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Conservation Organizations Comments

Additional submitted attachment is included below.

April 24, 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 Friends of Amargosa Basin, Friends of the Inyo, Defends of Wildlife, CalWild, Mojave Desert Land Trust, Center for Biological Diversity, Basin and Range Watch, and the National Parks Conservation Association, we write to (1) express our opposition to siting a solar facility in this Soda Mountain region and (2) respond to the staff recommendation / final environmental impact report (EIR).

CEQA Mandates a Consideration of Reasonable Alternatives

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, the objective of assisting in GHG reductions does not require a specific size project. 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 being deployed in California, the American Southwest, and across the nation to help reduce GHG emissions and support other objectives as well.

Substantial evidence of numerous examples of solar power generation facilities across the Mojave Desert that operate on a small footprint and with lower power generation that contribute to these same GHG reduction objectives was submitted to the CEC during the Draft EIR process.¹ However, the CEC staff did not respond to that information and appears to have ignored it. Further, throughout the CEC’s assessment process the goalposts of supposed project feasibility have shifted in what appears to be a concerted effort to avoid meaningfully addressing needed mitigation buffers for desert bighorn sheep. The current claim that for the CEC to approve anything less than 300 MW would render the project infeasible is unsupported. To allow the project’s objectives to be unreasonably narrowed to the proponents’ preferred proposal only, renders the CEQA mandate to consider a reasonable range of potentially feasible alternatives meaningless.

¹ [TN# 268866](#) - 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.

That is what happened here. The 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 those mitigations in the package in either of the alternatives, claiming that reducing the project size would prevent the project from meeting basic objectives (e.g. support California's Renewables Portfolio Standard and greenhouse gas emissions reduction objectives; providing energy storage; utilizing existing, unused transmission; and supporting local economies). CEC continued to make these claims regarding the need for the full 300 MW to meet the objectives despite smaller sized projects being built that meet these exact objectives. The CEC disregarded needed mitigations for bighorn despite not pointing to a single piece of information to dismiss the package of mitigations.

The CEC states it has coordinated with California Department of Fish and Wildlife (CDFW) and implies that CDFW, as part of CEC's lead agency review of this project, has endorsed the 0.25 mile bighorn sheep buffer over the minimum 0.62 mile buffer that is based on more current research. However, the CEC presents no information to back this up. Instead, the record shows that the CDFW has never opined on the most current, best available science presented to the CEC by the nation's leading bighorn sheep researchers. The substantial evidence before the CEC demonstrates that Staff's recommended alternative would create significant adverse impacts to bighorn sheep and Staff's proposed findings to the contrary should not be adopted by the Commission. The CEC can implement measures to reduce the impacts to bighorn sheep below significance, and the CEC has been presented with those measures which should be adopted. If the Commission refuses to adopt the needed mitigation measures and claims instead that the significant impacts are unavoidable, then it must address these significant impacts in the Statement of Overriding Considerations.

Responsible Renewable Energy Planning

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). At its core, the DRECP is about siting renewable energy generation projects in appropriate locations. If renewable energy projects are proposed on public lands, they should be sited on lower conflict lands. 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.

The facts of this matter make painfully clear that the Soda Mountain Solar project 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 4th 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.

Conclusion

The EIR process with the CEC for the Soda Mountain Solar project appears to have put the applicant at the helm of steering the review process towards a final project that fits best with the developer’s desires. The conservation community, scientific community, and the National Park Service have consistently demonstrated the impacts that a solar project in this area would have to the desert bighorn sheep, scenic values of the Mojave National Preserve, and planned wildlife crossings on I-15. Despite the overwhelming body of evidence brought forth to show these impacts, the CEC has moved the goalposts for analysis of feasibility and narrowly focused solely on the applicant’s objectives in what appears to be an attempt to ignore substantial evidence that other alternatives are indeed feasible, and to dismiss needed mitigation measures to protect bighorn sheep. As a result, the FEIR lacks a full analysis of significant impacts based on substantial evidence in the record and fails to include necessary mitigation measures to reduce those impacts; fails to consider and analyze reasonable alternatives to the proposed project; and fails to demonstrate that the CEC has undertaken an objective assessment of the feasibility of constructing a solar project in this area. Include measures to avoid, minimize or mitigate all impacts to the extent feasible and to less than significant.

Sincerely,

Cameron Mayor
Executive Director
Friends of Amargosa Basin

Wendy Schnieder
Executive Director
Friends of the Inyo

Jeff Aardahl
Senior California Representative
Defenders of Wildlife

Linda Castro
Assistant Policy Director
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Mojave Desert Land Trust

Lisa Belenky
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