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Supplemental Administrative Record

Additional submitted attachment is included below.

September 10, 2026

California Energy Commission
715 P Street
Sacramento, California 95814

SUPPLEMENTAL COMMENTS REGARDING ADMINISTRATIVE RECORD ADEQUACY

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

Re: Staff Assessment/Draft Environmental Impact Report, TN 271468

Submitted by: Linda Geller

Purpose of Comment. These supplemental comments identify several additional concerns regarding the adequacy of the administrative record without restating the substantive objections raised in prior comments. They are intended to preserve questions concerning whether the Staff Assessment provides the public and decision-makers with the evidence, methodology, geographic scope, and financial-responsibility information necessary to evaluate the Project's environmental conclusions. These comments do not attempt to prescribe how Staff should cure any deficiency.

I. Completeness of the Public Administrative Record

Several sections of the Staff Assessment rely on Applicant-generated technical material, modeling, surveys, calculations, consultant analyses, and other supporting information. Prior comments have separately raised concerns about unavailable or withheld information in particular subject areas, including cultural/tribal resources and technical modeling.

A broader record issue remains: does the docket contain the foundational material necessary for the public to evaluate each material conclusion on which Staff relies? CEQA's informational function requires more than a statement of conclusions. See *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404.

The administrative record should make clear whether all material studies, model inputs, assumptions, meteorological files, receptor selections, spreadsheets, calculations, survey data, consultant reports, technical memoranda, and other foundational materials relied upon by Staff were publicly available during the comment period. If any material relied upon by Staff was not available, what was unavailable, when did Staff receive it, and could the public meaningfully test the resulting conclusions before the close of the comment period?

This question is particularly important where a conclusion depends on Applicant-generated information that cannot be independently reproduced from the material in the docket. The issue is not whether every internal working paper must be published; it is whether the evidence and methodology necessary to understand and meaningfully evaluate the environmental analysis were disclosed.

II. Geographic Scope of the Environmental Analyses

The Staff Assessment uses defined study areas and receptor areas in multiple technical sections. A threshold question is whether those boundaries were selected because they correspond to the area in which impacts could reasonably occur, or whether the boundaries themselves limited what Staff chose to examine.

For a BESS project, the relevant impact area may differ by environmental topic. A thermal-runaway plume, airborne deposition, contaminated runoff, emergency response constraint, visual effect, gen-tie impact, or agricultural land-use effect does not necessarily stop at the same fixed radius.

Accordingly, what evidence supports the geographic boundary used for each material analysis? Where Staff's own modeling, wind data, drainage conditions, line-of-sight analysis, or reasonably foreseeable accident scenario indicates effects beyond a selected study boundary, were those effects included? If not, does the record explain why they were excluded?

This is particularly relevant to the Project's toxic-plume and deposition analyses because comments have questioned the modeled extent of off-site exposure, the treatment of local wind conditions, and the relationship between modeled impact distances and nearby residences and agricultural lands.

III. Indirect Agricultural Conversion and Induced Land-Use Change

The Staff Assessment recognizes that the Project site is within the Elmira/Maine Prairie agricultural region and discusses policies intended to preserve agricultural land and discourage premature conversion to non-agricultural uses. (Staff Assessment, p. 5.8-12.) Prior comments have addressed the direct conversion of agricultural land and the Project's inconsistency with the surrounding rural and agricultural setting.

These supplemental comments identify several additional concerns about whether the administrative record is complete and adequate. They are not intended to repeat the substantive objections raised in prior comments. CEQA's agricultural-resources inquiry is not necessarily limited to acreage physically covered by batteries. Appendix G also asks whether a project would involve other changes in the existing environment that, because of their location or nature, could result in conversion of farmland to non-agricultural use.

The record already includes evidence of other BESS interest and development activity in the surrounding area, including land associated with an additional proposed BESS behind the Catherine Kilkenny Residence. Has Staff evaluated whether the Corby Project, its new or modified transmission infrastructure, gen-tie facilities, site access, and related utility investment could facilitate, encourage, or make more probable additional conversion of nearby agricultural land to industrial energy uses?

