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**PATTERN OF SELECTIVE USE OF EVIDENCE, UNEVEN
TREATMENT OF THE ADMINISTRATIVE RECORD, AND SERIOUS
QUESTIONS CONCERNING STAFF’S IN**

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION
Corby Battery Energy Storage System Project
Docket No. 24-OPT-05

**SUPPLEMENTAL COMMENT REGARDING A PATTERN OF SELECTIVE USE OF EVIDENCE,
UNEVEN TREATMENT OF THE ADMINISTRATIVE RECORD, AND SERIOUS QUESTIONS
CONCERNING STAFF'S INDEPENDENT JUDGMENT AND OBJECTIVITY**

Submitted by: Linda Geller
Date: September 10, 2026

I. Purpose of This Comment

This comment is submitted to preserve a concern that now goes beyond disagreement with individual technical conclusions. The administrative record shows a repeated pattern: CEC was given specific information identifying additional BESS development and specific requests for cumulative review; Staff independently possessed additional information confirming a separate future Corby project; Staff used some of that information where it served one part of its analysis; but the same or closely related information was not carried forward into the cumulative environmental analyses where it could materially affect the conclusions. The issue is therefore not a single oversight. It is the repeated, uneven treatment of evidence across the same Staff Assessment.

This comment lays out that pattern step by step. It identifies what CEC knew, when CEC knew it, where Staff used the information, and where the information was omitted or not carried forward. The existing record does not establish why Staff treated the information differently, and this comment does not claim a motive that cannot presently be proved. It does, however, raise a serious and documentable question whether the Staff Assessment reflects the independent, objective, and even-handed evaluation of the environmental record required of a CEQA lead agency.

II. Sarah Dunn Specifically Identified Three BESS Projects and Supplied the APNs

On November 12, 2025, Sarah Dunn submitted a formal comment in Docket 24-OPT-05 entitled "Request for Comprehensive Cumulative Impact Analysis for NextEra Phase 1, Phase 2, and Middle River Power BESS Projects." (TN 267174.) Her request was not general. It identified the projects by parcel number:

- NextEra Phase 1 — APN 0141-030-090;
- "NextEra Phase 2" — APN 0141-030-100; and
- Middle River Power BESS — APN 0133-060-060.

Dunn expressly requested that CEC analyze the combined effects of those projects and associated gen-tie parcels. She further asked that the Corby Staff Assessment evaluate the combined effects of Corby with "other potential projects and the reasonably foreseeable development of a new industrial area" and specifically identified cumulative concerns involving aesthetics, agriculture, air quality, biological resources, cultural resources, energy, and geology and soils. (TN 267174, attachment pp. 1-2.)

For agriculture, Dunn specifically identified "the potential for conversion of agricultural land, or impacts on adjacent agricultural operations, due to the concentration of these facilities and the surrounding industrial growth." For aesthetics, she requested analysis of the combined visual effect of multiple BESS facilities and associated infrastructure. (Id.)

III. APN 0141-030-100 Was Not Addressed at All in the Staff Assessment

The Staff Assessment contains an extensive cumulative-project list in Appendix A and uses that list throughout the environmental analysis. Yet APN 0141-030-100—the parcel specifically supplied to CEC in November 2025 as "NextEra Phase 2"—does not appear in the Staff Assessment under that APN. It is not a situation in which Staff analyzed the parcel inadequately. The parcel identified to CEC is absent from the published analysis.

That omission is particularly difficult to reconcile with Staff's treatment of the other BESS project identified in the very same November 12 comment. Dunn identified Middle River Power BESS as APN 0133-060-060. Staff subsequently included the Vaca Dixon Power Center in its cumulative analysis and treated it as the other nearby energy-storage project for multiple resource areas. Staff's Land Use and Agriculture analysis, for

example, expressly considers Vaca Dixon in discussing cumulative BESS impacts. Staff also identifies Vaca Dixon in cumulative analyses for hazards, noise, public health, and emergency/fire-service effects.

