

DOCKETED

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CALIFORNIA ENERGY COMMISSION

In the Matter of Soda Mountain Solar Project, Docket No. 24-OPT-03

**ORDER CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT,
ADOPTING A MITIGATION MONITORING OR REPORTING PROGRAM,
ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, CERTIFYING
THE RECORD OF PROCEEDINGS, AND GRANTING THE OPT-IN APPLICATION
FOR CERTIFICATION**

ORDER NO: 26-0427-06

I. BACKGROUND

On July 21, 2025, Soda Mountain Solar, LLC filed an application seeking a certification for the Soda Mountain Solar Project (24-OPT-03) (project) under the California Energy Commission's (CEC) Opt-In Certification Program. The project would include construction and operation of a 300 megawatt (MW) utility-scale solar photovoltaic electrical generating facility, 300 MW battery energy storage system (BESS), substation, 500 kilovolt (kV) generation-intertie line, utility switchyard, and 500 kV transmission loop-in lines. The project is on approximately 2,670 acres of land administered by the U.S. Department of Interior, Bureau of Land Management (BLM), California Desert District, managed by the Barstow Field Office in San Bernardino County.

Under the Opt-In Certification Program, the CEC may grant a certification to an eligible facility if the commission finds that the project meets all applicable requirements under Chapter 6.2 of Division 15 of the Public Resources Code (Chapter 6.2). Moreover, Public Resources Code section 25545.7 designates the CEC as the "lead agency" under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) for Opt-In applications.

On December 29, 2025, the CEC staff filed a Staff Assessment on the project. The Staff Assessment included an analysis of the project's engineering, its consistency with all applicable local, state, and federal laws, plans, policies, and regulations, and its compliance with mandatory Opt-In requirements, as well as a draft environmental impact report (EIR), prepared in accordance with CEQA (TN 268059).

In the draft EIR, the CEC identified that the project, as submitted, had significant, unavoidable environmental impacts on visual resources and biological resources. As required by CEQA, CEC staff analyzed three alternatives to the project. CEC staff concluded the Bighorn Sheep Buffer and Relocated Battery Energy Storage System

Alternative #2 was the environmentally superior alternative compared to the proposed project. The alternative would still cause significant, unavoidable impacts to visual resources but would, with mitigation incorporated into the project, no longer cause significant impacts on biological resources, particularly related to desert bighorn sheep.

On February 27, 2026, the project applicant affirmed that this alternative “represents a feasible project alternative that the Applicant team can implement.” CEC staff thus recommended that the CEC adopt the Bighorn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2 and issue a certification to construct and operate a facility consistent with that alternative scenario. Additionally, while there are significant and unavoidable impacts to visual resources, CEC staff concluded that there is substantial and compelling evidence in the record to support a CEC decision to certify the final EIR and approve the project by issuing a Statement of Overriding Considerations.

On March 27, 2026, CEC staff filed an Updated Staff Assessment. (TNs 269349, 269350). This Updated Staff Assessment includes revisions in response to comments and recommendations received on the Staff Assessment that raised significant environmental issues, to correct typographical errors, or for clarity. On April 17, 2026, CEC staff filed the Errata to the Updated Staff Assessment to address concerns raised by the applicant and to correct an inadvertent omission, fix typographical and mitigation calculation errors, and provide clarifying language. (TN 269516). On April 24, 2026, CEC staff filed Errata #2 to add new information regarding a second community benefits agreement. (TN 269633). The Errata and Errata #2 did not provide significant new information or alter the understanding of the project’s environmental impacts.

II. EXECUTIVE DIRECTOR’S RECOMMENDATION

Public Resources Code section 25545.6 and California Code of Regulations, title 20, section 1879(c) require the CEC’s Executive Director to file a recommendation on whether the CEC should certify an EIR and issue a certificate for the construction and operation of the facility.

Based on the entire record of this proceeding, the Executive Director recommends that the CEC certify the Final EIR, contained in the Updated Staff Assessment, as modified by the Errata and Errata #2, adopt a Statement of Overriding Considerations as set forth in the Updated Staff Assessment, as modified by the Errata and Errata #2, in **Section 11, Override Findings and Recommendations**, adopt a Mitigation Monitoring and Reporting Program, and issue a certificate to construct and operate the Soda Mountain Solar Project as described under the Bighorn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2.

