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**Formal Procedural Objection to Corby BESS Failure to Address
Prior Public Comments and Unresolved Property Value,
Construction**

Additional submitted attachment is included below.

Subject: Procedural Objection, and Formal Request for Supplemental Environmental Review: Unaddressed Scoping Concerns, Economic Impairment, Construction Hazards, and Insurance Risk

To the Members of the California Energy Commission,

I am writing as a local area resident to formally reiterate my opposition to the proposed Corby Battery Energy Storage System (BESS) Project and to register deep frustration regarding the Commission's procedural handling of public input to date.

Prior to the release of the Draft Environmental Impact Report (EIR) / Staff Assessment, formal public comments were submitted highlighting critical economic, physical, and community impacts. Disappointingly, the Draft EIR completely failed to acknowledge, evaluate, or address these pre-EIR concerns. Forcing members of the public to repeatedly submit the exact same fundamental objections because the lead agency simply ignored them during the initial scoping process undermines public trust and calls into question whether the Commission is giving genuine consideration to local feedback.

The Corby Project presents severe, unmitigated economic, physical, and financial hazards to surrounding property owners whose homes represent their primary financial asset. By continuing to omit off-site economic impairment linked to physical environmental risks, baseline construction vibration impacts, local infrastructure degradation, and insurance market dislocation, the EIR fails to fulfill the core mandates of the California Environmental Quality Act (CEQA) and AB 205 Opt-In Certification standards.

Under CEQA Guidelines (§ 15131), while economic effects are not treated as independent environmental impacts, economic and social disruption must be analyzed when directly caused by physical changes to the environment, or when they lead to secondary physical deterioration (e.g., blight, physical neglect, unmitigated construction damage). The Draft EIR fails to evaluate these direct environmental-economic linkages.

To ensure the administrative record is legally complete, and to finally receive the answers our community was owed prior to the EIR's publication, I request that the California Energy Commission (CEC) issue formal written responses to the following CEQA-specific inquiries in the Final EIR or a Supplemental EIR:

1. CEQA Socioeconomics, Environmental Justice, and Alternatives (CEQA Guidelines §§ 15126.6, 15131)

Recent catastrophic thermal runaway events at large-scale BESS facilities across California, such as Moss Landing and Otay Mesa, have established a clear public baseline regarding the physical hazards of utility-scale lithium-ion storage. This physical hazard creates measurable market stigma and Diminution in Value (DIV) for adjacent residential properties, which must legally be disclosed to prospective buyers under California Real Estate Disclosure Law (Civ. Code § 1102 et seq.).

Failure to Address Prior Public Scoping Comments: Why did the Draft EIR omit any analysis of off-site residential property devaluation and market stigma, despite formal public comments raising this specific issue prior to the EIR's publication?

Off-Site Economic Impairment Caused by Environmental Hazards: How does the Final EIR evaluate the direct connection between documented physical hazards (thermal runaway, toxic plume exposure, explosion risk) and the resulting long-term economic impairment of adjacent residential properties?

Failure to Internalize Negative Externalities: The current economic evaluation treats the project's fiscal profile in isolation while omitting the multimillion-dollar uncompensated loss of equity imposed on surrounding homeowners. Why was an independent Diminution in Value (DIV) assessment omitted from the project's economic evaluation?

Off-Site Industrial Siting Alternatives: Given the documented incompatibility with surrounding rural/residential land uses, why did the EIR's Alternatives Analysis fail to prioritize fully industrialized, appropriately zoned alternative locations, such as the Lambie Industrial Park, which avoid placing high-risk infrastructure directly adjacent to private homes?

2. Physical Construction Impacts, Vibration, and Noise (CEQA Guidelines Appendix G, Section XIII & XVII)

The construction phase involves heavy industrial machinery, pile driving, crane operations, site compaction, and heavy truck transport. Heavy industrial activity of this intensity presents a direct threat of physical damage to neighboring structures and public infrastructure that the Draft EIR has failed to adequately mitigate or quantify.

Structural Integrity Baseline & Vibration Monitoring: What specific peak particle velocity (PPV) thresholds were modeled for off-site structural settling, drywall cracking, and foundation distress on neighboring residential parcels resulting from pile driving and heavy equipment operations?

Pre-Construction Condition Assessments and Liability: Will the CEC require the applicant to perform pre-construction baseline surveys and post-construction inspections of nearby residential structures, private driveways, and underground utilities? What legally binding financial assurance mechanism or escrow fund will be mandated to compensate property owners for physical structural damage caused by site preparation?

Transportation Infrastructure & Roadway Degradation: Heavy vehicle transport during site construction will degrade local residential roads, road shoulders, and sub-grade utilities. What specific Conditions of Certification (COCs) mandate that the applicant fully fund, repair, and restore degraded public and private access infrastructure to pre-construction standards?

Substantive Temporary Nuisance and Marketability Impairment: How does the EIR demonstrate that proposed construction noise attenuation, fugitive dust controls, and traffic management plans are sufficient to prevent severe temporary impairment of the quiet enjoyment and marketability of neighboring properties?

3. Wildfire Risk, Insurance Availability, and Liability (CEQA Guidelines Appendix G, Section XX)

The introduction of a utility-scale lithium-ion facility into an area already vulnerable to wildland-urban interface fires introduces substantial secondary financial hazards related to property insurance and disaster recovery.

Impact on Property Insurability and Underwriting: California's residential insurance market is extremely sensitive to elevated fire risk profiles. Did the CEC evaluate whether introducing a

high-density energy storage facility will trigger non-renewals, policy cancellations, or prohibitive premium spikes for surrounding residential homeowners? How will the state protect homeowners if the project causes local properties to become uninsurable?

Off-Site Third-Party Liability Coverage: In the event of a catastrophic thermal runaway event, toxic off-gassing release, or multi-day wildfire event originating from the facility, does the applicant's commercial general liability and environmental impairment insurance cover 100% of off-site private property losses, total structural replacements, temporary displacement costs, and land devaluation? If not, what entity absorbs those financial liabilities? What required Insurance liability limits are you requiring them to carry?

Conclusion and Formal Relief Requested

The Corby Project as currently proposed places private homeowners at irreversible financial, physical, and structural risk while offering no direct localized benefit. It is unacceptable for the Commission to side-step these concerns in the Draft EIR phase and expect residents to accept a flawed environmental review.

I respectfully request that the California Energy Commission:

1. Formally respond to all public comment inquiries previously submitted prior to the release of the Draft EIR, as required under administrative review standards.
2. Order an independent, pre-construction Diminution in Value (DIV) appraisal study and structural vibration impact analysis.
3. Require the applicant to establish binding, pre-approval financial compensation and property restoration mechanisms for surrounding homeowners.
4. Reject certification of the Corby Project at this location until property value impacts, construction damage liabilities, local road degradation, and insurance risks are fully analyzed, disclosed, and mitigated in the record.

Marianne Goetze

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