CEC therefore cannot reasonably attribute the omission of APN 0141-030-100 simply to a lack of notice. CEC had the parcel number, the project description supplied by the commenter, and an express written request that it be considered cumulatively. The record should disclose what Staff did with that information and the factual basis, if any, for treating the two BESS projects identified in the same comment differently.

III-A. Staff Itself Identified an Active 400-MW “Corby 2” Project at Vaca-Dixon

The omission problem is substantially more serious because the Staff Assessment itself establishes that Staff knew of a separate project named “Corby 2.” In the Alternatives chapter, Staff reproduces California ISO 2026 queue information identifying “Corby 2” as a 400-MW project with a proposed online date of March 16, 2031, interconnecting to the PG&E Vaca-Dixon 230-kV Substation. (Staff Assessment, Alternatives, p. 8-37 / PDF p. 1138; Source: California ISO 2026.)

The current CAISO public queue report independently confirms the same project: CORBY 2, Queue No. 1854, battery storage, 400 MW, Solano County, PG&E, Vaca-Dixon 230 kV, with an interconnection request received April 9, 2021 and queue date April 15, 2021. The project was therefore not a post-Staff-Assessment development. It had been in the CAISO queue for years, and Staff expressly cited it in the Staff Assessment itself.

This is critical to the administrative record. Staff used Corby 2 in the Alternatives analysis, demonstrating actual Staff awareness of the project, but Corby 2 does not appear to have been carried into Appendix A or the resource-specific cumulative-impact analyses as a separate cumulative BESS project. A search of the Staff Assessment for the exact project name identifies the substantive Corby 2 entry in the Alternatives chapter, but not a corresponding Corby 2 entry in the cumulative-project analysis.

This creates a different and stronger issue than whether Staff should have independently discovered a future project. Staff did discover Corby 2. Staff cited it. Staff knew its capacity, proposed online date, county, utility, and Vaca-Dixon point of interconnection. The administrative-record question is why that known 400-MW BESS project was relevant enough to Staff's Alternatives discussion to be identified by name, but apparently not relevant enough to be evaluated as a cumulative project in the environmental resource analyses.

At the same time, Sarah Dunn had separately identified “NextEra Phase 2” at APN 0141-030-100. The present record does not establish that CAISO Queue No. 1854 and APN 0141-030-100 are the same project or site, and this comment does not assume that they are. The significance is that the record contains two separate indicators of additional Corby/NextEra-related BESS development: a specifically identified parcel supplied by a commenter and a separate 400-MW Corby 2 project acknowledged by Staff from CAISO data. Neither should be silently conflated with the other, but both are relevant to whether Staff's cumulative-development scenario was complete.

V. The California Department of Conservation Independently Requested Analysis of Likely Future Agricultural Development

The omission is not significant only because a member of the public requested cumulative review. On October 31, 2025—before Dunn's November 12 comment—the California Department of Conservation, Division of Land Resource Protection, submitted its own comments to CEC regarding the Corby Draft EIR. The Department explained that it monitors and maps farmland conversion statewide, provides Williamson Act technical assistance, administers agricultural land-conservation programs, and is authorized by Public Resources Code section 614(b) to provide soil-conservation advisory services, including review of CEQA documents. (Department of Conservation letter, Oct. 31, 2025, p. 1.)

The Department specifically confirmed that the Corby site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. It then identified the matters it generally advises agencies to discuss when reviewing agricultural conversion. Those matters included:

- the type, amount, and location of farmland conversion resulting directly and indirectly from the proposed project;
- impacts on current and future agricultural operations in the vicinity, including land-use conflicts, increases in land values and taxes, and loss of agricultural support infrastructure;

- incremental impacts leading to cumulative impacts on agricultural land, including impacts from the proposed project and from “past, current, and likely future projects”;
- applicable City or County agricultural mitigation plans, programs, or policies; and
- mitigation measures for agricultural lands affected by the proposed project.

