

DOCKETED

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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Form Energy, Inc.

WHEREAS, Form Energy, Inc. has requested funding for the Commercial Demonstration of a Long-Duration Energy Storage System Project, known as the East Road Storage Project (Project), a project to construct and operate an iron-air energy storage system with a capacity of 5 megawatts (MW) / 500 megawatt hours (MWh), located at 7475 East Road and 7399 East Road, Redwood Valley, Mendocino County, California. The commercial deployment of the long-duration energy storage will demonstrate a cost-effective solution to support grid reliability, resilience and decarbonization; and

WHEREAS, the California Energy Commission (CEC) is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.); and

WHEREAS, on October 26, 2023, the CEC published on its public website its Initial Study (IS), proposed Mitigated Negative Declaration (MND), proposed Mitigation Monitoring and Reporting Program (MMRP), and Notice of Intent to Adopt a Mitigated Negative Declaration for the Project, all of which the State Clearinghouse received and published to its public website on October 27, 2023; and

WHEREAS, the IS and proposed MND conclude that the Project will not result in any significant environmental impacts, with the imposition and implementation of the mitigation measures proposed in the IS and MMRP in the technical areas of Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Hazardous Materials, Noise, and Transportation; and

WHEREAS, the Notice of Intent was mailed to a list of nearby property owners compiled in accordance with CEQA. Moreover, it was provided to responsible agencies, trustee agencies, the Mendocino County Clerk, and organizations and individuals who have previously requested such notice; and

WHEREAS, the CEC provided a review and comment period for its IS and proposed MND, which ran from October 27, 2023 through 5:00 p.m. on November 27, 2023; and

WHEREAS, during the review and comment period, the CEC received four comment letters regarding the CEC's proposed adoption of the MND; and

WHEREAS, on December 13, 2023, the CEC held a public hearing to consider adoption of the IS, proposed MND, and MMRP; and

WHEREAS, the Energy Commission has reviewed and considered the IS, proposed MND, comments, and other related documents in the record before it.

THEREFORE BE IT RESOLVED, after reviewing and considering the IS, MND, MMRP, comments, and all related materials in the record, the CEC finds the following: (1) the IS, proposed MND, and MMRP were completed in compliance with CEQA; (2) with the implementation of the mitigation measures and MMRP adopted in this resolution, there is no substantial evidence that the adoption of the Project will have a significant effect on the environment, and (3) the Negative Declaration reflects the CEC's independent judgment and analysis. The CEC hereby adopts the IS, MND, and MMRP, including adopting and imposing mitigation measures MM BIO-1 through MM BIO-8, MM CUL-1 through MM CUL-3, PR-1 through PR-2, MM HAZ-1 through MM HAZ-3, MM NOISE-1 through MM NOISE-3, and MM TRANS-1, which are proposed in the IS and MMRP. Documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based can be found at the Natural Resources Headquarters Building, 715 P Street, Sacramento, California, 95814 in the custody of the CEC Docket Unit.

FURTHER BE IT RESOLVED, that the CEC approves amendment 1 to agreement LDS-22-004 for term extension, budget augmentation, and scope of work revision. This amendment will increase the funding by \$29,920,400 for a total of \$30,000,000, extend the Project term by five years one month, and modify the scope of work to include project tasks to construct and operate an iron-air energy storage system as described above; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo
NAY: NONE
ABSENT: NONE
ABSTAIN: NONE

Dated: December 14, 2023



Kristine Banaag
Secretariat