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Comment Received From: Defenders of Wildlife
Submitted On: 5/27/2025
Docket Number: 24-OPT-02

Support for the Compass Energy Storage Project

Additional submitted attachment is included below.



California Program Office

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May 27, 2025

Renee Longman
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Compass Energy Storage Project; Docket No. 24-OPT-02

Dear Ms. Longman,

Thank you for the opportunity to provide comments in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR), also referred to as the Staff Assessment (SA), for the proposed Compass Energy Storage Project (Project). Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 311,000 residing in California.

The proposed Project is a battery energy storage system (BESS) that would be capable of storing up to 250 MW of electricity for four hours (up to 1,000 MWh). The proposed project impact area is comprised of approximately 14 acres of land within the northern portion of the City of San Juan Capistrano, adjacent to Camino Capistrano and Interstate 5 (I-5) to the east.

Defenders strongly supports renewable energy generation. A low-carbon energy future is critical for California's economy, communities and environment. As we transition toward a clean energy future, it is imperative that we consider the near-term impacts of storage development on our biodiversity, fish and wildlife habitat and natural landscapes while addressing the long-term impacts of climate change. Therefore, renewable energy projects must be planned, sited, developed and operated to avoid, minimize and mitigate adverse impacts on wildlife and lands with known high-resource values.

Comments

We offer the following comments on the scope for the DEIR/SA for the proposed Project.

Project Siting

Defenders has a long history of advocating for a “Smart from the Start” approach to the siting and development of renewable energy projects. A Defenders report recommends that

development should occur on impaired or degraded lands and categorizes projects located on impaired lands with minimal impacts on resources as “low-effect.”¹

The Project appears to be well-sited as it is located on previously disturbed lands related to previous and ongoing agricultural activities. The total Project impact area covers 14.1 acres of land. Of this area, 10.82 acres are designated for general agriculture, 1.45 acres are allocated for urban development, and 1.72 acres consist of disturbed habitat. The agricultural portion of the Project site is largely comprised of land that has been identified as grazing land despite the existing and historical use by the nearby church for various ancillary uses. The site is immediately adjacent to development, including a church facility to the north, residential development to the west and I-5 to the east. Furthermore, the Project is 0.5 miles south of the intersection of I-5 and State Route 72, which is a major transportation corridor in the region. Therefore, the Project siting is consistent with Smart from the Start siting criteria.

No special-status plant species were observed during either of the focused botanical surveys, although two state wildlife Species of Special Concern were observed during the biological surveys: the yellow-breasted chat and yellow warbler. Impacts are not expected to occur for these species, as the project will avoid suitable habitat. The federally and state-endangered Bell’s vireo is considered absent from the project site due to negative findings for the species during protocol-level surveys. Given the lack of impacts to federal and state-listed species, the project appears to fit into the “low-effect” categorization as described by the Smart from the Start report. We encourage the developer to continue prioritizing lands with low impacts on biological resources for the development of future renewable energy projects.

Confidential Mapped Locations

The project application was submitted under the Assembly Bill (AB) 205 permitting process. AB 205 established a streamlined permitting process for large-scale renewable energy project through the California Energy Commission (CEC) in lieu of local permits through the California Environmental Quality Act (CEQA) process. The intent of CEQA is to “[i]nform governmental decision-makers and the public about the potential significant environmental effects of proposed activities.” Given the AB 205 process is the equivalent permitting processes through the CEC in lieu of CEQA, it is reasonable to apply the intent of informing the public about the potential impacts. The Act reinforces the importance of informing the public about the potential impacts of a project through requiring the opportunity for the public to submit comments, for the CEC to conduct public outreach to solicit input, for the CEC to consider public input before making a permitting decision and the requirement to hold public meetings and hearings to gather input.

¹ Defenders of Wildlife. *Smart From the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*. 2012. Washington, D.C.

On April 11, 2024, the applicant submitted an application for confidential designation for Figure 4.2-6, which includes the mapped locations of rare plants, animals and natural communities from the California Natural Diversity Database (CNDDDB). On June 11, 2024, the CEC approved the application for confidential designation, finding that the applicant had made a reasonable claim showing that the information should remain confidential indefinitely, which is consistent with direction from the California Department of Fish and Wildlife. Although the Project site appears to fit within the Smart from the Start criteria given the protocol-level survey results, it is impossible to fully analyze all impacts to special-status species when the mapped locations are kept confidential. Further, it becomes burdensome for the public to review the avoidance, minimization and mitigation measures established within the DEIR to ensure they are appropriate for the impacted species. While we appreciate that the applicant voluntarily provided Defenders with the confidential document after Defenders provided proof of CNDDDB subscription, the onus for release of this information should not be placed on individual interested parties who want to review and comment on projects undergoing an otherwise public process. This and other such documents should be available to the public and other stakeholders to enable review of the scientific evidence and adequacy of any avoidance, minimization and mitigation measures. Defenders recommends that Figure 4.2-6 be made available for public review, allowing the public to adequately analyze the projects and their true environmental impacts.

Conclusion

Thank you once again for the opportunity to provide scoping comments on the DEIR for the proposed Compass Energy Storage Project and for considering our comments. Defenders looks forward to reviewing the SA for the Project and requests to be notified when it is available. Please feel free to contact me with any questions.

Respectfully submitted,

Sophia Markowska

Sophia Markowska
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