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**National Parks Conservation Association Comments on Staff
Recommendation FEIR**

Additional submitted attachment is included below.



April 25, 2026

California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Comments on Soda Mountain Solar Staff Recommendation / Final EIR

Dear Commissioner Gallardo,

On behalf of the National Parks Conservation Association, we write to (1) express our continued opposition to the Soda Mountain Solar project and (2) respond to the Soda Mountain Solar Final Staff Assessment (SA). The SA continues to rely on applicant preferences for the range of alternatives considered. This results in a subjective and narrow range of alternatives that leans heavily on ensuring the project is approved in a manner that favors the applicant, not environmental or wildlife impacts, or compliance with CEQA.

CEQA Mandates a Consideration of Reasonable Alternatives

The project proponent has consistently refined the scope of the project objectives in the Soda Mountain Solar CEC process. 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. Furthermore, they continue to refine the scope of the project through project objectives to limit alternatives considered. These objectives include local jobs and tax revenue to San Bernardino County, efficient and best use of land for solar siting in San Bernardino County, and California renewable energy goals. These project objectives unnecessarily narrow the scope of the CEC staff assessment and the CEQA mandate to analyze reasonable alternatives.

Failure to Analyze Smaller Footprint and Lower Megawatt Alternatives

The SA states that "An alternative that removes the majority or entirety of the project's generation capacity would not meet the project's basic objectives and would be economically infeasible." This conclusion is contradicted by permitting decisions being made across California, the project's on CEQA permitting history, and is not supported by either law or substantial evidence.

No alternatives below 300MW were considered in this process. There are well-documented examples of smaller solar projects in the Mojave desert, and even examples of 300MW projects that included smaller megawatt alternatives in the CEQA process. 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.” 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. This substantial evidence was submitted to the CEC during the Draft EIR/SA comment period, yet the CEC simply ignored it and did not respond.

In 2013, the Desert Stateline Solar Farm project near the Ivanpah Valley and in San Bernardino County went through NEPA/CEQA process that included 7 alternatives, a reduced acreage alternative with only 232 MW of generation, three no action alternatives, two of which would identify the project site as suitable or unsuitable for future solar energy development¹. In the analysis it’s made clear that the applicants interests and objectives are to inform the BLM and San Bernardino County in their own determination.

The SA states, regarding the project size reduction recommended by the bighorn sheep experts, that “As a result, the project would not meet several of its basic objectives, including supporting California’s Renewables Portfolio Standard and greenhouse gas emissions reduction objectives; producing and transmitting electricity at a competitive price; providing a new source of energy storage; utilizing existing, unused transmission capacity and energy infrastructure; and building a project in San Bernardino County that would contribute to the economic support of the economy.”

The SA provides no substantial evidence to support this conclusion. The previously described smaller scale projects within California and San Bernardino County have supported California’s RPS objectives, produced and transmitted electricity at a competitive price, have provided a new source of energy storage, and supported the local economy (e.g. the Sienna 2 Solar and Storage² and Desert Harvest 2 Solar and Storage³).

¹ [Stateline Solar Farm Project: final environmental impact statement/final environmental impact report](#)

² [Appendix-A-NOP-and-Comment-Letters.pdf](#) The following are the Project objectives: • Use proven and established PV and energy storage technology that is efficient and requires low maintenance • Assist California in meeting greenhouse gas emission reduction goals by 2030 as required by the California Global Warming Solutions Act (Assembly Bill 32), as amended by Senate Bill 32 • Support California’s Renewables Portfolio Standard (RPS) Program consistent with the timeline established by Senate Bill 100, which requires that by December 31, 2030, 60 percent of all electricity sold in the State shall be generated from renewable energy sources • To provide energy to the electric grid to meet increasing demand for in-state generation • Interconnect directly to the SCE electrical transmission system • Promote the County’s role as the State’s leading producer of renewable energy • Utilize a location that is in close proximity to an existing SCE substation and powerlines

³ [EDF Renewables North America Announces Commercial Operations at Desert Harvest 1 and Desert Harvest 2 Solar Projects - EDF power solutions North America](#). The construction of Desert Harvest 1 and 2 represented almost 190,000 labor hours in partnership with local trades and unions including: Labors Local 1184, Operators Local 12, Ironworkers Local 433, and IBEW Local 440. These partnerships contribute to MCE’s over 1.5 million labor hours and 5,000 jobs on new California renewable energy projects.

“MCE’s partnership with EDF Renewables on the Desert Harvest project provided an exciting opportunity to invest in clean, renewable solar energy, while growing California’s economy through in-state job creation,” said Dawn Weisz, CEO of MCE. “Construction of projects like this that increase adoption of solar resources, instead of fossil fuels, helps us secure a clean energy future for California.”

Without providing any evidence, the SA states that the recommendation by the nation's leading bighorn sheep experts "to delay the project pending the completion of the planned Caltrans wildlife crossing over I-15 and requiring additional studies of desert BHS to be conducted would delay project construction by at least two years or more and would create substantial uncertainty regarding project timing and funding and likely compromise the ability to construct this alternative project." The SA cannot square this conclusion with the fact that the project site has been targeted for development since 2007, begging the question: how is the project viable in 2026 (19 years since 2007) but not in 2028 (21 years since 2007)? The CEC has provided no evidence to support its conclusion that delaying construction would create substantial uncertainty.

Feasibility Determinations from Third-Party Agreements

The applicant comments state that "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." Using third-party agreements as a back door way of blocking mitigation is yet another example of the applicant, apparently with the CEC's support, subverting the CEQA process. This is especially clear when the applicant has used the same infeasibility argument for both the .25-buffer *and* the .64 mile buffer mitigation for desert bighorn sheep. In the applicant's TN#261667 filing, they use the same language to argue against a .25 mile buffer as they do to argue against a .64 mile buffer in their most recent TN#268868 filing, stating that any further mitigation or reduction in project size would threaten the current interconnection agreement. The applicant continues to move the goalposts of project feasibility by this third-party agreement. An EIR is not required to consider alternatives that are infeasible⁴, but feasibility cannot be tied solely to the applicants desires for total megawatts or other desires that attempt to create backdoor "vetoes" of mitigations and alternatives.

Conclusion

Throughout the CEC's process of assessing the Soda Mountain Solar project it's clear the alternatives considered were limited to those deemed feasible by the applicant, not by independent CEC staff analysis or what the law requires CEC to assess. Of those alternatives considered, well-documented science on the impacts to desert bighorn sheep were pushed aside to allow the applicants desired project size.

Sincerely,

Mason Osgood

California Desert Program Manager

National Parks Conservation Association

In addition to economic benefits for Riverside County, the combined projects generate enough clean energy to meet the consumption of up to 77,000 average California homes¹. This is equivalent to avoiding more than 353,000 metric tons of CO₂ emissions annually² which represents the greenhouse gas emissions from 76,000 passenger vehicles driven over the course of one year.

⁴ Cal. Code Regs., tit. 14, § 15126.6, subd. (a)