

DOCKETED	
Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272415
Document Title:	Linda Geller Comments - SOLANO COUNTY MEASURE T, AB 205 PREEMPTION, AND THE CORBY BESS STAFF ASSESSMENT
Description:	N/A
Filer:	System
Organization:	Linda Geller
Submitter Role:	Public
Submission Date:	9/9/2026 10:23:04 PM
Docketed Date:	9/10/2026

Comment Received From: Linda Geller
Submitted On: 9/9/2026
Docket Number: 24-OPT-05

**SOLANO COUNTY MEASURE T, AB 205 PREEMPTION, AND THE
CORBY BESS STAFF ASSESSMENT**

Additional submitted attachment is included below.

COMMENTS REGARDING ERRORS, INTERNAL INCONSISTENCIES, AND EVIDENTIARY DEFICIENCIES IN THE VISUAL RESOURCES ANALYSIS

Corby Battery Energy Storage System Project (24-OPT-05)

I am writing to address defects apparent on the face of Section 5.15 of the Corby Battery Energy Storage System Staff Assessment/Draft Environmental Impact Report (Staff Assessment), TN 271468. The principal problems do not depend on competing aesthetic opinion. They arise from Staff's own descriptions, simulations, methodology, and significance findings. In several places, the Staff Assessment states one fact or analytical premise and then reaches a conclusion that does not account for that fact. In other places, Staff relies on screening, viewpoints, or mitigation without analyzing conditions that materially affect whether those devices perform as assumed.

These comments identify defects, inconsistencies, and evidentiary omissions in the published Staff Assessment and preserve those issues in the administrative record.

I. The Scenic-Vista Conclusion Is Internally Inconsistent With Staff's Own Description of Solano County's Scenic Resources

The scenic-vista conclusion is internally inconsistent with Staff's own evidence. Staff quotes the Solano County General Plan as recognizing the County's "agricultural landscapes, the delta and marshlands, and the oak and grass covered hills" as offering "an abundance of scenic vistas" and acknowledges that "the project site is agricultural in character." (Staff Assessment, p. 5.15-11.) Staff nevertheless concludes that the Project is not within a scenic vista by discussing the absence of delta, marshland, and oak- and grass-covered hills without analyzing the agricultural landscape—the first category identified in the General Plan.

That is not simply a difference in wording. The General Plan language quoted by Staff identifies agricultural landscapes themselves as a scenic resource. The Staff Assessment then acknowledges that the Project site has that precise character. Yet the significance discussion effectively eliminates the agricultural-landscape category from the analysis. The conclusion therefore does not follow from the premises Staff itself recites.

The omission is consequential because the Staff Assessment later describes the proposed Project as introducing substantial industrial form, line, scale, and texture into the existing rural agricultural setting. Staff's Executive Summary recognizes the contrast between the Project's industrial character and the existing rural agricultural landscape, and Section 5.15 ultimately finds significant and unavoidable visual impacts. Those later findings are difficult to reconcile with an earlier scenic-vista analysis that treats the agricultural setting as though it were not the scenic resource identified in the very General Plan language Staff quotes.

The scenic-vista analysis also appears to substitute a narrower inquiry—whether the site contains a discrete "object of aesthetic significance"—for the Appendix G inquiry whether the Project would have a substantial adverse effect on a scenic vista. A scenic vista may consist of a landscape composition rather than a single landmark object. Staff's own description of Solano County's agricultural landscapes confirms that the relevant scenic resource can be the overall landscape and its unified visual character.

II. Staff's KOP Findings Undermine the Less-Than-Significant Scenic-Vista Conclusion

The Staff Assessment's own key observation point findings further undermine the scenic-vista conclusion. At KOP 5a, approximately 280 feet west of the Project on Kilkenny Road, Staff

states that an orchard substantially screens portions of the site, but the upper substation, riser structures, shield poles, and gen-tie structures remain prominently visible above the orchard. Staff further states that one- and five-year landscaping would not reduce visual access to those elevated components. Staff rates the Project's prominence as strong, its visual absorption as low to moderate, and its magnitude of change as prominent. (Staff Assessment, pp. 5.15-22 to 5.15-23.)