(Department of Conservation letter, Oct. 31, 2025, p. 2.) Thus, CEC had both a State-agency request to consider likely future projects in the agricultural cumulative-impact analysis and, shortly afterward, a public comment identifying an alleged additional NextEra BESS phase by exact APN.

CEC's subsequent conduct confirms that the Department's agricultural input was not merely received and forgotten. On April 16, 2026, CEC land-use staff contacted the Department's Farmland Mapping and Monitoring Program about the Corby parcel's Important Farmland designations. CEC memorialized that contact in a Report of Conversation docketed May 19, 2026 as TN 270087. The ROC states that the contact was made “to support the analysis of Important Farmland conversion in the Land Use Staff Assessment” and records DOC's conclusion that no change to the parcel's Prime Farmland, Farmland of Statewide Importance, and Unique Farmland designations would be expected in the 2024 FMMP dataset. (ROC California Department of Conservation, TN 270087, Report of Conversation p. 1; docket PDF pp. 2, 4.) This establishes continuing, direct Staff contact with DOC on the Corby agricultural analysis after DOC's October 2025 scoping comments and before publication of the Staff Assessment.

VI. The Department Also Directed CEC to Farmland-Mitigation Guidance, But Did Not Reduce the Issue to Acreage Replacement

The Department advised that an agricultural conservation easement is one potential method of mitigating agricultural land conversion under CEQA Guidelines section 15370 and cited *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814. It also identified the California Council of Land Trusts as a resource for farmland-mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. (Department of Conservation letter, Oct. 31, 2025, pp. 2-3.)

Importantly, the Department did not say that a conservation easement substitutes for analysis of the underlying direct, indirect, localized, and cumulative agricultural impacts. It expressly stated that conservation easements are only one form of mitigation and urged consideration of other feasible measures necessary to mitigate project impacts. (Id. at p. 3.)

Staff did act upon part of this agricultural record. The Staff Assessment recognizes that Corby would permanently convert 40.8 acres of DOC-designated Important Farmland in unincorporated Solano County, finds that conversion significant, and recommends LAND-1 requiring 3:1 mitigation. Staff also relies on the Applicant's agreement with Solano Land Trust to identify and secure eligible agricultural conservation-easement acreage. (Staff Assessment, Land Use and Agriculture, pp. 5.8-19 to 5.8-20.)

The administrative-record issue is therefore not that Staff ignored agricultural mitigation altogether. It did not. The issue is whether Staff selectively addressed the compensatory acreage component while failing to account for the Department's separate request to analyze indirect conversion, effects on surrounding agricultural operations, and cumulative effects from likely future projects.

VII. Solano County Independently Requested the Same Broader Cumulative Review

On November 19, 2025, Solano County submitted a detailed 12-page scoping letter identifying “specific topics, methodologies, and areas of environmental analysis” it stated should be addressed in the Draft EIR. (TN 267642, p. 1.) The County's comments independently reinforced many of the same concerns.

In its Land Use and Agriculture comments, the County requested analysis of impacts to ongoing agricultural operations on adjacent properties during construction and operation, including dust deposition on crops, construction noise, agricultural-equipment conflicts, road access, water supply, operational noise, night lighting, drainage changes, and access impacts. The County separately requested cumulative agricultural analysis considering other approved and proposed renewable-energy projects in eastern Solano County and cumulative conversion of Prime Farmland. (TN 267642, pp. 5-6.)

The County's separate cumulative-impact section requested identification of “past, present, and probable future projects” under CEQA Guidelines section 15130, expressly including other BESS projects, and identified cumulative conversion of Important Farmland, cumulative visual industrialization of the agricultural

landscape, cumulative traffic on rural roads, and cumulative demand on emergency-response resources as issues of particular concern. (TN 267642, p. 11.)

