

DOCKETED

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February 27, 2026

Mr. Drew Bohan
Executive Director
California Energy Commission
715 P Street, Sacramento, CA 95814

SUBJECT: APPLICANT COMMENTS ON THE SODA MOUNTAIN SOLAR PROJECT STAFF ASSESSMENT (SCH #2025080161)

Dear Mr. Bohan,

On behalf of the Applicant team, I would like to thank the California Energy Commission for its hard work in implementing the AB 205 process. The AB 205 process is doing a tremendous job of accelerating clean energy siting, permitting, financing, transmission, and project development throughout California. Although it is not the Applicant's preferred project, the staff recommended Environmentally Superior Alternative, Big Horn Sheep Buffer and Relocated BESS Alternative #2, represents a feasible project alternative that the Applicant team can implement. This alternative retains the 2016 removal of 571 acres north of Interstate 15 to minimize impacts to desert bighorn sheep and incorporates an additional reduced construction and operational footprint to further reduce impacts to desert bighorn sheep.

The Soda Mountain Solar Project offers a model for safely locating solar and battery energy storage facilities far away from residential areas, clustered adjacent to dense infrastructure projects, and connecting to underutilized transmission lines, which prevents the need for new transmission lines to be constructed in wilderness or populated areas. The project site is prime for a renewable energy development because it is located directly adjacent to existing large-scale infrastructure projects – including the I-15, Brightline West high speed rail project and existing high-voltage transmission lines.

To ensure the project Applicant can effectively construct and operate the project, revisions to the Soda Mountain Solar Project Staff Assessment (SCH #2025080161) are required. This transmittal provides the Applicant's comments on the Soda Mountain Solar Project Staff Assessment and includes the following documents as attachments:

- Attachment 1: Impact Evaluation for the Soda Mt. Solar Project
- Attachment 2: Aquatic Resources Delineation and Impact Analysis
- Attachment 3: Compensatory Mitigation Evaluation for Waters of the State
- Attachment 4: Requested Text Clarifications for Conditions of Certification
- Attachment 5: Updated Preliminary Drainage Report
- Attachment 6: Bighorn Sheep Buffer Alternatives

1. PROJECT IMPACTS AND MITIGATION

Attachment 1 provides revised impact estimates and updated compensatory mitigation ratios and impact acreages specific to desert tortoise (*Gopherus agassizii*), burrowing owl (*Athene cunicularia*), and state jurisdictional waters. Attachment 2 provides the aquatic resources delineation and impact analysis. Attachment 3 provides a detailed compensatory mitigation evaluation for Waters of the State.

1.1 Revised Impacts: With implementation of the precision grading technology identified in Appendix Z (TN 261587), on-site grading and associated ground disturbance would be significantly reduced. Implementation of the precision grading technology identified in Appendix Z (TN 261587) would reduce permanent ground disturbance. The reduction in on-site grading and associated ground disturbance reduces the direct, indirect and cumulative impacts to biological and water resources, including a reduced potential for the project to result in direct, indirect or cumulative impacts to candidate and special status species. This reduction would minimize habitat loss and fragmentation for sensitive species, including desert tortoise and burrowing owl. The Staff Assessment should be updated to match the impacts identified in Attachment 1 and Attachment 3.

1.2 Water Resources Impacts: The reduction in on-site grading and associated ground disturbance would reduce the potential for the project to result in direct, indirect or cumulative impacts related to water quality standards, waste discharge requirements, surface and groundwater quality degradation and the alteration of onsite drainage patterns. Implementation of the precision grading technology identified in Appendix Z (TN 261587) and the reduction of grading earthwork efforts will allow ephemeral washes to maintain natural drainage patterns, minimize soil disruption and preserve hydrologic connectivity. The reduction in ground disturbance and grading efforts would reduce the overall use of water for dust control measures, reduce compaction of soils, and reduce erosion and sedimentation to downstream channels. Low impact grading will allow natural contour reestablishment and surface stabilization to allow for the ecological function of these features. As such, low-impact grading that avoids permanent alteration to wash morphology can warrant mitigation scaling based on actual function loss rather than raw acreage. Additional information to support this determination is included in Attachment 1 and Attachment 3.

1.3 Compensatory Mitigation Ratios: The following compensatory mitigation measures are proposed based on existing conditions, proposed mitigation measures, and anticipated post-construction conditions. Detailed information to support these requested revisions are included in Attachment 1 and Attachment 3.