At KOP 5b, Staff again states that the orchard substantially screens lower portions of the Project while the upper substation, riser structures, shield poles, and gen-tie structures remain prominently visible. Staff also identifies a portion of the sound wall as visually dominant and finds that one- and five-year landscaping would not substantially screen it. Staff rates the Project's prominence as severe, its visual absorption as low to moderate, and the magnitude of change as dominant. (Staff Assessment, pp. 5.15-23 to 5.15-24.)

At KOP 5c, Staff explains that the existing orchard substantially screens the transmission corridor, but widening the right-of-way for the Project gen-tie would expose both existing transmission infrastructure and the new Project gen-tie. Staff again characterizes the visual change as prominent. (Staff Assessment, pp. 5.15-24 to 5.15-25.)

Those are not minor or transient changes to a landscape Staff otherwise considers visually intact enough to rely on existing orchard screening. They are Staff's own findings of prominent, severe, and dominant industrial intrusion into the same rural agricultural setting. The scenic-vista conclusion does not reconcile those findings with the General Plan's express recognition of agricultural landscapes as scenic vistas.

III. Staff's Treatment of the Approximately 15-Foot Sound Wall Is Internally Inconsistent

Staff's treatment of the approximately 15-foot sound wall is likewise internally inconsistent. At KOP 5b, Staff describes the eastern portion of the wall as "visually dominant," finds that it partially obstructs distant open views, and concludes that one- and five-year landscaping would not substantially screen it. (Staff Assessment, pp. 5.15-23 to 5.15-24.)

Those findings establish that the wall is not merely a neutral mitigation feature. In the KOP 5b view, the wall itself creates an adverse visual effect: it is visually dominant, it blocks open views, and the proposed landscaping does not substantially screen it. Treating that same wall generally as visual screening without separately accounting for the visual impact created by the wall understates the Project's visual effect.

The problem is greater from the Catherine Kilkenny Ranch. The approximately 15-foot wall does not enclose all sides of the Project and no comparable wall is proposed along the west side facing the Ranch viewshed. Thus, the Staff Assessment cannot reasonably treat the wall as though it provides uniform screening around the Project. The Project's relationship to the historic residence must be evaluated based on the screening that actually exists in that direction, not on a generalized description of a wall located elsewhere.

The record therefore contains two distinct wall problems: where the wall is visible, Staff finds the wall itself visually dominant and inadequately screened; where the wall is absent, it cannot perform the screening function attributed to it. Neither condition supports a generalized conclusion that the wall resolves the Project's visual exposure.

The wall analysis is also incomplete geographically. The Staff Assessment does not identify comparable approximately 15-foot wall screening along the south side of the Project for motorists traveling on Byrnes Road or for residences south of the Project. Those receptors

experience the Project from a different direction and cannot be assumed to receive the same screening as KOPs oriented to other sides of the facility.

IV. The Visual Resources Analysis Relies on Deciduous Vegetation Without Evaluating Leaf-Off Conditions

Staff's screening analysis does not evaluate the condition that exists for part of every year. It's analysis is significantly flawed. KOPs 5a and 5b rely substantially on the existing orchard to screen the Project, while acknowledging that the substation, riser structures, shield poles, and gen-tie structures remain prominently visible above it. (Staff Assessment, pp. 5.15-22 to 5.15-24.) Staff does not appear to understand that the almond orchard, mature trees between the Catherine Kilkenny Residence and the Project, and principal tree species proposed for landscape screening are deciduous. The Staff does not appear to understand what deciduous means and its impact. The Staff Assessment contains no Visual Resources analysis of dormant-season or leaf-off conditions. Photographs, simulations, or mitigation assumptions depicting vegetation in leaf therefore materially overstate year-round screening and do not disclose the condition in which the battery structures, associated infrastructure, wall, and gen-tie facilities are substantially more exposed. This is not a temporary construction condition; it is a predictable seasonal condition that will recur every year throughout the Project's operating life.

