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**COMMENT REGARDING SPECIAL NEEDS CHILDREN,
EVACUATION, HEALTH AND SAFETY, PUBLIC RESOURCES CODE
Â§ 21002, AB 205, AND THE LAMBIE IN**

Additional submitted attachment is included below.

September 11, 2026

Re: Corby Battery Energy Storage System Project
Docket No. 24-OPT-05

COMMENT REGARDING SPECIAL NEEDS CHILDREN, EVACUATION, HEALTH AND SAFETY, PUBLIC RESOURCES CODE § 21002, AB 205, AND THE LAMBIE INDUSTRIAL PARK ALTERNATIVE

I am the parent of four children, three of whom have Autism, including one child who is significantly affected and nonverbal. Evacuation in the event of an emergency would be extraordinarily difficult for my family and presents concerns that go well beyond inconvenience or ordinary evacuation delay. I also work as a registered nurse in Solano County.

For my nonverbal child in particular, a sudden emergency evacuation could be profoundly destabilizing. An abrupt change in environment and routine, combined with alarms, emergency vehicles, sirens, flashing lights, unfamiliar people, heightened activity, and the stress and urgency of an evacuation, could cause severe distress and serious behavioral meltdowns. Because my child is nonverbal, he may be unable to understand why we must suddenly leave our home, communicate what is frightening or hurting him, tell emergency personnel what he needs, or understand and follow rapidly given safety instructions.

These difficulties become even more serious if an evacuation occurs during heavy traffic or if roads are congested by other residents attempting to leave at the same time. Being confined in a vehicle for an extended and unpredictable period while traffic is stopped or moving slowly could intensify his distress. A severe meltdown under those circumstances could include attempts to leave the vehicle, refusal to remain safely restrained, self-injurious or other unsafe behavior, or an inability to transition from the vehicle if directed by emergency personnel. A traffic delay that may be frustrating for another family could therefore become a genuine safety emergency for ours.

The destination itself also presents difficulties. An emergency shelter or other unfamiliar location may be crowded, noisy, brightly lit, and chaotic, with unfamiliar people and no predictable routine or quiet space. My children may not be able to tolerate that environment or communicate his needs to shelter or emergency personnel. Even after the immediate emergency has passed, the sudden displacement and disruption of established routines will most likely have continuing behavioral and emotional consequences, base on my experience.

For families like mine, therefore, evacuation planning cannot reasonably be evaluated only by estimating whether vehicles can physically leave the area within a particular period of time. It should also consider whether residents with significant developmental disabilities can safely evacuate under actual emergency conditions, including traffic congestion, communication limitations, sensory overload, behavioral escalation, and the possibility that a person with autism may not understand or be able to comply with emergency directions.

These are foreseeable circumstances in our household. Any emergency-response or evacuation analysis for the proposed Corby BESS should account for vulnerable residents who cannot simply be assumed to receive an evacuation notice, enter a vehicle, sit calmly in evacuation traffic, follow verbal instructions, and remain safely at an unfamiliar evacuation location until authorities permit them to return home. I did not see any evacuation plan in the Draft EIR.