III. ENERGY COMMISSION FINDINGS

Based on the exercise of independent judgment and review, and considering the record as a whole, including the Opt-In Application; public comments; Staff Assessment, including the Draft Environmental Impact Report (EIR); and Updated Staff Assessment,

which includes the Final EIR, Errata, and Errata #2, we concur with the Executive Director's Recommendation to issue a certificate to construct and operate the Soda Mountain Solar Project as described under the Bighorn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2. The CEC adopts the following findings under CEQA, the CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.), the Warren-Alquist Act (California Public Resources Code, section 25000, et seq.), and California Code of Regulations, title 20, chapter 5, article 4.1:

1. The Soda Mountain Solar Project is an eligible facility under Public Resources Code, Chapter 6.2.
2. As detailed in the Updated Staff Assessment, as modified by the Errata and Errata #2, applicant's project results in significant and unavoidable impacts in the areas of biological resources and visual resources.
3. Based on substantial evidence in the record, the Environmentally Superior Alternative is the Big Horn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2. This alternative has been determined to be feasible by the applicant.
4. The Big Horn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2 would, with mitigation incorporated into the project, reduce the impacts to desert bighorn sheep to less than significant. Under the Environmentally Superior Alternative, a statement of overriding considerations is not required for impacts to biological resources.
5. Impacts to visual resources would remain significant and unavoidable under the Big Horn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2. Specifically, the project would substantially degrade the existing visual character or quality of public views of the site and its surroundings from all 11 applicant-submitted key observation points (KOP).
6. No feasible mitigation measures were identified in the Updated Staff Assessment that could mitigate or avoid the project's significant effects on visual resources. Specifically, CEC staff concluded that with implementation of conditions of certification the application of surface colors and finishes, combined with the restoration and revegetation of temporarily impacted areas, and installation of landscape screening would reduce the project's impact on the visual character or quality of public views of the site and its surroundings but not to a level that would be less than significant.
7. There are no feasible alternatives to the project that would avoid or substantially lessen the significant impacts to visual resources and achieve most of the benefits and objectives of the project.
8. The project would provide the following benefits: assist the State of California in

achieving its Renewables Portfolio Standard and greenhouse gas emissions reduction objectives, assist the state in achieving its energy storage mandates, contribute to the diversity of renewable generation, contribute to the state's electrical grid reliability, use existing unused transmission capacity, and support the San Bernardino County economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

9. In accordance with California Code of Regulations, title 14, sections 15091 and 15093, and based on substantial evidence in the record, on balance, the project's significant impacts to visual resources are outweighed by the project's benefits.
10. Imposition and implementation of the conditions of certification contained in the Updated Staff Assessment will ensure protection of environmental quality and ensure reasonably safe and reliable operation of the project. The conditions of certification also ensure that changes or alterations have been incorporated into the project that avoid or substantially lessen the project's significant environmental impacts. For components of the project outside the CEC's jurisdiction, the Updated Staff Assessment recommends mitigation measures that can and should be adopted by another public agency.
11. The CEC has not recommended minimum standards of efficiency for the project pursuant to Public Resources Code section 25402(d) because no minimum efficiency standards apply to this project. The applicant is therefore not required to demonstrate compliance with minimum standards of efficiency pursuant to Public Resources Code section 25402(d).
12. Imposition and implementation of the conditions of certification contained in the Updated Staff Assessment (including a Final EIR), as modified by the Errata and Errata #2, will ensure that the Soda Mountain Solar Project will be designed, constructed, sited, operated, and decommissioned in conformity with applicable public safety standards, applicable air and water quality standards, and with other applicable local, regional, state, and federal plans, polices, and regulations.
13. The site would be restored as necessary to protect the environment if the CEC denies approval of the application, as required by Public Resources Code section 25523(e).
14. The Updated Staff Assessment, as modified by the Errata and Errata #2, contains a discussion of the public benefits from the project, including but not limited to, economic benefits, environmental benefits, and electricity reliability benefits, as required by Public Resources Code section 25523(h).
15. The Updated Staff Assessment identifies the public agencies that received notice of the Opt-In Application.