That omission is inconsistent with Staff's own Visual Absorption Capability methodology, which expressly states that vegetation type affects visual absorption and that evergreen vegetation provides greater absorption than other vegetation types. (Staff Assessment, Visual Absorption Capability Worksheets, PDF pp. 917, 929.) The one-year and five-year simulations address vegetation growth, not seasonal foliage loss. A five-year-old deciduous tree remains deciduous.

The omission is particularly significant because Staff already finds the Project's visual impacts significant and unavoidable while crediting the orchard with substantial screening. (Staff Assessment, pp. 5.15-22 to 5.15-24, 5.15-61 to 5.15-62.) The Staff Assessment therefore does not disclose or analyze the Project's visual impact during the portion of the year when the screening on which its analysis relies is materially reduced.

V. VIS-2 Does Not Establish an Objective Year-Round Visual Performance Standard

VIS-2 requires a landscape plan to identify planting species, installation sizes, anticipated growth rates, time to maturity, five-year and mature sizes, spacing, number, availability, suitability, ground cover, existing vegetation, and maintenance. (Staff Assessment, pp. 5.15-64 to 5.15-65.) Those are design and maintenance inputs. They are not an objective visual-performance standard.

VIS-2 does not state the minimum percentage of the Project that must be screened from identified receptors; it does not establish a maximum visible height or mass of Project components; it does not require year-round opacity; and it does not establish a dormant-season performance criterion. Nor does the condition identify what happens if the installed vegetation survives but fails to achieve the visual screening assumed in the impact analysis.

The distinction matters because Staff has already found that landscaping will not eliminate the significant visual impact. At KOPs 5a and 5b, one- and five-year landscaping does not prevent elevated infrastructure from remaining prominently visible. At KOP 5b, landscaping does not substantially screen the visually dominant wall. A mitigation measure that specifies

planting details without an objective visual outcome cannot, by itself, establish that the visual condition assumed by the analysis will actually be achieved and maintained.

CEQA Guidelines section 15126.4(a) and Public Resources Code section 21081.6 require enforceable mitigation and monitoring. VIS-2 contains no objective year-round visual-performance standard against which its effectiveness can be evaluated.

VI. The Catherine Kilkenny Residence Is Not Directly Represented by a Project-Specific Viewpoint or Simulation

The Cultural Resources section states that the Project would be in the Catherine Kilkenny Residence’s “direct line of sight” and would “further degrad[e] the original setting.” (Staff Assessment, p. 5.4-67.) Despite that express finding, the Visual Resources section does not identify a KOP located at the residence itself or provide a simulation depicting the completed Project from the residence.

KOP 5a is located on Kilkenny Road approximately 280 feet west of the Project and is described as representative of roadway travelers and nearby residents. KOP 5b is another roadway-oriented view from the same general area, shifted toward the Project. (Staff Assessment, pp. 5.15-22 to 5.15-24.) Those viewpoints may provide useful information about roadside exposure, but they do not establish the actual line of sight, duration of exposure, viewing angle, or composition of the Project from the historic residence.

The distinction between a roadway traveler and a residential receptor is substantive. A traveler experiences a moving, short-duration view. A residence experiences a stationary and recurring view from the same property throughout the day, throughout the year, and for the life of the Project. The Staff Assessment does not explain how roadway KOPs establish the visual condition at the residence under those different exposure circumstances.

The problem is amplified by the west-side wall condition and seasonal screening. No comparable approximately 15-foot wall lies between the Project and the Ranch on the west side, and the vegetation relied upon for screening is deciduous. A simulation from another location, under a different screening configuration, cannot establish the actual Project view from the Ranch during leaf-off conditions.