Questions Regarding Evacuation of Children and Other Residents with Disabilities

- Has the CEC identified how many children and adults with developmental, communication, mobility, sensory, intellectual, or other disabilities live within the area that could be subject to an evacuation, shelter-in-place order, or emergency traffic disruption?
- Does the emergency-response analysis specifically address children with autism who are nonverbal or who may be unable to understand, communicate about, or comply with rapidly given evacuation instructions?
- What accommodations are contemplated for a child who experiences a severe behavioral or sensory crisis when alarms, sirens, flashing lights, emergency personnel, smoke, unusual odors, crowds, or abrupt changes in routine occur simultaneously?
- How would emergency personnel communicate with and safely assist a nonverbal child who cannot explain what is wrong, identify pain or fear, provide personal information, or reliably follow verbal directions?
- Has the evacuation analysis considered the possibility that a child with autism may resist entering a vehicle, attempt to leave a vehicle, refuse or be unable to remain safely restrained, elope, become self-injurious, or otherwise experience a behavioral emergency during evacuation?
- Has the CEC analyzed what would occur if evacuation traffic becomes congested or gridlocked and a child with significant disabilities cannot safely tolerate being confined in a vehicle for an extended and unpredictable period?
- What assumptions were used concerning evacuation travel time, and do those assumptions account for families who may require substantially more time to prepare a child with significant disabilities to leave the home and to keep that child safe during evacuation?
- If a caregiver must choose between immediately evacuating and first stabilizing or safely preparing a child with significant disabilities for transport, how is that foreseeable delay addressed in the emergency plan?
- Would first responders have advance procedures, training, staffing, or resources for assisting residents with autism and other developmental disabilities during a BESS fire, toxic release, or other emergency?
- If evacuation is not immediately possible because of a child's disability or behavioral crisis, what shelter-in-place procedures would protect that child and family from smoke or a toxic plume, and how would authorities communicate when sheltering is safer than evacuation?
- What provisions exist if an evacuation route is blocked, traffic is stopped, or emergency personnel direct a family to abandon or leave a vehicle when a child with significant disabilities cannot safely make that transition?
- Have proposed evacuation shelters been evaluated for accessibility to children with sensory and developmental disabilities, including the availability of quieter areas, reduced sensory stimulation, appropriate communication supports, and space for caregivers to safely manage a child in crisis?
- How would reunification, identification, and communication be handled if a nonverbal child became separated from a parent or caregiver during an emergency?
- What evidence in the Draft EIR or administrative record demonstrates that these disability-related evacuation risks were actually evaluated rather than assuming that all residents can receive a warning, promptly enter a vehicle, tolerate evacuation traffic, follow verbal instructions, and remain at a conventional emergency shelter?
- If these foreseeable needs of residents with disabilities were not evaluated, how can the CEC determine that the emergency-response and evacuation impacts of the proposed Corby site have been adequately analyzed?

The Draft EIR also does not address whether the California Energy Commission's authority under AB 205 changes or diminishes its separate obligations under the California Environmental Quality

Act (CEQA), including Public Resources Code section 21002. Although AB 205 gives the Commission substantial authority to certify eligible energy projects, that authority does not eliminate CEQA's requirement to consider feasible alternatives that could avoid or substantially lessen significant environmental effects. This distinction is particularly important here because Lambie Industrial Park has been identified as a potential alternative to the Applicant's preferred Corby site.

As CEQA lead agency, the CEC must independently review and analyze the environmental document and exercise its own independent judgment. The CEC is also responsible for the adequacy and objectivity of the Draft EIR. (Pub. Resources Code, § 21082.1, subd. (c)(1)–(3); CEQA Guidelines, § 15084, subd. (e); *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452–1453.)

Public Resources Code section 21002 establishes an important California environmental policy: public agencies should not approve projects as proposed when feasible alternatives or feasible mitigation measures are available that would substantially lessen significant environmental effects.

That requirement is also reflected in Public Resources Code sections 21002.1 and 21081 and CEQA Guidelines sections 15021, 15041, 15091, and 15126.6.

AB 205 gives the Commission substantial authority over eligible opt-in projects. Public Resources Code section 25545.1 also provides that a Commission certificate may take the place of certain other governmental permits and may supersede certain state, local, and regional requirements.

But the authority to certify a project is not the same as an exemption from CEQA.

Even if the Commission has the legal authority to approve the Corby project, it must still comply with CEQA in deciding whether the project should be approved as proposed. That includes determining whether significant environmental harm could be avoided or substantially reduced through feasible mitigation or a feasible alternative.

The Question Is Not Simply Whether the Commission Has Authority to Approve Corby. The alternatives analysis should therefore be considered separately from the scope of the Commission's authority under AB 205.

The relevant CEQA question is not simply:

Does AB 205 give the Commission authority to approve the Corby project at this location?