1.3.1 Desert tortoise (COC BIO-16): The Applicant's Biological Resources Technical Report (TN # 261603) proposes 1:1 compensatory mitigation ratio for disturbed areas that will no longer provide viable long-term habitat for desert tortoise. This was consistent with the Bureau of Land Management's (BLM) 2016 Record of Decision and the U.S. Fish and Wildlife Service's 2016 Biological Opinion for the project, which also specified a compensatory habitat mitigation ratio of 1:1 for impacts to suitable desert tortoise habitat. The Desert Renewable Energy Conservation Plan also specifies a 1:1 mitigation ratio outside of designated critical habitat. Consistent with these documents, a 1:1 ratio is proposed to mitigate for permanent impacts. The Staff Assessment does not justify why the CEC's mitigation ratios exceed a 1:1 ratio.

In particular, the Staff Assessment's proposed 3:1 mitigation ratio for areas north of Interstate 15 is not justified. The project overlaps a portion of the Soda Mountain Expansion Area of Critical Environmental Concern (ACEC), which encompasses approximately 16,720 acres. Under the DRECP, this ACEC is subject to a 1 percent disturbance cap, and a 3:1 mitigation ratio applies only when this disturbance cap has been reached or exceeded. As documented in the Staff Assessment, the project overlap within the ACEC represents approximately 0.22 percent of the total ACEC acreage. Because the disturbance cap will not be exceeded, a 3:1 mitigation ratio is not appropriate. Moreover, given the low desert tortoise density and habitat use described in the Staff Assessment, the limited ACEC overlap does not provide a sufficient basis to justify a higher mitigation ratio for desert tortoise impacts.

1.3.2 Burrowing owl (COC BIO-21): Consistent with the Applicant's Biological Resources Technical Report (TN # 261603), a compensatory mitigation ratio of 1:1 is proposed to mitigate for disturbed areas that will no longer provide viable long-term habitat. The Staff Assessment does not justify why the CEC's mitigation ratios exceed a 1:1 ratio.

1.3.3 Waters of the State (COC BIO-26): Attachment 2 provides the aquatic resources delineation and impact analysis. Attachment 3 provides a detailed compensatory mitigation evaluation for Waters of the State.

1.3.3.1 Permanent Impacts: Based on field-verified drainage morphology and hydrologic modeling, the distributed nature of ephemeral flows, and the project's minimized grading design, the available evidence supports the conclusion that permanent project features may result in partial functional loss within direct impact footprints but will not cause a complete loss of drainage connectivity or downstream hydrologic function. Surface flows are expected to continue to route around built structures in a manner consistent with existing alluvial- fan processes. Therefore, the project would not result in complete loss of hydrologic connectivity and function, and a 3:1 mitigation ratio for impacts associated with built infrastructure should be reduced. A 1:1 ratio would be consistent with the minimum 1:1 ratio required under the State Wetland Procedures (State Water Resources Control Board 2021). Further, the Lahontan Regional Water Quality Control Board -has recently accepted 2:1 mitigation ratios for permanent impacts to waters of the State for other projects in their purview, including for the Palmdale Ditch Conversion Project, where permanent impacts to ephemeral streams were mitigated at 2:1, and for the Hackstaff Road Bridges Project, where permanent wetland and stream impacts were mitigated at 2:1. Detailed information to support these requested revisions are included in Attachment 3.

1.3.3.2 Temporary Impacts: Habitat functionality under arrays is not diminished to a degree warranting habitat replacement or justification for a 1.5:1 mitigation ratio, since the habitat will remain intact to support special-status species in the project area. Across studies and regulatory guidance documents, these underpanel zones are consistently described as modified yet still functional landscapes, retaining hydrologic and biological processes rather than representing lost habitat. As such, no compensatory mitigation is proposed under the solar arrays. Detailed information to support these requested revisions are included in Attachment 3.

1.3.4. Special Status Plants (COC BIO-12): A 1:1 mitigation ratio is commonly applied to impacts for Special Status Plants and has been accepted by lead and resource agencies for California projects (see, for example, Eldorado–Lugo–Mohave Series Capacitor Project). Additionally, the reduction in on-site grading and associated ground disturbance reduces the direct, indirect and cumulative impacts to special status plants, including a reduced potential for the project to result in direct, indirect or cumulative impacts to candidate and special status plants. Therefore, the identified ratios of 3:1 and 2:1 should be replaced with 1:1.