The absence of a residence-specific simulation is especially notable because Staff nevertheless makes a cultural-resources finding about degradation of the residence’s setting. The record thus reaches a conclusion about the Project’s effect on the setting without displaying the completed Project from the resource whose setting is at issue.

VII. CEC’s Post-Publication Site-Access Request Raises Questions About the Completeness of the Visual Analysis

The timing of CEC Staff’s August 31, 2026 communication raises an additional question concerning whether the Draft EIR’s visual analysis of the Catherine Kilkenny Residence was complete when circulated for public review. The Staff Assessment/Draft EIR was published on July 15, 2026. Yet on August 31, after publication, CEC Staff sought access to the Catherine Kilkenny property and explained the purpose in direct terms: “We were just hoping to access your property outside near the residence, so we could get an idea of the visual impacts that would be caused by the proposed project.” (CEC email to Linda Geller, Aug. 31, 2026.)

That statement is significant in light of the published Visual Resources analysis. The Staff Assessment had already selected its KOPs, prepared visual simulations, and reached significance findings. It had also concluded that the Project would cause significant and unavoidable visual

impacts at multiple KOPs in the immediate area. Nevertheless, approximately six weeks after publication, Staff was still seeking access to the affected residence for the stated purpose of getting “an idea of the visual impacts” the Project would cause.

The timing is especially important because Section 5.15 does not contain a KOP or Project-specific simulation from the Catherine Kilkenny Residence itself. As discussed above, KOPs 5a and 5b are roadway-oriented views that do not establish the stationary, recurring view from the residence. The Cultural Resources section nevertheless states that the Project would be in the Residence’s “direct line of sight” and would “further degrad[e] the original setting.” (Staff Assessment, p. 5.4-67.) CEC’s subsequent request to enter the property to understand the visual impact underscores the unresolved question of what residence-specific evidence supported the published analysis.

CEC Staff further explained that the Applicant’s consultants would be cultural-resources specialists who “would likely be responsible for preparing a visual screening plan that would need to be approved by the CEC if the project is approved.” (CEC email to Linda Geller, Aug. 31, 2026.) Thus, the proposed post-publication visit had two related purposes reflected in CEC’s own communication: Staff sought firsthand information to understand the visual impact, while the Applicant’s consultants were expected to use the site context in developing future visual screening.

The issue is not that Applicant consultants may never participate in developing mitigation, nor that CEC may never obtain additional information during the public-comment period. The issue is timing and public disclosure. If firsthand observation from the affected residence was material to understanding the Project’s visual impact or to developing the screening intended to address that impact, the published Draft EIR does not explain why that investigation and mitigation development had not occurred before the document was circulated for public review.

The final sentence of the August 31 email heightens that concern. Staff stated: “EIR was completed a while ago, but there will be an updated one filed after the public comment period closes.” The statement places the unfinished investigation and anticipated updated environmental document in the same post-publication sequence. It therefore raises a distinct informational question under CEQA: whether material visual-impact information or mitigation developed after circulation will first appear after the public-comment period has closed, rather than in the document on which the public was asked to comment.

This sequence is particularly consequential because Staff already finds significant and unavoidable visual degradation while relying substantially on orchard screening that is deciduous, provides no residence-specific simulation, and acknowledges that elevated substation and gen-tie infrastructure remains prominently visible. The August 31 communication therefore reinforces, rather than resolves, the deficiencies identified in Sections IV through VI above.

VIII. Visual Resources and Cultural Resources Reach Materially Different Conclusions About the Same Historic Setting

The Staff Assessment contains a direct internal inconsistency between Sections 5.15 and 5.4. Visual Resources finds significant and unavoidable visual impacts after application of VIS-1 and VIS-2. (Staff Assessment, pp. 5.15-61 to 5.15-62.) Cultural Resources, however, states that the Project will be in the Catherine Kilkenny Residence’s direct line of sight and will further degrade the original setting, yet concludes that visual screening reduces the historical-resource effect to less than significant. (Staff Assessment, p. 5.4-67.)

