adverse impacts to below significant.

- We incorporate by reference the February 27, 2026 comments submitted by Dr. Aiello in response to the SA/DEIR.

### Project Objective

The basic objective of the Project, as stated in the Staff Assessment, is to “Assist the State of California in achieving or exceeding its Renewables Portfolio Standard and greenhouse gas emissions reduction objectives by developing and constructing new California Renewables Portfolio Standard–qualified solar power generation facilities producing approximately 300 MW.”

- The 300 MW generation capacity is an objective of the Project Applicant and is not based on any statutory or regulatory requirement. A project proponent cannot artificially confine the range of available alternatives considered and analyzed by CEC staff by relying upon an overly narrow statement of project objectives. To allow the project’s objectives to be unreasonably narrowed renders the California Environmental Quality Act (CEQA) mandate to consider a reasonable range of potentially feasible alternatives meaningless. This issue can be resolved if the Staff Assessment is revised according to additional recommendations included in this letter.

### Alternatives to the Proposed Project

Alternatives to the proposed Project that were analyzed in the Staff Assessment include the No Project Alternative, the Bighorn Sheep (BHS) Buffer and Relocated Battery Energy Storage System (BESS) Alternative #1, and the BHS Buffer and Relocated BESS Alternative #2, identified as the Environmentally Superior Alternative under CEQA.

- We request that the Alternative site locations that were reportedly considered but dismissed be identified in a supplement to the Staff Assessment. This is a reasonable request given that there are numerous Development Focus Areas within the Desert Renewable Energy Conservation Plan area that are managed by the US Bureau of Land Management (BLM) and specifically designated for solar energy project development due to lower conflicts with biological and other resources. An additional site that is along this same corridor that the state and federal administrations have discussed repurposing is the already developed, but soon to be decommissioned, Ivanpah Solar Generating Station site.
- We request that the CEC staff analyze at least one additional alternative in a supplement to the Staff Assessment that incorporates the package of three mitigations, as found in the Dr. Aiello report commissioned by the National Park Service, that is necessary to reduce the level of impacts to bighorn sheep to below significant: (1) a buffer of 0.62 miles-1.24 miles from the 10% slope, (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. This alternative should be identified as the Environmentally Superior Alternative under CEQA.

- We believe this is a reasonable recommendation because it would provide greater assurance that impacts to desert bighorn sheep would meet the standard for full mitigation of direct and indirect impacts under CEQA.

#### Project Location and Land Status

The Project, located on public land managed by the BLM, is within an area designated as General Public Lands under the DRECP.

- We appreciate that the CEC staff confirmed in the Staff Assessment that the Project is located within an area designated as General Public Lands because the Project Applicant incorrectly identified the Project as located within a Development Focus Area in a letter to the CEC dated 2/9/2025.

#### **CONCLUSION**

We hope our comments on the Staff Assessment are helpful to CEC staff in preparing for public hearings on the Project conducted by the Commissioners. The biological, social and economic values of desert bighorn sheep in the Project area to the residents of California, conservation organizations and the CDFW far outweigh the value of the electricity that the Project would provide to commercial markets in California. It is with those values in mind that we submit this letter with our comments and recommendations.

Please contact us via email if you would like to discuss our comments or obtain additional supporting information.

Sincerely,

Mason Voehl  
Executive Director  
**Amargosa Conservancy**

Kevin Emmerich  
Co-Founder  
**Basin and Range Watch**

Frazier Haney  
Co-President  
**California Desert Coalition**

Brendan Wilce  
Conservation Program Coordinator  
**California Native Plant Society**

Linda Castro  
Assistant Policy Director  
**CalWild**

Lisa Belenky  
Senior Counsel  
**Center for Biological Diversity**

Jora Fogg  
California Associate Program Director  
**Conservation Lands Foundation**

Jeff Aardahl  
Senior California Representative  
**Defenders of Wildlife**

Chris Clarke  
Executive Director  
**Desert Advocacy Media Network**

Cameron Mayer  
Executive Director  
**Friends of the Amargosa Basin**

Kayla Browne  
Desert and Renewable Energy Policy Director  
**Friends of the Inyo**

Krystian Lahage  
Public Policy Officer  
**Mojave Desert Land Trust**

Neal Desai  
Pacific Senior Regional Director  
**National Parks Conservation Association**

Joan Taylor  
California/Nevada Desert Committee Chair  
**Sierra Club**

Laura Cunningham  
California Director  
**Western Watersheds Project**