1.4 Water Supply: As reflected in the project description, water for project construction and operations would be supplied from up to 5 new groundwater wells installed on the project site (located in the Soda Mountain Subbasin of the Soda Lake Valley Groundwater Basin) or, alternatively or in addition, from an existing private off-site groundwater well located at 58502 Death Valley Road, Baker, California 92309 (located in the Silver Lake Valley Groundwater Basin). The Applicant prepared a Water Supply Report (Appendix J) [TN# 261605] for the off-site well option. The Water Supply Report for the off-site well included the results of both pumping tests and water quality sampling to determine existing aquifer conditions. The Water Supply Report for the off-site well concluded that the project's water usage would result in a negligible drawdown of the aquifer, sufficient groundwater resources are available to meet the project's water demand from the off-site well, and no analyte exceeded the primary or secondary Maximum Contaminant Levels. As long the project does not use more water that was estimated for the analysis in the Water Supply Report (up to 336 acre-feet during construction and decommissioning, and up to 5.6 acre-feet per year during up to 40 years of operations), the project's use of the off-site well would not

substantially decrease groundwater supplies and would not exceed the safe yield of the underlying aquifer. The Staff Assessment (specifically, Chapter 5.16, Water Resources) should be updated to incorporate analysis of the project's use of the off-site well, as reflected in the Water Supply Report.

1.6 CDFW Desert Bighorn Sheep Study: The Staff Assessment refers to the California Department of Fish and Wildlife's 2024 Desert Bighorn Sheep Study for the project as (CDFW 2024), but this document is included in the References in the Staff Assessment as (RE 2024vv). A consistent reference to this document should be added to the References and included in the Record of Proceedings.

2. TEXT CLARIFICATIONS FOR CONDITIONS OF CERTIFICATION

In addition to the global changes identified in Section 2.1 below, Attachment 4 provides a document identifying the specific requested text revisions to certain of the project's COCs, which are explained below.

Attachment 4 includes highlighted placeholders for compensatory mitigation ratios and estimated impact acreages (and calculations based on those figures). The Applicant requests the CEC review the supporting documentation provided in this submittal and modify the COCs' mitigation and impact numbers globally throughout the Staff Assessment.

2.1 Global Changes

The following changes should be implemented in all COCs and in corresponding text in the environmental analysis in the Staff Assessment:

- The COCs should not require approvals by other agencies such as LADWP or BLM. These agencies may be considered reviewing agencies and consulted only on an as-needed basis. Only the CPM should be required to approve any items conditioned in the COCs. COCs that require approval of LADWP, BLM, or other agencies are problematic and have the potential to result in delays and increased compliance costs. References to USFWS consultation should be removed, as BLM is responsible for coordinating any required USFWS reviews.
- Various parts of the Staff Assessment refer to the Los Angeles Board of Water and Power Commissioners instead of Los Angeles Department of Water and Power (LADWP). LADWP determines its own internal approval processes and delegations of authority and therefore the global reference should be to LADWP not the Los Angeles Board of Water and Power Commissioners.
- In some cases, the COCs reference "prior to the start of construction" and in others, the COCs reference "prior to site mobilization and ground disturbance" or similar terminology. For clarity and consistency in compliance requirements, we request all language state "prior to the start of construction". This is consistent with the terminology identified in Section 9.2 of the Staff Assessment.

2.2 BIO-12 Special-Status Plant Avoidance and Minimization Measures

- 2. Compensatory Mitigation: CRPR 1 and 2 ranked species is listed twice. The first reference should be removed, as CRPR 1 and 2 are addressed in the second bullet.
- 6. Integrating Special-Status Plan Mitigation and Other Mitigation Lands: For consistency with COC BIO-26, we suggest using the term "state jurisdictional waters" rather than "waters of the state".
- 7.b. Title/Conveyance: We have provided clarifying text regarding the exact terms of the transaction that should be required for the CEC to review and approve.
- 7.f. Mitigation Security: Reference to "Section 7" of this condition should be added throughout to clarify that the Security is financial assurance for the compensatory mitigation requirement, not for all other measures in BIO-12.

- Verification: It is not feasible or reasonable to require the Habitat Enhancement/Restoration Plan, Formal Acquisition Proposal, Compensation Lands Management Plan, Recent Preliminary Title Report, and Property Analysis Record before the start of construction if a Security will be provided. These documents necessarily will be approved by the CPM prior to acquisition, protection, and transfer of compensation lands.

2.3 BIO-15 Desert Tortoise Impact Avoidance, Minimization, and Mitigation Measures

The Staff Assessment should be globally revised to ensure that the Applicant’s wildlife friendly fencing is conditioned as part of the project. Specifically, BIO-15 section 14, Permanent Security Fencing with Attached Desert Tortoise Fencing should be revised to be consistent with BIO-24 which requires the project owner install fencing between the arrays that provide passage to small mammals and desert tortoise.