The County also requested a detailed alternatives analysis of Lambie Industrial Park, including comparison of Important Farmland, sensitive receptors, thermal-runaway effects, visual and biological impacts, emergency access, and gen-tie consequences. It cautioned against rejecting environmentally superior alternatives merely because of cost or the Applicant's contractual obligations. (TN 267642, pp. 2-3.)

VIII. The County's Requests Extended Beyond Agriculture

The significance of the County letter is broader than Section 5.8. Before Staff completed the Staff Assessment, the County had specifically requested detailed analysis concerning thermal-runaway scenarios and toxic-air dispersion; impacts on surrounding crops, irrigation water and agricultural soils; fire-suppression runoff pathways and containment; evacuation zones and Kilkenny/Byrnes Road access; fire-department staffing, equipment and training; setbacks based on plume and radiant-heat modeling; groundwater availability and cumulative pumping; stormwater detention capacity, including fire-suppression runoff; and decommissioning, soil restoration, monitoring, and financial assurance. (TN 267642, pp. 3-11.)

This comment does not assert that every County request was wholly omitted. Some subjects were addressed to varying degrees in the Staff Assessment. The administrative-record concern is that the published review should permit the public and decision makers to determine how these specific pre-review requests were evaluated and why some information was incorporated while other directly relevant information—most notably APN 0141-030-100—was not addressed at all.

IX. The Pattern Is Repeated and Raises Serious Questions About Independent Judgment and Objectivity

Any one omission might be characterized as an isolated judgment call. That explanation becomes increasingly difficult when the same sequence repeats: information is placed before CEC; Staff demonstrates awareness of it; portions are used in one analytical context; but the information is absent from another analysis where it could increase or change the environmental impact picture. The following chronology establishes that this is a pattern, not a single missed reference.

Before the Staff Assessment was published:

- the Department of Conservation told CEC to evaluate direct and indirect farmland conversion, surrounding agricultural operations, and cumulative impacts from likely future projects;
- CEC later contacted DOC directly about the Corby site's Important Farmland classifications and docketed that exchange as TN 270087, expressly stating that the contact was made to support the Land Use Staff Assessment;
 - Sarah Dunn identified three BESS projects by name and APN, including “NextEra Phase 2” at APN 0141-030-100, and expressly requested cumulative review;
 - Solano County requested cumulative review of past, present, and probable future energy projects and specifically identified cumulative agricultural conversion and industrialization of the agricultural landscape; and
 - CEC nevertheless published a cumulative analysis that incorporated Vaca Dixon while APN 0141-030-100 was not addressed at all.
- Staff itself separately identified “Corby 2” in the Alternatives chapter as a 400-MW CAISO-queue BESS project interconnecting at Vaca-Dixon, yet the project does not appear to have been carried into the cumulative-project list or resource-specific cumulative analyses.

The sequence is significant because it repeats across independent sources. A member of the public identified the additional development by APN. Solano County requested broader cumulative review. The Department of Conservation independently instructed CEC to consider likely future projects and surrounding agricultural operations. Staff itself then identified Corby 2 from California ISO data. The problem is therefore not lack of notice, lack of specificity, or lack of an available source. The record shows multiple notice points followed by an apparently narrower cumulative-development scenario.

Most strikingly, Staff's own treatment of Corby 2 supplies an internal comparison. Staff considered Corby 2 sufficiently concrete to list it by name, capacity, proposed online date, and Vaca-Dixon interconnection in the

Alternatives chapter, citing California ISO 2026. Yet that known 400-MW future BESS project does not appear as a separate cumulative project in Appendix A or the resource-specific cumulative analyses. In plain terms: Staff used Corby 2 when discussing alternatives, but apparently did not use Corby 2 when calculating the environmental setting of foreseeable cumulative development. That internal inconsistency is central to the concern about independent and even-handed review.