Those conclusions concern the same physical Project, the same viewshed, and substantially the same screening. The published Staff Assessment does not reconcile these materially different significance conclusions concerning the same Project, viewshed, screening, and acknowledged degradation of the historic setting.

The inconsistency is not resolved by assigning the two conclusions to different CEQA resource sections. CEQA Guidelines section 15064.5(b)(1) provides that a project materially impairs a historical resource when it demolishes or materially alters in an adverse manner those physical characteristics that convey its historical significance and justify its eligibility. Staff itself identifies the Residence's original setting as being further degraded by the Project.

West Adams Heritage Assn. v. City of Los Angeles (2024) 101 Cal.App.5th 899 underscores the need to evaluate historical-resource impacts under the governing CEQA standard rather than by conclusory treatment of setting. Here, the Staff Assessment's own factual description of direct line of sight and further degradation requires a reasoned connection to the less-than-significant conclusion. That connection is not apparent in the published analysis.

IX. The Whole-Project Visual Analysis Does Not Resolve the Prominent Above-Ground Gen-Tie Impact

The Project's visual impact is not limited to ground-level battery enclosures. The Project includes a 1.1-mile, 230-kV gen-tie with overhead structures approximately 90 to 130 feet high. Depending on the route option, approximately 2,270 to 2,320 feet of the line is proposed underground before transitioning back to overhead construction. (Staff Assessment, Project Description, pp. 3-22 to 3-23; Transmission System Engineering, p. 4.3-8.)

The omission is especially consequential at the Catherine Kilkenny Residence. As discussed in Section VI, Section 5.15 contains no residence-specific KOP or simulation. It also does not separately discuss or depict the above-ground gen-tie facilities in the foreground of the Residence's viewshed, even though Staff acknowledges that gen-tie structures remain prominently visible above orchard screening at nearby KOPs 5a and 5b. The effect from the Residence cannot be adequately inferred from roadway viewpoints where the viewing angle, foreground composition, duration of exposure, wall configuration, and vegetation differ. From the Residence, the above-ground gen-tie is part of the same direct Project viewshed that Cultural Resources states will "further degrad[e] the original setting." (Staff Assessment, p. 5.4-67.) The absence of a residence-specific simulation or discussion therefore leaves the published Visual Resources analysis without a direct depiction or assessment of one of the Project's tallest and most visually persistent elements in relation to this sensitive receptor.

Staff's own KOP analysis demonstrates why that distinction matters. At KOPs 5a and 5b, upper substation equipment, riser structures, shield poles, and gen-tie structures remain prominently visible above the orchard. (Staff Assessment, pp. 5.15-22 to 5.15-24.) Ground-level landscaping cannot screen a 90- to 130-foot transmission structure in the same manner it may screen lower BESS equipment.

The Staff Assessment nevertheless relies heavily on landscaping and the sound wall in describing visual treatment. Those measures do not address the scale and elevation of the gen-tie structures Staff itself finds prominent. The resulting analysis understates the extent to which the Project's significant visual effect is driven by elevated infrastructure that remains visible after ground-level screening is installed.

Despite finding the elevated gen-tie structures prominently visible above orchard screening, the Staff Assessment does not disclose the evidence supporting the extent of feasible visual-

impact mitigation considered before Staff concluded that the impact would remain significant and unavoidable. That omission is notable because approximately 2,270 to 2,320 feet of the same 230-kV line is already proposed underground while the remaining overhead structures are approximately 90 to 130 feet high. (Staff Assessment, pp. 3-22 to 3-23; p. 4.3-8.) The issue raised here is the adequacy of the published mitigation analysis, not a prescription for a particular design solution.

X. Staff's Scenic-Policy Consistency Finding Is Not Reconciled With Its Significant and Unavoidable Visual-Impact Finding

Staff states that, with VIS-1 through VIS-3, the Project would be consistent with all nine applicable state and local policies concerning scenic quality. (Staff Assessment, p. 5.15-26.) Later, Staff finds that the Project will substantially degrade existing visual character at six of nine KOPs and that the impact remains significant and unavoidable after mitigation. (Staff Assessment, pp. 5.15-61 to 5.15-62.)