As part of the construction activities wildlife friendly fencing is proposed around certain project components, with openings capable of fitting adult desert tortoises (10 inches by 7 inches). These openings are found and used by desert tortoises when they encounter fencing while traversing their habitat (Ruby et al. 1994). All wildlife friendly fencing would remain installed for the duration of the project’s operation and maintenance. The presence of wildlife friendly fencing would allow for the recolonization of the site by desert tortoise and other wildlife. In other photovoltaic projects using the same process, wildlife, including desert tortoise, rattlesnake, desert kit fox, rabbits, and other species, were found to reoccupy the site after removal of exclusion fencing (Cypher et al. 2021). The proposed fencing would allow for wildlife species to reoccupy the project site during operation and maintenance.

2.4 BIO-16 Habitat Management Land Acquisition for Desert Tortoise

- The requested edits shown in Attachment 4—which include recalculating mitigation requirements based on the final project impact acreage, and allowing stacking of conservation lands for all compensatory mitigation requirements—will ensure mitigation is proportional to actual impacts. The final amount of compensatory mitigation is not yet known so a specific acreage amount and Security amount should not be required in the COC.
- 1.a. Cost Estimates: The requested text addition allows for a more accurate Security calculation in certain circumstances.
- 2. Mitigation Bank Credits: Consistent with comments above, the final amount of compensatory mitigation is not yet known so a specific acreage amount should not be required in the COC.
- 8. Transfer Long-term Endowment Funds: The endowment funds should not be required before the HM lands are acquired or transferred.
- 11.a. Security Amount: Consistent with comments above, the final amount of compensatory mitigation is not yet known, so the requested revision allows for a more accurate Security based on the actual compensatory mitigation requirement.
- 11.g. Security Release: The requested revision facilitates partial release of security (for example, release of a portion of the security for land acquisition after the land is acquired).
- Verification: It is not feasible or reasonable to provide the Draft and Final Management Plans prior to the start of construction if a Security will be provided. These documents necessarily will be approved by the CPM prior to acquisition, protection, and transfer of HM lands.

2.5 BIO-21 Habitat Management Land Acquisition for Burrowing Owl

- Many of the requested edits to COC BIO-21 are consistent with those for BIO-16, for the same reasons noted above.
- 1.d-1.g (Cost Estimates), 11.a (Security Amount). The requested edits correct what appears to be a clerical error in the reported cost estimates.

2.6 BIO-23 Habitat Management Land Acquisition for Permanent and Temporary Impacts to State Waters

- The requested edits to BIO-23 are consistent with those for BIO-12, BIO-16, and BIO-21, for the same reasons noted above.

2.7 WATER-4 Compliance with Clean Water Act Section 401

- The requested edit is a correction to avoid confusion because the project is not subject to the Clean Water Act.

2.8 WATER-5 Groundwater Production and Monitoring Well Installation

- The requested edits account for the possibility that the project will use water from an existing off-site well, in addition or as an alternative to installing up to 5 on-site wells, and the timing of installing on-site wells (if at all) is not known at this time. This is consistent with the project description.
- The requested edits specify the portions of the San Bernardino County Desert Groundwater Management Ordinance that the project is required to comply with, but also make express that the County does not exercise permitting jurisdiction under this Ordinance.
- Verification: The requested edits provide feasible timeframes for providing the Groundwater Well Installation Workplan, Groundwater Well Installation Report, and Groundwater Monitoring and Reporting Plan. As proposed in the Staff Assessment, the timeframes (especially the Groundwater Well Installation Workplan 18 months before construction) are infeasible and will cause substantial undue delays to the project.

2.9 WATER-6 Groundwater Monitoring and Reporting

- The requested edits to WATER-6 are consistent with those for WATER-5, for the same reasons noted above.

2.10 WATER-7 Water Use and Reporting

- The requested edits to WATER-7 are consistent with those for WATER-5 and WATER-6, for the same reasons noted above.

2.11 WORKER SAFETY-10

- The requested edits provide minor tweaks to WORKER SAFETY-10 which acknowledge that the active solar energy system property tax exclusion under Revenue and Taxation Code section 73 expires January 1, 2027. Construction of the project will not be completed and subject to possessory interest tax by that date, so the project will not be subject to the exclusion unless the Legislature extends it (which is unlikely). The project's payment of possessory interest tax to San Bernardino County will provide material funding for the San Bernardino County Fire Protection District (SBCFPD) during project operations. The environmental analysis in the Staff Assessment also should be revised to reflect that the active solar energy system property tax exclusion will expire after January 1, 2027, and the project will fund the SBCFPD during project operations through its payment of possessory interest tax.