The Pattern in Plain Terms

1. CEC was warned to look for future projects. The Department of Conservation expressly requested cumulative agricultural analysis of “past, current, and likely future projects,” and Solano County requested review of past, present, and probable future projects.
2. CEC was given a specific additional parcel. Sarah Dunn identified “NextEra Phase 2” as APN 0141-030-100 and requested cumulative analysis of it with Corby and the other BESS development.
3. Staff acted on related information. The project associated geographically with APN 0133-060-060 was later analyzed as Vaca Dixon, showing that Staff did not simply disregard all of the November 2025 information.
4. Staff independently knew about Corby 2. The Staff Assessment itself lists Corby 2 as a 400-MW project with a March 16, 2031 online date interconnecting at Vaca-Dixon, sourced to California ISO 2026.
6. Staff used Corby 2 in one place but apparently not where cumulative effects were evaluated. Corby 2 appears in the Alternatives chapter, but not as a separate project in Appendix A or the resource-specific cumulative analyses.
7. APN 0141-030-100 was not addressed at all. The parcel specifically supplied to CEC as “NextEra Phase 2” is absent from the Staff Assessment under that APN.
8. Staff nevertheless reached cumulative-impact conclusions based on the project set it chose to analyze. The resulting issue is whether those conclusions can be reliable when known or specifically identified future BESS development was not consistently included.

X. Questions Preserved for the Administrative Record

The following questions identify the evidentiary and analytical issues raised by the published record. They are not intended to provide CEC with a roadmap for curing the Staff Assessment:

1. After receiving Sarah Dunn's November 12, 2025 comment identifying “NextEra Phase 2” as APN 0141-030-100, what investigation, if any, did Staff undertake to determine the status, ownership, development plans, or reasonable foreseeability of development on that parcel?
2. Where in the Staff Assessment is APN 0141-030-100 addressed, and if it was excluded from the cumulative-project list, what evidence in the administrative record documents the basis for that exclusion?
3. How did Staff reconcile its inclusion of the BESS project associated with APN 0133-060-060/Vaca Dixon with its omission of APN 0141-030-100 when both parcels were identified to CEC in the same November 12, 2025 cumulative-impact request?
4. What criteria did Staff use to determine which proposed or probable future BESS projects qualified for Appendix A and the resource-specific cumulative analyses?
5. After DOC's October 31, 2025 scoping comments were docketed as TN 266978, and after CEC land-use staff directly contacted DOC in April 2026 and docketed that agricultural exchange as TN 270087, where does the Staff Assessment show that Staff considered DOC's request to analyze impacts from past, current, and likely future projects, rather than only DOC's farmland-classification information?
6. How did Staff apply the Department of Conservation's October 31, 2025 request to analyze incremental agricultural impacts from “past, current, and likely future projects”?
7. Where did Staff evaluate the Department's request to analyze direct and indirect farmland conversion and impacts on current and future agricultural operations in the vicinity, as distinguished from the acreage of farmland directly occupied by the proposed Corby facility?
8. What portions of the California Council of Land Trusts' farmland-mitigation guidance identified by the Department of Conservation were considered, and where is that consideration documented?
9. On what basis does Staff conclude that LAND-1's 3:1 conservation-easement requirement addresses any separate localized or cumulative agricultural-system effects associated with concentrated BESS development in the Kilkenny/Byrnes Road agricultural area?