This question is distinct from the direct Project footprint and should also be distinguished from the separate cumulative-impact question. It concerns whether the Project itself may induce or facilitate additional land-use change.

IV. Method Used to Identify Cumulative Projects

Prior comments have identified specific nearby BESS development and additional acreage acquired for another BESS project. The administrative record should also disclose the method Staff used to determine what projects belong in the cumulative-impact analysis.

CEQA Guidelines section 15130 requires consideration of cumulative impacts using an appropriate list of past, present, and probable future projects or a summary of projections. The sufficiency of the analysis therefore depends not only on the projects ultimately listed, but also on how the universe of potentially relevant projects was identified.

What geographic area was searched? What public records, CEC dockets, County applications, interconnection records, land-use filings, or other reasonably available sources were reviewed? What criteria were used to exclude a project or development proposal from the cumulative analysis? Did Staff consider known land acquisitions or development activity where a BESS project was reasonably foreseeable even if a final permit application had not yet been filed?

The record should permit a reviewing court and the public to understand how Staff arrived at its cumulative project set rather than requiring them to accept an unexplained conclusion that no additional relevant project needed to be considered.

V. Existing Environmental Baseline

The environmental baseline is the existing physical condition against which Project-caused change is evaluated. See CEQA Guidelines section 15125; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 724.

For Corby, the existing condition includes an agricultural landscape, active agricultural uses, the Catherine Kilkenny Residence and its historic rural setting, the existing orchard and mature vegetation, and the existing viewshed. The fact that an agricultural or historic landscape has changed over time, or that Staff characterizes some component of it as degraded, does not by itself establish a different baseline.

Does each relevant section of the Staff Assessment evaluate Project effects against the existing physical condition at the time of environmental review? Or does any conclusion depend upon a characterization that discounts the present agricultural, scenic, biological, or historic-setting value of the area because Staff considers that value imperfect, economically diminished, previously altered, or likely to change in the future?

This question is particularly important to Cultural Resources, Visual Resources, Biological Resources, and Agricultural Resources because the same existing landscape performs multiple environmental functions.

VI. Financial Assurance, Third-Party Damage, and Continuity of Responsibility

Prior comments have raised unresolved questions concerning fire response, toxic emissions, contaminated runoff, decommissioning, restoration, and effects on neighboring property. A related record issue is who bears the financial risk if those harms occur.

Does the Project include enforceable financial assurance sufficient to cover investigation, independent testing, environmental sampling, emergency-response costs, contaminated-water or soil remediation, restoration of agricultural land, damage to historic resources, and other off-site property damage caused by a Project incident? Does the record identify whether neighboring property owners would be required to bear any portion of those costs while causation, insurance coverage, or liability is disputed?

The record should also disclose whether such financial responsibility survives transfer of ownership or operation, corporate restructuring, insolvency, or bankruptcy. What assurance exists that decommissioning and remediation funds will remain available decades from now without depending upon the future financial condition of the then-current project owner?

These questions are distinct from whether an injured property owner might later possess a private legal remedy. The environmental review issue is whether the Project's mitigation, emergency-response, restoration, and decommissioning assumptions depend upon funding that has actually been secured and is enforceable for the life of the Project.

VII. Conclusion

These supplemental issues are intentionally narrow. They do not repeat the detailed technical and legal objections I have already submitted. They identify threshold questions about whether the administrative record itself allows the public and decision-makers to understand and test the factual basis for Staff's conclusions.

Before any final decision, the record should disclose enough information to determine: (1) what evidence Staff actually relied upon; (2) whether that evidence was available for meaningful public review; (3) why each relevant geographic study boundary was selected; (4) whether indirect and cumulative agricultural conversion were fully considered; (5) whether impacts were measured against the existing environmental baseline; and (6) whether financial responsibility for accident response, off-site damage, remediation, restoration, and decommissioning is secured for the full life of the Project.

These are record-adequacy questions. They are not intended to suggest particular findings, mitigation language, or a method by which a deficiency could be cured.