3. PRELIMINARY DRAINAGE REPORT

Attachment 5 provides an Updated Preliminary Drainage Report, providing additional information on the post-construction conditions of the project after implementation of COC WATER-9. The proposed drainage patterns from implementation of COC WATER-9 provide the most feasible and low-impact solution for the project and do not alter the existing drainage pattern in a manner which would result in erosion or siltation, significantly increase the rate or amount of surface runoff, or impede or redirect flood flows. Due to the highly pervious nature of the project site in both the existing and proposed conditions and limited disturbance areas, the surface runoff will not differ significantly in the proposed condition than in the existing. Increased runoff from the (disturbed and compacted) access roads will be dissipated and infiltrated onsite within the alluvial soils immediately downgradient of the roads, resulting in no significant increase in runoff or erosion. Where these access roads must cross shallow seasonal drainage paths, small diameter (e.g., 3-inch) rock may be used where needed to stabilize the road surface, as localized erosion/scour may otherwise occur in a major storm event. As the rock will be installed at existing grades, no disruption of grades leading to erosion/scour will occur. Elevation and grading/compaction of pads is anticipated for the BESS yards, substation and switchyard. With that disturbance and grading/compaction, some concentration and increase of runoff and erosion is anticipated, absent mitigating countermeasures. These countermeasures include small rock-lined swales and berms adjacent to the pads to capture and infiltrate increased runoff and minimizing erosion potential to a level of non-significance. The vast majority of solar panel pilings will not require any protection, but where needed, and as determined during the final design of the project, some pilings will be deeper to counter any potential localized scour that the pilings may be subject to. In no case would the pilings be subject to scour exceeding 2 feet however, and any scour would be very localized and contained. If needed, small rock may be used as a mitigating countermeasure to prevent the localized scour.

4. Project Alternatives

4.1 No Project Alternative: The 1.24-mile buffer presented in CEC Docket Item TN 262246 is functionally equivalent to the No Project Alternative evaluated in the Staff Assessment. As shown in Attachment 5, expanding the CEC-conditioned 0.25-mile buffer identified under the Big Horn Sheep Buffer and Relocated BESS Alternative #2 to a 1.24-mile buffer would render the majority of the project site undevelopable. Specifically, implementation of a 1.24-mile buffer would place approximately 2,609 acres of the 2,670-acre project site into preservation status, with no development permitted. This represents a 96 percent reduction in the developable footprint, which is effectively the same outcome as the No Project Alternative presented in the Staff Assessment and, therefore, is not a feasible project alternative.

4.2 0.64 Mile Buffer: A 0.64-mile buffer has been determined infeasible by the Applicant to implement as both a project alternative or mitigation measure. Implementing a 0.64-mile buffer as an alternative or mitigation measure would prevent the project from attaining most of the basic project objectives. Additionally, there are specific economic, legal, environmental, social, and technological factors that make implementing a 0.64-mile buffer infeasible as a project alternative or mitigation measure. The Applicant team has evaluated a 0.64 mile buffer, which is shown in Attachment 6. Implementation of a 0.64-mile buffer would place approximately 1,402 acres of the 2,670-acre project site into preservation status, with no development permitted. This represents a 53 percent reduction in the developable footprint, which would reduce the project's solar energy generation capacity and battery energy storage capacity by at least half. It is important to note that the reduction in project footprint size due to implementation of a 0.64-mile buffer may not result in a linear reduction in the project's energy generation and storage capacity. In other words, a 50% reduction in the project footprint could result in a reduction in the project's energy generation and storage capacity of much greater than 50%. This is because the project contains civil design features such as roads, fences, and basins, and moving these project components would lead to an even greater reduction to the solar field and BESS size than the 1,402-acre reduction from buffer implementation.

The primary goal of the project proposed within Opt-In Application (24-OPT-03) is to contribute to the achievement of California's renewable energy goals and create a vital new point of interconnection for renewable energy in San Bernardino County to connect to California's electric transmission infrastructure. There are 7 specific project objectives for the project. The discussion below identifies how implementation of a 0.64-mile buffer would be in direct conflict with the proposed project's objectives and would impede the project from attaining the project's objectives.

Project Objective 1: 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 Renewables Portfolio Standard (RPS) is one of California's key programs for advancing renewable energy. The program sets continuously escalating renewable energy procurement requirements for the State's load-serving entities. The RPS requires all load-serving entities in California to procure an increasing portion of their electricity sales from eligible renewable resources. Senate Bill (SB) 1078, passed in September 2002, set the RPS of 20% total renewables generation by 2020.

- SB 107, passed in September 2006, accelerated achievement of the 20% RPS to 2010.
- SB X1-2, signed in April 2011, raised the RPS goal to 33% in 2020.
- SB 350, signed in 2015, increased the RPS goal to 50% in 2030.
- SB 100, signed into law in September 2018, revised the RPS goal to 60% by 2030 and set a long-term target of 100% carbon-free energy by December 31, 2045.