10. How did Staff respond to Solano County's request to analyze cumulative conversion of Important Farmland from renewable-energy development and the proliferation of industrial energy facilities in the agricultural landscape?
11. Does Staff's cumulative analysis account for the possibility that multiple BESS facilities and associated infrastructure could affect the Catherine Kilkenny Residence and its agricultural setting from multiple directions, and if so, where is that analysis located?
12. What record evidence demonstrates that Staff's cumulative-project list was complete enough to support the resource-specific cumulative conclusions that rely upon it?
13. Staff's Alternatives chapter identifies Corby 2 as a 400-MW BESS project interconnecting at Vaca-Dixon and cites California ISO 2026. Why was that Staff-identified project not included as a separate project in Appendix A and the resource-specific cumulative-impact analyses?
14. What factual distinction, if any, did Staff draw between the 300-MW Corby Project under review and the separate 400-MW Corby 2 project identified from CAISO data, and where is that distinction documented in the environmental analysis?
15. Did Staff investigate whether Corby 2, CAISO Queue No. 1854, is related to the "NextEra Phase 2" development identified by Sarah Dunn at APN 0141-030-100? If so, where is that investigation or conclusion documented?
16. How can the public evaluate the neutrality and completeness of the Staff Assessment when a specifically identified APN and requested cumulative project were omitted from the published analysis without an apparent explanation?
17. Staff's Knowledge of Corby 2
If Staff had sufficient information to identify Corby 2 by name, 400-MW capacity, proposed online date, and Vaca-Dixon interconnection in the Alternatives chapter, what explains its apparent absence as a separately identified project from the cumulative environmental analysis?
18. Different Treatment of the Same Evidence
What criteria did Staff use to determine that the California ISO information concerning Corby 2 was sufficiently reliable and relevant to use in the Alternatives analysis, but apparently not sufficiently relevant to include in the cumulative-project analysis?
19. "Only" or "Sole" Project Statements
How can Staff's statements identifying Vaca Dixon as the "sole" or "only" other energy-related project relevant to certain cumulative analyses be reconciled with Staff's own identification elsewhere in the Staff Assessment of a separate 400-MW Corby 2 project proposed to interconnect at Vaca-Dixon?
20. Sarah Dunn's Specific Notice
After Sarah Dunn supplied CEC with the specific APN 0141-030-100, identified it as "NextEra Phase 2," and expressly requested cumulative review, did Staff investigate that information? If so, where is that investigation, determination, or explanation documented in the Staff Assessment or administrative record?
21. Complete Omission of APN 0141-030-100
If Staff determined that APN 0141-030-100 did not qualify as a probable future project for purposes of cumulative analysis, where did Staff disclose that determination and the factual basis for it?
22. Two Separate Indicators of Additional Development
Did Staff determine whether the 400-MW Corby 2 project identified through California ISO and the "NextEra Phase 2" project identified by Sarah Dunn at APN 0141-030-100 were the same project, different projects, or unrelated? If Staff made no such determination, how did it establish that its cumulative-development scenario was complete?
23. Department of Conservation's Formal Comments
Where does the Staff Assessment address the Department of Conservation's express request that cumulative agricultural analysis consider the proposed project together with past, current, and likely future projects?
24. Staff's Subsequent Direct Contact With DOC
CEC docketed the Department's October 2025 comments as TN 266978, and subsequently docketed Staff's further communications with DOC as TN 270087 on May 19, 2026. Given Staff's direct interaction with DOC concerning the agricultural analysis, where does the record demonstrate that Staff considered DOC's request regarding likely future development rather than only the portions of DOC's information useful to Staff's farmland analysis?

25. Solano County's Requests

For each substantive cumulative-impact concern raised by Solano County during scoping, where does the Staff Assessment identify whether Staff accepted, rejected, or otherwise addressed the County's requested scope of analysis?

26. Selection of Government-Agency Input

Did Staff apply a consistent methodology when determining which portions of comments from the Department of Conservation and Solano County would be incorporated into the Staff Assessment? If so, where is that methodology or reasoning documented?

27. Cumulative Project Selection Methodology

What objective criteria did Staff use to decide which existing and reasonably foreseeable projects were included in Appendix A and the resource-specific cumulative analyses, and where does the record show those criteria were applied to Corby 2 and APN 0141-030-100?

28. Information Favorable Versus Unfavorable to the Project

How does CEC explain the apparent pattern in which information concerning future development was used when relevant to one portion of Staff's analysis, while the same or closely related information was not carried forward into analyses where it could increase identified cumulative environmental effects?