The additional question is:

Should the Corby project be approved at this location if another feasible location could accomplish most of the project's basic objectives while avoiding or substantially reducing significant environmental effects?

CEQA Guidelines section 15126.6 requires an EIR to consider a reasonable range of alternatives, including alternative locations, that could feasibly accomplish most of the project's basic objectives while avoiding or substantially lessening significant environmental effects.

An alternative does not have to be identical to the Applicant's proposed project. Nor is an alternative necessarily infeasible simply because it is more expensive, less convenient, or would require the Applicant to change its existing plans.

The question is whether the alternative is infeasible under CEQA, not whether the Applicant prefers it.

Lambie Industrial Park has been identified in the record as an alternative location for the Corby BESS.

The important question is not whether Lambie is the Applicant's preferred location. It is whether Lambie is a potentially feasible industrial location that could accomplish most of the project's basic objectives while avoiding or substantially reducing environmental effects associated with placing this large industrial project in an agricultural and residential setting.

That distinction becomes particularly important because the Commission relies on the broad authority provided by AB 205 in evaluating the proposed Corby project.

If zoning, permitting, regulatory requirements, infrastructure, property control, or similar considerations are used as reasons for rejecting Lambie, the record should establish whether those issues actually make Lambie infeasible under CEQA.

There is a significant difference between an alternative that is genuinely infeasible and one that is simply less convenient, more expensive, requires additional work, or is not preferred by the Applicant.

There is also an important question of consistency. If AB 205 gives the Commission authority to overcome certain regulatory or permitting obstacles at the Applicant's preferred Corby site, has the Commission considered that same authority when evaluating regulatory or permitting obstacles associated with Lambie?

The Commission cannot reasonably rely on the breadth of its AB 205 authority when that authority facilitates approval of the Applicant's preferred site, while disregarding the same authority when evaluating whether an alternative site is feasible.

I have several important questions:

- How has the Commission reconciled its authority under AB 205 with its separate obligations under Public Resources Code section 21002?
- What evidence establishes that Lambie Industrial Park is actually infeasible under CEQA, rather than simply less desirable, less convenient, or more costly for the Applicant?
- Has the Commission applied the same interpretation of its AB 205 authority when considering regulatory and permitting issues at Lambie that it applies when considering those issues at the proposed Corby site?
- If Lambie could avoid or substantially lessen one or more significant environmental effects while still accomplishing most of the project's basic objectives, what substantial evidence supports rejecting that alternative?
- To what extent has the Applicant's preference for the Corby site influenced the selection, evaluation, or rejection of Lambie?
- Has Lambie been evaluated as an actual alternative under CEQA, or primarily from the standpoint of whether the Applicant wishes to develop its project there?

These questions are especially important where the proposed Corby location creates environmental concerns that arise from the location itself, including the conversion of an agricultural and residential landscape to a large industrial energy facility. An industrial alternative may avoid or substantially reduce impacts that cannot be eliminated simply by redesigning portions of the project at the Corby site.

AB 205 may change which governmental entity has authority to certify this project and may affect the application of certain local requirements. It does not eliminate CEQA's separate requirement to consider feasible ways to avoid or substantially lessen significant environmental harm.

The fact that the Commission may have authority to approve the Corby project therefore does not answer the separate question of whether the Corby project should be approved as proposed when a potentially feasible and less environmentally damaging alternative exists.

The CEC appears to be deferring to the Applicant's preferred site rather than neutrally evaluating the environmentally superior feasible alternative. Public Resources Code section 21002 makes that distinction important. Applicant preference is not the same as CEQA infeasibility, and the Commission's broad authority under AB 205 does not relieve it of its obligation to meaningfully evaluate feasible alternatives.

This comment is submitted to preserve these issues for the administrative record, including whether the alternatives analysis and any ultimate findings concerning feasibility comply with Public Resources Code sections 21002, 21002.1, and 21081 and CEQA Guidelines sections 15021 and 15126.6.

Sincerely,

Darlene Villagomez

Solano County