Electricity generated by the project would be used to serve the needs of California customers and would facilitate compliance with California's RPS. The project would assist the State in achieving its energy objectives under SB 100 and SB 350 and greenhouse gas emissions-reduction goals under Assembly Bill 32. The project would advance the goals of the State to reduce use of fossil fuels and increase the availability of electricity from solar energy, which is eligible for compliance with the RPS.

Implementing a 0.64-mile buffer as an alternative or mitigation measure would result in a significant direct loss of renewable energy generation. Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres or 52%. This reduction would prevent the project from producing 300 MW of solar energy and would directly conflict with the project objective to transition the State to renewable energy and meeting RPS targets by providing 300 MW of RPS-qualified solar energy generation facilities. This loss of solar energy generation would also impact the State's ability to maintain electrical system reliability under this transition and during extreme climate change driven events. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #1.

Project Objective 2: Produce and transmit electricity at a competitive cost.

Economies of scale allow for cost advantages when building large-scale renewable energy developments. It is more cost effective to construct one large project to produce 300 MW of renewable energy, than constructing multiple smaller projects to cumulatively produce 300 MW of renewable energy. Solar panels, inverters and other components are more cost competitive when bought in large quantities, lowering the overall project cost. Fixed costs such as interconnection facilities, permitting, design, land acquisition and project management are spread across a larger number of watts generated in a large-scale project, lowering the cost per watt. Energy capture is also subject to economies of scale and cost savings for rate payers can be maximized by utilizing

an optimal land layout and panel orientation. Large utility-scale solar projects can be better integrated into the electrical grid, potentially reducing transmission losses and providing more predictable power output. The most significant fixed cost is associated with the new high-voltage interconnection facilities required by LADWP, which are currently estimated to cost over \$60 million dollars. These costs remain the same even if the project size and energy generation are greatly reduced, thus making a significant reduction in project size particularly harmful to the project's ability to sell power cheaply.

Last, a reduction in footprint due to implementation of a 0.64-mile buffer from areas may not result in a linear reduction in project size, and ensuing energy generation loss could be far greater than 53% or 1,402 acres. This is because the project area being reduced by implementation of a 0.64-mile buffer contains civil design features such as roads, fences and basins, and re-arranging these project components would lead to an even greater reduction to the solar field and BESS size than the 1,402-acre reduction from buffer implementation.

For the reasons above, implementing a 0.64-mile buffer would cause a significantly more expensive project and impair the Applicant's ability to sell power more cheaply on the wholesale market or to LADWP directly. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would directly impact the project's ability to save California ratepayers money and would impede the project from attaining project objective #2.

Project Objective 3: Provide a new source of energy storage that assists the State in achieving its energy storage mandates.

Within the State of California, implementation of the project supports the Energy Action Plan and Loading Order, which established a high-level, coherent approach to meeting California's electricity and natural gas needs and set forth the "loading order" to address California's future energy needs. The "loading order" established that the State, in meeting its energy needs, would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply. Since that time, the California Public Utilities Commission and California Energy Commission have overseen the plans, policies, and programs for prioritizing the preferred resources, including energy efficiency and renewable energy.

Electricity from the project would be used to serve the needs of California customers and would facilitate compliance with California's RPS. The project would assist the State in achieving its energy objectives under SBs 100 and 350 and greenhouse gas emissions-reduction goals under Assembly Bill 32. The project would advance the goals of the State to reduce use of fossil fuels and increase the availability of electricity from solar energy, which is eligible for compliance with the RPS.

Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres or 53%. This reduction would prevent the project from producing 300 MW of solar energy and would directly conflict with the project objective of advancing the energy storage mandates. The reduction in energy generation would reduce the amount of solar energy that would flow into the BESS and would require the BESS facility to be downsized in the same proportion as the solar field. A downsized solar energy system would not generate sufficient energy to charge a BESS of 300 MW, and the implementation of a 0.64-mile buffer would result in a direct reduction in energy storage capacity. This loss of energy storage would negatively impact the State's ability to accelerate a transition to renewable energy and would negatively impact the State's ability to maintain electrical system reliability under this transition and during extreme climate change driven events. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #3.

Project Objective 4: Use the existing transmission unused capacity that provides approximately 300 MW of capacity.

The power produced by the project would be conveyed to the regional electrical grid through an interconnection with the existing Marketplace-Adelanto 500-kilovolt (kV) transmission line operated by the Los Angeles Department of Water and Power (LADWP). Transmission is critical to ensuring grid reliability and resilience, particularly as the state faces extreme weather events caused by climate change. According to the California ISO Transmission Plan, the need for new energy generation over the next 10 years has escalated rapidly, driving an accelerated pace for new transmission development. The combination of dramatically increasing the pace of renewable generation and load forecast growth are driving an increase in transmission requirements. To meet the State's renewable energy goals, an expanded, upgraded and reinforced transmission system is required.

