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REQUEST FOR DENIAL OF SMALL POWER PLANT EXEMPTION

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Re: RB Inyokern Data Center " Docket No. 26-SPPE-01
Subject: Request for Denial of Small Power Plant Exemption

Dear Commissioners,

I am a resident of the Indian Wells Valley, and I am writing to request that the California Energy Commission (CEC) deny the Small Power Plant Exemption (SPPE) applied for by the RB Inyokern Data Center. Instead, I urge the Commission to require a full Application for Certification (AFC), including a complete environmental review equivalent to what is required under the California Environmental Quality Act (CEQA).

I share the serious concerns raised by many in our community: that this project does not qualify for the SPPE exemption because it exceeds the 99 MW threshold when its full planned capacity is considered, and that it will have significant adverse environmental impacts on our groundwater, air quality, wildlife, and quality of life. Each of these concerns, on its own, is sufficient to require the full certification review process.

I am a resident in Inyokern with a home a few blocks from the proposed site. This home has been owned by my husband since 1986. We love living in a place that is quiet, free of pollution, dark skies at night and a safe environment for our pets. We have baby desert tortoises that cross through our property. Its wonderful to see an endangered species living in its Natural environment.

**THIS PROJECT EXCEEDS THE SPPE LIMIT " THE FULL 198 MW PROJECT
MUST BE REVIEWED**

The applicant appears to have split a planned 198 MW facility into a 99 MW 'Phase 1' to avoid the 100 MW threshold that requires full CEC review. This kind of project splitting â€” called 'piecemealing' â€” is prohibited under California law.

The application describes a 99 MW project, just under the 100 MW limit, that would require full certification review. However, the developer's own public materials describe a two-phase campus totaling approximately 198 MW â€” double what was submitted to the CEC. The parcels designated for Phase 2 are already identified in those materials, and the developer has stated it expects electrical service for the second phase by 2031.

California law requires that an environmental review cover the whole foreseeable project, not just the portion that avoids a regulatory threshold. The two phases are clearly one connected project, and the CEC should evaluate them together.

Additionally, the project proposes approximately 40 diesel backup generators with a combined nameplate capacity of roughly 120 MW â€” already exceeding the 99 MW threshold â€” raising further questions about whether the project truly qualifies for the SPPE process at all.

The developer has already disclosed on his website, marketing materials & video of his intention to build 198 MW system & beyond. He has several properties throughout IWW that he has rumored to develop more data centers including Pearsonville. He is trying to build a mega data center by piece milling it to avoid having to do full environmental regulations impact studies.

THE WATER SUPPLY ASSESSMENT IS DEEPLY FLAWED

The applicant's water study references the wrong groundwater basin â€” one located on the other side of the Sierra Nevada mountains â€” and ignores the ongoing court case that will determine how much water the Indian Wells Valley basin can legally supply.

California law (Senate Bill 610) requires large developments to demonstrate they have a reliable 20-year water supply before receiving approval. The water study submitted for this project fails that test in several important ways:

â€¢ It references the 'Kern Subbasin' â€” an entirely separate aquifer in the Central Valley, on the other side of the mountains â€” rather than the Indian Wells Valley Groundwater Basin, where this project would actually be located.

â€¢ Our basin is already in 'critical overdraft,' meaning we are pumping far more water than nature can replenish. Current pumping is estimated at nearly three times the sustainable yield.

â€¢ A court case that will legally determine how much water can be extracted from our basin was set to begin on June 1, 2026. Approving a major new industrial water user before that court decides the basin's legal water limits is premature and legally risky for all existing water users.

â€¢ The Indian Wells Valley Water District has also filed a legal challenge to the current

water management plan, creating additional uncertainty about future water availability.

Developer used a water Supply Assessment (2022) which was denied by the State of California as being incorrect.

THE WATER PROVIDER NAMED IN THE APPLICATION CANNOT RELIABLY SERVE THIS PROJECT

The Inyokern Community Services District, which issued the project's 'will-serve' letter, has been found financially insolvent by the Kern County Grand Jury and is under state oversight for consolidation.

The project relies on a 'will-serve' letter from the Inyokern Community Services District (ICSD), which is intended to guarantee the district's ability to supply water to the project. However, the 2023-2024 Kern County Grand Jury found ICSD to be financially insolvent and unable to address critical operational problems. The district has reportedly failed to provide basic water production records to the regional groundwater authority since 2018. The State Water Board has formally requested that ICSD enter consolidation negotiations with another district, and it remains under active state oversight.

A financially troubled, potentially dissolving water district is not a credible long-term water supplier for a major industrial facility that expects to operate for decades. The CEC should require a full independent review of ICSD's actual capacity and long-term viability before accepting its will-serve letter.

Per the developers website and comment in a letter, the developer has made a relationship/deal with ICSD.

WATER USE ESTIMATES ARE FAR TOO LOW FOR OUR DESERT CLIMATE

Data centers that use evaporative cooling – even hybrid systems like the kind we're told would be used here – consume significant amounts of water. In desert climates like ours, consumption is among the highest in the world, and the application's estimates do not reflect this reality.