The Staff Assessment does not reconcile those two conclusions. A project can in some circumstances be policy-consistent and still create a significant environmental effect, but the record must explain how the particular policies operate and why the substantial degradation Staff identifies does not create a conflict with them. A bare consistency conclusion does not address that analytical tension.

The problem is particularly acute for policies directed to preserving rural, agricultural, or scenic character. Staff's own visual analysis describes the Project as introducing strong industrial form and scale into the rural agricultural setting. If the relevant policies nevertheless permit that result, the basis for the consistency conclusion must be apparent from the policy analysis itself. The published discussion does not provide that connection.

XI. The Cumulative Visual Analysis Does Not Address Additional BESS Development in the Same Immediate Viewshed

The cumulative visual setting must account for reasonably foreseeable projects that can combine with Corby to intensify the same visual conversion. Additional acreage directly behind the Catherine Kilkenny Residence has been acquired by Corby-associated interests for another BESS project. That development would affect the same rural agricultural viewshed and the same sensitive historic receptor.

The Staff Assessment's visual analysis focuses principally on the proposed Corby facility and listed projects in the broader area. It does not disclose an evaluation of the combined visual effect of Corby plus additional BESS development immediately behind the Residence. The omission is significant because the impact at issue is not simply the visibility of one isolated facility; it is the progressive conversion of an agricultural landscape surrounding a historic rural residence and other residences into an industrial energy-storage landscape.

CEQA Guidelines section 15130 requires analysis of significant cumulative impacts. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-721, rejects an approach that obscures the combined effect of multiple projects by treating each increment in isolation. Where multiple industrial energy facilities affect the same immediate viewshed, the relevant question is the combined change in visual character, not merely whether each project independently occupies a separate parcel.

XII. These Defects Are Material Under CEQA

CEQA significance determinations must be supported by substantial evidence and the EIR must contain sufficient analysis to permit informed decisionmaking and public participation. (CEQA Guidelines, §§ 15064(b), 15384; Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 404.) CEQA Guidelines section 15091(b) further requires findings concerning significant effects to be supported by substantial evidence in the record, and Public Resources Code sections 21081 and 21081.5 require the findings and the evidence supporting them to be stated with specificity.

The issue raised here is not a competing aesthetic judgment. It is whether the Staff Assessment's conclusions are supported where Staff's own evidence identifies contrary facts, methodological limitations, internal inconsistencies, and material viewing conditions that the published analysis does not address. Taken together, the identified defects go to the factual basis, internal consistency, and completeness of the visual-impact analysis on which the Commission would rely.

XIII. Unresolved Questions Raised by the Published Staff Assessment

The following questions identify unresolved inconsistencies and evidentiary gaps in the published Staff Assessment and are stated to preserve those issues in the administrative record.

1. How is the conclusion that the Project is not within a scenic vista reconciled with Staff's quotation of the Solano County General Plan recognizing "agricultural landscapes" as offering "an abundance of scenic vistas" and Staff's acknowledgment that the Project site is agricultural in character? (Staff Assessment, p. 5.15-11.)
2. Where does the scenic-vista analysis evaluate the agricultural-landscape category separately from delta, marshland, and oak- and grass-covered hills?
3. How is the less-than-significant scenic-vista conclusion reconciled with Staff's own findings of strong, severe, prominent, and dominant visual change at KOPs 5a, 5b, and 5c and with the ultimate finding of significant and unavoidable visual degradation? (Staff Assessment, pp. 5.15-22 to 5.15-25, 5.15-61 to 5.15-62.)
4. How are the walls treated as visual screening when Staff finds at KOP 5b that the wall itself is visually dominant, partially obstructs distant open views, and will not be substantially screened by one- or five-year landscaping? (Staff Assessment, pp. 5.15-23 to 5.15-24.)
5. Where does the Staff Assessment account for the absence of a comparable approximately 15-foot wall along the west side facing the Catherine Kilkenny Residence?
6. Where does the Staff Assessment evaluate the absence of comparable approximately 15-foot wall screening along the south side of the Project for motorists traveling on Byrnes Road and for residences south of the Project?
7. Where does Section 5.15 analyze dormant-season or leaf-off views through the deciduous orchard and Residence vegetation relied upon for screening, particularly in light of Staff's Visual Absorption Capability methodology recognizing that vegetation type affects absorption? (Staff Assessment, PDF pp. 917, 929.)
8. Where do the published simulations depict visual conditions during leaf-off periods, as distinguished from one-year and five-year vegetation growth?