The proposed project does not require the construction of new off-site transmission infrastructure and instead maximizes the use of existing infrastructure that is currently underutilized and directly adjacent to the project site. Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres, or 53% of the total project footprint. This reduction in project footprint would prevent the project from producing 300 MW of solar energy and 300 MW of energy storage, and would directly conflict with the project objective of maximizing the utilization of the existing transmission line's unused capacity of 300 MW. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #4.

Project Objective 5: Utilize existing energy infrastructure to the extent possible by locating solar power generation facilities near existing infrastructure, such as electrical transmission facilities.

The project proposes a large-scale solar and battery storage facility within an area that contains existing infrastructure, including the existing Marketplace-Adelanto 500 kV transmission line operated by the LADWP. Although reducing the project footprint would still allow for the remaining project components to connect to the existing energy infrastructure, reducing the project's energy generation capabilities would not maximize the existing energy infrastructure in the project area. The existing Marketplace-Adelanto 500 kV transmission line has the capacity to handle an additional 300 MW of energy, which would be generated by the project.

The project has an existing executed Interconnection Agreement for 300 MW of capacity with LADWP. A significant reduction in size caused by implementing a 0.64-mile buffer is prohibited under the current interconnection agreement and would trigger a "material modification process" per LADWP's Open Access Transmission Tariff, Attachment M: Large Generator Interconnection Procedures, further causing re-study and amendment of the Agreement. Such a process causes significant unknowns related to study timing, future costs and project schedule, and until resolved would impede the financial investment necessary to advance the project development and construction. Every action for this project that is not consistent with the existing LADWP Agreement requires 11 approvals from all members of the Mead-Adelanto Project leading to significant additional time beyond normal interconnection processes. Implementation of a 0.64-mile buffer would result in an anticipated freeze on the project advancement of a minimum of 18 months. This potential delay would prevent the project from being capable of being accomplished within a reasonable period of time and is therefore infeasible.

Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres, or 53% of the total project footprint. This reduction would prevent the project from producing 300 MW of solar energy and the reduced production of energy at this project site would have to be

made up by installing solar panels at another site. Thus, the effect of implementing a 0.64-mile buffer would be to preclude the utilization, to the extent possible, of the existing infrastructure adjacent to the project site. This consequence would directly conflict with the project objective of utilizing existing transmission infrastructure. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #5.

Project Objective 6: Site solar power generation facilities in areas of San Bernardino County that have the best solar resource to maximize energy production and the efficient use of land.

The project site is located within a designated federal Section 368 Energy Corridor adjacent to I-15 (Corridor number 27-225). Additionally, an existing Southern California Edison (SCE)-owned 115 kV sub transmission line and an LADWP-operated 500 kV transmission line run parallel to and adjacent to the western perimeter of the project site. The project site is located immediately adjacent to existing roadways that provide readily available access for construction and operations. The project site was selected to maximize energy production and the most efficient use of land, considering existing infrastructure, site geology, environmental impacts, water, waste and fuel constraints and electric transmission constraints.

The proposed project is located within the DRECP area of the County of San Bernardino and was sited in this area in an effort to maximize energy production while efficiently using land. Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres, or 53% of the total project footprint. This reduction would prevent the project from producing 300 MW of solar energy. A reduction in the project footprint could result in a separate project being proposed elsewhere within the County to fully meet energy production goals. This would directly conflict with the project objective of siting solar power generation facilities in areas of San Bernardino County that have the best solar resource to maximize energy production while efficiently using of land. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #6.

Project Objective 7: Develop a solar power generation facility in San Bernardino County that would support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

The project would provide economic benefits to the County of San Bernardino and to its residents and businesses by increasing spending in the community as a result of construction and development-related work. It would provide opportunities for local tradespeople to develop their skills and gain experience installing solar and battery storage facilities and would reduce the amount of time that many of these people spend commuting by offering a local job opportunity. It also would provide increased sales and use taxes, personal property tax, and possessory interest property tax revenues to the County over many years.

Implementing a 0.64-mile buffer would result in a reduction to the total project footprint of 1,402 acres, or 53% of the total project footprint. The reduction in project footprint would reduce construction and operational jobs, project taxes, and associated local economic benefits to the County and local businesses. Therefore, implementation of a 0.64-mile buffer as a project alternative or mitigation measure would impede the project from attaining project objective #7.