The project's water-use projections do not adequately account for the extreme heat, low humidity, and high evaporation rates in the Indian Wells Valley. Independent research on data centers in comparable desert climates – such as Arizona – shows water use rates many times higher than at facilities in cooler or more humid locations, even when the most efficient technology is used. Peak water demand from this facility would occur during the same hot summer months when local residents, farms, and businesses already depend most heavily on groundwater – the period when our basin is under the most stress.

The CEC should require an independent, third-party water use estimate based on actual

local climate data and worst-case summer conditions.

ADDING MAJOR INDUSTRIAL WATER USE TO AN OVERDRAFTED BASIN IS UNSUSTAINABLE

Our basin is already pumping nearly three times what can be sustainably replenished. Adding a massive new industrial water user risks making the overdraft worse and ultimately forcing expensive imported water solutions onto local ratepayers.

The Indian Wells Valley Groundwater Basin is formally designated as being in 'critical overdraft' under the state's Sustainable Groundwater Management Act (SGMA). Existing users — residents, farms, and businesses — have already been required to significantly reduce their water use to help bring the basin back into balance. Adding a large new industrial water user at this moment risks undermining those conservation efforts, worsening the overdraft, and accelerating pressure to import water from outside the valley — a costly solution that would be paid for by local ratepayers.

People in IWV are reporting at meetings the water level of our aquifer is dropping approximately 1 foot every year!! This is without the added strain of a water gunslinger business like a data center. People are having to drill new wells already.

A moratorium needs to be placed on the IWV aquifers allowing no new connections or large users. At least until the aquifer water problem is resolved.

WE ARE IN CRITICAL OVERDRAFT!!!

THE INYOKERN AREA IS ALREADY THE MOST IMPACTED PART OF THE BASIN

The area where this project would draw water is already experiencing the worst groundwater declines and quality problems in the basin. Concentrated industrial pumping here could cause nearby wells to fail.

The Inyokern area is experiencing some of the worst groundwater-level declines and water-quality problems in the entire basin. Adding concentrated industrial pumping of this scale in this specific area could create a localized 'cone of depression' — essentially a zone where the groundwater table drops sharply — that could cause nearby private and agricultural wells to fail, increase pumping costs for existing users, and worsen water quality by drawing in more sediment and dissolved minerals.

Neighbors are having to drill new wells including the ICSD. Others say the water levels are going down approximately 1 foot per year.

THE PROJECT WILL PRODUCE CONTAMINATED WASTEWATER LOCAL INFRASTRUCTURE MAY NOT HANDLE

Evaporative cooling systems produce concentrated wastewater containing arsenic,

heavy metals, and potentially PFAS chemicals. It is unclear whether ICSD can safely treat this waste.

Data center cooling systems produce large volumes of concentrated wastewater â€” called 'blowdown' â€” that can contain elevated levels of arsenic (which occurs naturally in local water sources), heavy metals like zinc and copper, and industrial chemicals, including potential PFAS compounds. PFAS are sometimes called 'forever chemicals' because they do not break down in the environment, and certain types have no safe exposure level. ICSD, which is already facing financial and operational challenges, may not have the infrastructure or capacity to safely treat this type of industrial wastewater. No adequate analysis of this risk has been provided.

ENVIRONMENTAL JUSTICE

More than 80% of local students are socioeconomically disadvantaged. The cumulative impacts of this project â€” on water costs, air quality, noise, and health â€” could fall most heavily on those least able to absorb them.

According to publicly available data from the California School Dashboard, approximately 80% of local students are classified as socioeconomically disadvantaged. Our community already faces documented health disparities, including elevated rates of asthma, cardiovascular disease, and other conditions. Lower-income residents are less able to respond to rising water costs, declining air quality, industrial noise, or the need to drill deeper wells. California law requires environmental agencies to consider whether environmental burdens fall disproportionately on disadvantaged communities. The CEC must conduct a full environmental justice analysis before considering any approval.

Many of the residents in Inyokern are low income families. Increased utilities will make it hard for them

CUMULATIVE IMPACTS AND GROWTH-INDUCING EFFECTS

Our valley already faces multiple overlapping environmental stressors. The developer claims the project will support 500 additional jobs â€” acknowledging growth-inducing potential that must be analyzed under CEQA.

The Indian Wells Valley is already managing chronic groundwater overdraft, infrastructure limitations, extreme heat, and regional air quality concerns. The project does not exist in a vacuum â€” its effects compound these existing stressors. The developer's own website has claimed the project will support approximately 500 additional jobs beyond those it directly employs, suggesting it could spur further growth, additional industrial development, and infrastructure demands incompatible with the valley's resources and rural character. Climate change will magnify all of these impacts over the project's operational lifetime. CEQA requires that these cumulative effects be analyzed comprehensively.

Develop states he will be doing job creation & bring money to Inyokern. The construction that he talks about is most likely his own construction company that isn't located in Kern Co. It is in San Bernadino County. The construction jobs will be approximately 2 years. After that, maybe 30 people (10/shift) most likely hired from outside of Inyokern & surrounding areas.