16. The project site is not located in a prohibited area as identified in Public Resources Code sections 25526 and 25527.
17. There is a rebuttable presumption that the construction or operation of the Soda Mountain Solar Project will have an overall net positive economic benefit to San Bernardino County. No evidence was presented in the record that rebuts this presumption.
18. The applicant has entered into a legally binding and enforceable agreement with the Friends of El Mirage, a California 501(c)(3) non-profit organization, where there is mutual benefit to the parties to the agreement, satisfying Public Resources Code section 25545.10 (see TN 265953).
19. The applicant has certified its commitment to implementing the labor requirements of Public Resources Code sections 25545.3.3 and 25545.3.5.
20. In accordance with Public Resources Code section 25901, the CEC's findings are based on substantial evidence and come after an independent analysis of project information contained in the docketed record, consultation with experts in the field, collaboration with other state and local agencies, and independent research as described in each of the technical sections in the Staff Assessment and Updated Staff Assessment, as well as information from public events held pursuant to Public Resources Code sections 25545.7.2 and 25545.7.6.
21. The Final EIR (included within the Updated Staff Assessment), which includes responses to comments and revisions, and as further modified by the Errata and Errata #2, has been completed in compliance with CEQA. The CEC reviewed and considered the information contained in the Final EIR prior to approving the Soda Mountain Solar Project.
22. The proceedings leading to this Order have been conducted in conformity with the regulations governing the consideration of an Opt-In Application and thereby meet the requirements of Public Resources Code section 25545 et seq. This includes circulating the Draft EIR (included within the Staff Assessment) for a 60-day public review period in compliance with Public Resources Code section 25545.7.6, subdivision (b).
23. The conditions in Chapter 6.5 (commencing with Section 21178) of Division 13, including Sections 21183.6, 21186, and 21188, have been met for the Soda Mountain Solar Project, and CEC staff prepared the record of the proceedings concurrently with its review of the Opt-In Application.

IV. CONCLUSION AND ORDER

1. The Updated Staff Assessment (including the Final EIR) is hereby modified in accordance with the Errata to the Updated Staff Assessment filed on April 17, 2026 (TN 269516) and Errata #2 filed on April 24, 2026 (TN 269633).

2. We hereby CERTIFY that the Final EIR (within the Updated Staff Assessment, as modified by the Errata and Errata #2) complies with CEQA, reflects the CEC's independent judgment and analysis, and was considered and reviewed by the CEC before a decision on the certification of the Soda Mountain Solar Project.
3. We hereby CERTIFY that the CEQA record of proceedings is complete.
4. The CEC finds that the project's significant impacts to visual resources are outweighed by the project's benefits, as set forth in the Updated Staff Assessment, as modified by the Errata and Errata #2. The CEC hereby ADOPTS a Statement of Overriding Considerations.
5. The CEC hereby ADOPTS CEC staff's recommendations and findings and the conditions of certification and compliance verifications set forth in the Updated Staff Assessment, as modified by the Errata and Errata #2, as its monitoring program required by Public Resources Code section 25532 and as the mitigation monitoring or reporting program required by Public Resources Code section 21081.6.
6. All conditions shall take effect immediately upon adoption of this Order and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
7. The approval of the Opt-In Application for Certification for the Soda Mountain Solar Project is subject to the timely performance of the conditions of certification and compliance verifications. The conditions of certification and compliance verifications are integrated within this Order and are not severable therefrom. While the project owner may delegate the performance of a condition or verification, the duty to ensure adequate performance of a condition or verification may not be delegated.
8. The Opt-In Application for Certification for the Soda Mountain Solar Project, as described under the Bighorn Sheep Buffer and Relocated Battery Energy Storage System Alternative #2 in the Updated Staff Assessment (including the Final EIR), as modified by the Errata filed on April 17, 2026, and Errata #2 filed on April 24, 2026, and a certificate to construct and operate the project are hereby GRANTED.
9. This Order is adopted, issued, effective, and final on April 27, 2026.
10. The CEC staff shall file a Notice of Determination with the State Clearinghouse within five business days of April 27, 2026.

IT IS SO ORDERED.

APPROVED AND ADOPTED this 27th day of April 2026, by the following vote:

AYE: Hochschild, Gunda, McAllister, Gallardo

NAY: None

ABSENT: Skinner

ABSTAIN: None

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly approved and adopted by the affirmative vote of the CEC at a meeting held on April 27, 2026.

A handwritten signature in cursive script that reads "Kim Todd".

Kim Todd
Secretariat