9. What objective year-round visual-performance standard in VIS-2 establishes the minimum screening that must be achieved and maintained, including during dormant-season conditions? (Staff Assessment, pp. 5.15-64 to 5.15-65.)
10. How do roadway KOPs 5a and 5b establish the actual visual exposure from the Catherine Kilkenny Residence when the Cultural Resources section states that the Project is in the residence's direct line of sight but the Visual Resources section provides no identified KOP or simulation from the residence itself? (Staff Assessment, p. 5.4-67; pp. 5.15-22 to 5.15-24.)
11. How is the Visual Resources finding of significant and unavoidable visual impact reconciled with the Cultural Resources conclusion that screening reduces the effect on the Catherine Kilkenny Residence to less than significant, despite Staff's finding that the Project will further degrade the residence's original setting? (Staff Assessment, p. 5.4-67; pp. 5.15-61 to 5.15-62.)
12. Where does the published Staff Assessment disclose the evidence supporting the extent of feasible visual-impact mitigation considered for the remaining 90- to 130-foot overhead gen-tie structures, particularly where approximately 2,270 to 2,320 feet of the same 230-kV line are already proposed underground and Staff finds the elevated structures prominently visible above orchard screening? (Staff Assessment, pp. 3-22 to 3-23; p. 4.3-8; pp. 5.15-22 to 5.15-24.)
13. How does the mitigation analysis account for Staff's own finding that elevated substation, riser, shield-pole, and gen-tie structures remain prominently visible above orchard screening at KOPs 5a and 5b? (Staff Assessment, pp. 5.15-22 to 5.15-24.)
14. How is Staff's conclusion that the Project is consistent with all nine applicable scenic-quality policies reconciled with its finding that the Project substantially degrades visual character and remains significant and unavoidable after mitigation? (Staff Assessment, p. 5.15-26; pp. 5.15-61 to 5.15-62.)
15. Where does the cumulative visual analysis evaluate additional Corby-associated BESS development directly behind the Catherine Kilkenny Residence and the combined industrialization of the same immediate rural agricultural viewshed?
16. If the July 15, 2026 Draft EIR contained a sufficiently complete analysis of September 1, 2026 visual impacts to the Catherine Kilkenny Residence, why was CEC Staff seeking access on S, 2026 "so we could get an idea of the visual impacts that would be caused by the proposed project"?
17. What residence-specific visual evidence supported the published analysis before the August 31 site-access request, given that Section 5.15 contains no identified KOP or Project-specific simulation from the Residence itself?
18. What visual-impact or mitigation information developed from the proposed post-publication site visit was intended to appear for the first time in the "updated" EIR that CEC Staff stated would be filed after the public-comment period closed?
19. If post-publication information materially changes Staff's understanding of the visual impact or the screening intended to address it, where is the public afforded an opportunity to review and comment on that material information before the Commission relies on it?
20. Where does Section 5.15 separately analyze or depict the above-ground gen-tie facilities in front of and within the direct viewshed of the Catherine Kilkenny Residence, rather than relying on roadway KOPs 5a and 5b?

21. Where does Section 5.15 evaluate the combined visual effect of the battery structures, wall, elevated electrical infrastructure, and above-ground gen-tie during dormant-season conditions when the existing orchard, Residence trees, and proposed deciduous screening have lost their leaves?