NO ALTERNATIVES ANALYSIS HAS BEEN PROVIDED

California law requires that a meaningful analysis of feasible project alternatives be completed before any approval. The applicant has provided none.

CEQA requires that any project with potentially significant environmental impacts analyze a range of feasible alternatives that could achieve the project's goals while reducing those impacts. The applicant has provided no such analysis. Given the unique sensitivity of the Indian Wells Valley "critically overdrafted groundwater, proximity to a strategic military installation, extreme climate conditions, rural infrastructure limitations, and proximity to homes and a school" the Commission must require analysis of alternatives, including:

- A smaller facility that would stay below significant impact thresholds;
- Water-neutral operational alternatives that do not withdraw local groundwater;
- Alternative sites outside critically overdrafted basins and away from NAWWS China Lake;
- Alternative power configurations that reduce dependence on diesel generators;
- Distributed or less resource-intensive development models.

Without a real alternatives analysis, neither the public nor the Commission can judge whether there are better, less damaging ways to achieve the project's goals.

IMPACTS ON WILDLIFE, ENDANGERED SPECIES, AND POLLINATORS

The application identifies 11 special-status wildlife species on or near the site, but fails to complete required surveys, uses outdated species classifications, and ignores all operational-phase impacts on wildlife, domestic animals, and commercially managed bees.

The applicant's Biological Analysis Report identifies 11 special-status wildlife species and 3 special-status plant species as potentially present on the project site, yet concludes "without adequate justification" that impacts can all be reduced to less-than-significant levels. Critical problems include:

- Protocol-level surveys required for special-status species were never completed. Surveys were conducted in August and November "outside optimal detection windows for several key species.
- The Mojave desert tortoise was uplifted from 'Threatened' to 'Endangered' under California law in July 2025, months before the report was finalized in December 2025.

The report still incorrectly classifies it as Threatened, which requires significantly less stringent protections. This legal error is fundamental.

â€¢ The Mohave ground squirrel â€” also Threatened under California law â€” is the subject of a newly initiated state recovery plan. The State formally initiated recovery planning for this species in May 2026. Destroying habitat at the moment the State has begun formal recovery efforts directly contradicts the State's conservation mandate.

â€¢ There is no analysis of how 24/7 industrial lighting, generator noise, waste heat, or permanent habitat loss will affect wildlife throughout the project's operational life â€” only construction impacts are considered.

â€¢ No assessment has been provided of electromagnetic field (EMF) impacts on domestic animals and commercially managed honeybee colonies on nearby rural properties.

There are a lot of wildlife in Inyokern. I've seen the ENDANGERED DESERT TORTOISE on the desert including migrating through our neighborhood (a few blocks from the proposed data center site]. We have ground squirrels, kit foxes, ravens.....all of which are threatened or protected. We also get a lot of migratory birds that come through here that are protected by the Federal Migratory Bird Treaty Act.

We need to protect the desert environment and its wildlife.

MY REQUESTS TO THE CALIFORNIA ENERGY COMMISSION

For all of the reasons described above, I respectfully request that the California Energy Commission:

1. Deny the Small Power Plant Exemption and require a full Application for Certification (AFC), including a complete environmental review, because the project does not qualify for the exemption, exceeds 99 MW when its full planned capacity is considered, and will have significant adverse environmental impacts on our community;
2. Pause all approval proceedings until the ongoing court case determining the legal water rights in the Indian Wells Valley Groundwater Basin is fully resolved, so that any water supply determination is based on legally established water allocations â€” not speculation;
3. Require review of the full 198 MW project, including both Phase 1 and Phase 2, as required by California's prohibition on piecemealing and project segmentation;
4. Require a comprehensive, independent Water Supply Assessment that correctly identifies the Indian Wells Valley Groundwater Basin, accounts for extreme desert climate conditions, and is completed after the court adjudication establishes final water allocations;
5. Require an independent review of ICSD's long-term infrastructure capacity, financial stability, and water allocation reliability before accepting its will-serve letter as a basis

for any approval;

6. Require comprehensive independent analyses of all the areas of concern raised in this letter, including: groundwater and water quality impacts; air quality; noise and vibration; waste heat; fire safety and hazardous materials; grid reliability and ratepayer costs; traffic safety; seismic resilience; light pollution; national security; wildlife and endangered species; environmental justice; and cumulative and growth-inducing impacts; and

7. Require a full CEQA-compliant alternatives analysis evaluating feasible project alternatives before any approval is considered.

Thank you for carefully considering these concerns. I am a community member who lives in and cares deeply about the Indian Wells Valley. The residents of this valley have a real and long-standing stake in the responsible stewardship of our shared groundwater and in protecting our community from industrial impacts that have not been adequately studied or disclosed. The legal and factual record before the Commission does not support the granting of a Small Power Plant Exemption for this project.

This valley is our home & has been for decades. It is the home of wildlife that is endangered or protected. It is a rural desert community & it needs to be protected for both the current residents & generations to come.

Please do not let the developer piece mill to a 198 MW project and more.

Respectfully submitted,

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