29. Independent Judgment

Given the foregoing inconsistencies, what in the existing administrative record demonstrates that Staff's selection, treatment, and exclusion of evidence resulted from the exercise of independent and objective judgment rather than from an analytical approach that favored information supporting the proposed Project?

30. Reliability of the Conclusions

If the cumulative-development scenario omitted a future 400-MW BESS project that Staff itself knew about and identified elsewhere in the Staff Assessment, on what basis can the public determine that the resulting cumulative-impact conclusions are reliable?

31. Is the treatment of Corby 2, APN 0141-030-100, the Department of Conservation's comments, Solano County's comments, and Sarah Dunn's comments consistent with CEC's characterization of the Staff Assessment as an "independent, objective evaluation" of the proposed Project? If so, where in the existing administrative record is that consistency demonstrated?

XI. Conclusion

The administrative record establishes that CEC received unusually specific pre-review input. This was not a case in which Staff was left to discover potential cumulative projects or agricultural concerns without assistance. The Department of Conservation supplied a State-agency framework for agricultural review. Sarah Dunn supplied project names and parcel numbers. Solano County supplied detailed resource-specific and cumulative-analysis requests.

Staff incorporated portions of that information, including agricultural conservation-easement mitigation and the Vaca Dixon BESS project. Yet APN 0141-030-100—specifically identified to CEC as "NextEra Phase 2"—was not addressed at all. That unexplained difference in treatment is material because the completeness of the cumulative-development scenario affects multiple environmental conclusions, not merely the agricultural acreage calculation.

For purposes of the administrative record, these are not isolated complaints. They form a pattern of selective use and uneven treatment of evidence. Information tending to show additional foreseeable BESS development was known to CEC from multiple sources, and in the case of Corby 2 was expressly used by Staff itself, yet it was not carried consistently into the cumulative environmental analyses. This pattern raises a serious question whether Staff exercised independent judgment and whether the Staff Assessment presents a neutral, complete, and reliable account of the environmental record.

The Corby 2 evidence makes the pattern especially difficult to dismiss as inadvertence. Staff cannot attribute Corby 2's absence from cumulative review to lack of awareness when the Staff Assessment itself identifies the project by name, 400-MW capacity, proposed online date, and Vaca-Dixon interconnection. Nor can the broader problem be attributed solely to a commenter's unsupported allegation, because the Department of Conservation and Solano County independently requested broader cumulative review. The record therefore presents a straightforward question: why was known information about additional foreseeable BESS development used selectively rather than consistently across the environmental review?

Record Materials Referenced

- CEQA Guidelines section 15084(e): the draft EIR must reflect the lead agency's independent judgment.
- California ISO, Controlled Grid Generation Queue, CORBY 2, Queue No. 1854, 400 MW battery storage, Solano County, Vaca-Dixon 230 kV (CAISO public queue report; Staff Assessment cites California ISO 2026).
- California Department of Conservation, Division of Land Resource Protection, Notice of Preparation Comment Letter, October 31, 2025, TN 266978 (docketed Nov. 3, 2025), especially p. 2 (direct/indirect conversion, nearby agricultural operations, cumulative impacts from past/current/likely future projects, and CCLT guidance) and p. 3 (other feasible mitigation).
- California Energy Commission, ROC California Department of Conservation, TN 270087 (docketed May 19, 2026), Report of Conversation p. 1 / docket PDF p. 2; attached DOC email discussion at docket PDF pp. 4–7.
- Sarah Dunn, Request for Comprehensive Cumulative Impact Analysis for NextEra Phase 1, Phase 2, and Middle River Power BESS Projects, TN 267174, November 12, 2025.
- County of Solano, Scoping Comments for Draft Environmental Impact Report - Corby BESS Project, TN 267642, November 19, 2025.
- California Energy Commission, Corby Battery Energy Storage System Project Staff Assessment, TN 271468, July 15, 2026, including Land Use and Agriculture and Appendix A.
- California Code of Regulations, title 14, sections 15130 and 15370.
- King and Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814.