Economic and Legal Factors: Reduction of the project footprint would result in a financial burden that would significantly hinder the project's viability and the economic benefits to the community. Practical limitations, such as direct conflicts with legal agreements contained within the LADWP Interconnection Agreement and Facilities Studies, create an infeasible scenario for reducing the project footprint. The project has an existing executed Interconnection Agreement for 300 MW of

capacity with LADWP. A significant reduction in size caused by implementing a 0.64-mile buffer would be prohibited under the current agreement and would result in the triggering of a “material modification process” with LADWP, further causing re-study and amendment of the Agreement. Such a process causes significant unknowns related to study timing, future costs and project schedule, and until resolved would impede the financial investment necessary to advance the project development and construction. Every action for this project that is not consistent with the existing LADWP Interconnection Agreement requires 11 approvals from all members of the Mead-Adelanto Project leading to significant additional time beyond normal interconnection processes. Implementation of a 0.64-mile buffer would result in an anticipated freeze on the project advancement of a minimum of 18 months. This potential delay would prevent the project from being capable of being accomplished within a reasonable period of time and is therefore infeasible.

Implementing a 0.64-mile buffer may also result in a breach of the LADWP Agreement that could result in a termination of this agreement, which has significant economic consequences and creates a situation that makes implementing a 0.64-mile buffer infeasible. It is also expected that implementation of a 0.64-mile buffer would result in a higher cost per watt for the project by not maximizing economies of scale. Economically, a reduction in the project footprint would also significantly reduce the living wage jobs that would be provided during project construction and operation. This would result in a direct reduction in the economic benefits of the project to the County and its residents by decreasing spending in the community as a result of construction and development-related work. The reduction in project footprint would reduce the direct and indirect economic benefits of the project, including reducing labor costs, contractor’s profit and overhead, sales and use taxes, personal property tax, and possessory interest tax revenues to the State of California and County of San Bernardino. The total fiscal benefit to the County and State from implementation of the project would be substantially reduced with implementation of a 0.64-mile buffer.

Social Factors: Reducing the project footprint would also reduce the socioeconomic benefits of the project, including employment for local residences and sources of income through the direct and indirect employment opportunities identified within the project’s Socioeconomic Study (Appendix P TN #259903). A reduction in the project footprint would substantially reduce the project’s ability to help provide a reliable local source of renewable power that would minimize power outages and disruptions by reducing rolling blackouts during peak demand periods.

Technological Factors: The proposed project is a large-scale infrastructure project that utilizes state-of-the-art solar energy generation and battery energy storage technology. The project site was selected because it is located directly adjacent to existing large scale infrastructure projects – including the I-15, Brightline West high speed rail project and existing transmission lines. The project offers a model for safely locating solar and battery energy storage facilities far away from residential areas, clustered adjacent to dense infrastructure projects, and connecting to underutilized transmission lines, which prevents the need for new transmission lines to be constructed in wilderness or populated areas. Reducing the project footprint reduces the project’s capability for maximizing technology in an effort to build environmentally friendly solar and battery storage developments.

4.3 Staff-Recommended Bighorn Sheep Buffer and Relocated BESS Alternative #2: Although it is not the Applicant’s preferred project, the staff-recommended Environmentally Superior Alternative, Bighorn Sheep Buffer and Relocated BESS Alternative #2, represents a feasible project alternative that the Applicant team can implement. This alternative retains the 2016 removal of 571 acres north of Interstate 15 to minimize impacts to desert bighorn sheep and incorporates a reduced construction and operational footprint. As a result, it would generate less severe impacts than the proposed project across the following issue areas: Air Quality; Biological Resources; Climate Change and Greenhouse Gases; Cultural and Tribal

Cultural Resources; Hazards, Hazardous Materials, and Wildfire; Public Health; Solid Waste Management; and Transportation. The Bighorn Sheep Buffer and Relocated BESS Alternative #2 is the product of an exhaustive and collaborative engineering and environmental design process involving the developer, owner, environmental and biological consultants, civil design engineers, resource agencies, and the CEC. The alternative reflects a good-faith effort to maximize the developable potential of the site through highly efficient design and equipment selection while simultaneously incorporating conservation measures to meaningfully address biological resource concerns. This alternative has an extremely constrained design from a technical standpoint, such that any further reduction of the project footprint would result in a reduction of the project's energy generation capacity and a diminished ability of the Applicant to meet the project objectives.

CONCLUSION

On behalf of the Applicant team, I would like to thank the California Energy Commission for its hard work in implementing the AB 205 process. The applicant team appreciates the opportunity to provide these comments and our team stands ready to execute a viable renewable energy and battery storage project, including delivering a modified project design, referred to as the staff-recommended Environmentally Superior Alternative, the Big Horn Sheep Buffer and Relocated BESS Alternative #2.

Sincerely,

Hannah Arkin

CEO, Resolution Environmental