XIV. Conclusion

The Staff Assessment's visual-resources defects are apparent from the document itself. Staff recognizes agricultural landscapes as scenic vistas but does not analyze the Project's agricultural landscape under that category. Staff treats the sound wall as screening while finding the wall visually dominant, while no comparable approximately 15-foot wall exists along the west-side Ranch viewshed, and while the analysis does not identify comparable south-side wall screening for Byrnes Road motorists and residences south of the Project. Staff relies on deciduous vegetation without evaluating leaf-off conditions even though its own Visual Absorption Capability methodology recognizes that vegetation type affects visual absorption. This is a predictable seasonal condition that will recur every year throughout the Project's operating life. Staff finds elevated gen-tie and substation structures prominently visible above orchard screening, yet Section 5.15 does not separately analyze or depict the above-ground gen-tie in the foreground and direct viewshed of the Catherine Kilkenny Residence. It does not directly depict the completed Project from the Residence despite finding a direct line of sight and further degradation of the historic setting. And Visual Resources and Cultural Resources reach materially different significance conclusions concerning that same degraded setting.

These comments dispute the factual and analytical basis for the affected Visual Resources findings and preserve each identified inconsistency, omission, and unsupported premise for the administrative record and any subsequent review. The industrialization of this area will negatively impact the character and landscape for all residents, community members traveling on the rural roads and Highway 80. It will negatively impact the home owners' equity and ability to sell their properties. It will also impact their ability to obtain fire insurance. Were any of these factors analyzed in the Staff Assessment?

These visual defects also bear directly on the alternatives analysis. Staff has found that the proposed rural agricultural site will result in significant and unavoidable visual impacts that VIS-1 and VIS-2 cannot reduce to a less-than-significant level. By contrast, the Lambie Industrial Park alternative is an industrially designated and zoned location. Staff acknowledges that approximately 25 acres at Lambie can accommodate the same 300-MW / 1,200-MWh BESS and that the alternative would attain the Project objectives of supporting grid stability and efficient use of renewable energy. (Staff Assessment, pp. 8-36 to 8-38.) The fundamental visual conflict created by placing large-scale industrial BESS infrastructure in the existing rural agricultural landscape is therefore not inherent to the Project technology; it results from the selected location.

Lambie does not present the same fundamental visual-resource conflict identified by Staff at the proposed Corby site: conversion of a rural agricultural landscape adjacent to residences and the historic Catherine Kilkenny Ranch into an industrial energy facility with prominent elevated electrical infrastructure. Staff's own significant-and-unavoidable visual findings demonstrate that this impact is not an unavoidable consequence of constructing a 300-MW BESS in the region; it results from the selected rural agricultural location. On the present record, Lambie Industrial Park is the appropriate location for this industrial use because it places the BESS in an existing industrial setting rather than imposing the acknowledged significant and unavoidable visual degradation on the rural agricultural landscape surrounding the proposed Corby site. That distinction is material to both the Visual Resources and alternatives analyses.

Sincerely,
Linda Geller

Authorities and Materials Cited

- California Energy Commission, Corby Battery Energy Storage System Project Staff Assessment, TN 271468 (July 15, 2026), including Visual Resources § 5.15, Cultural and Tribal Cultural Resources § 5.4, Project Description § 3, Transmission System Engineering § 4.3, and Visual Absorption Capability worksheets.
- Pub. Resources Code, §§ 21081, 21081.5, 21081.6.
- Cal. Code Regs., tit. 14, §§ 15064(b), 15064.5(b)(1), 15091(b), 15126.4(a), 15130, 15384.
- Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 404.
- Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 720-721.
- West Adams Heritage Assn. v. City of Los Angeles (2024) 101 Cal.App.5th 899.
- CEC Staff email to Linda Geller, August 31, 2026 (post-publication site-access request concerning visual impacts and anticipated visual-screening plan).