

DOCKETED

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| Docket Number: | 23-OPT-02 |
| Project Title: | Darden Clean Energy Project |
| TN #: | 253712 |
| Document Title: | Courtesy Tribal Notification of Receipt for Darden Clean Energy Project Opt-in Application |
| Description: | Notification emailed on December 21, 2023 |
| Filer: | Lisa Worrall |
| Organization: | California Energy Commission |
| Submitter Role: | Commission Staff |
| Submission Date: | 12/21/2023 2:34:08 PM |
| Docketed Date: | 12/21/2023 |



Subject: Opt-in Certification for Darden Clean Energy Project (23-OPT-02)

In a series of filings from November 3 through November 9, 2023, IP Darden I LLC and Affiliates (IP Darden) filed an application with the California Energy Commission (CEC) seeking certification from the CEC through the Opt-In process for the Darden Clean Energy project (23-OPT-02) proposed in western Fresno County, California. The project would be located in an agricultural area of unincorporated Fresno County south of the community of Cantua Creek.

Project Description

The Darden Clean Energy Project consists of a 1,150-megawatt (MW) solar photovoltaic (PV) facility, an up to 4,600 megawatt-hour (MWh) battery energy storage system (BESS), an up to 1,150 MW green hydrogen generator, a 34.5-500 kilovolt (kV) grid step-up substation, a 10- to 15-mile 500 kV generation intertie (gen-tie) line, and a 500 kV utility switching station. The project would interconnect to the existing Pacific Gas and Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line.

The solar PV facility would be made up of approximately 3,100,000 solar panels, inverter-transformer stations, and an electrical collection system, and would be located on approximately 9,000 acres of lands currently owned by Westlands Water District that would be purchased by IP Darden. The 500 kV gen-tie line would be sited within an approximate 200-foot-wide easement on private lands. Following construction of the utility switchyard by IP Darden, ownership and operations would transfer to PG&E. The BESS would be capable of storing up to 1,150 MW of electricity for four hours (up-to 4,600 MWh). The green hydrogen facility would be located on up to 225 acres and would consist of an electrolyzer, water treatment plant, and ancillary equipment. The electrolyzer would be powered by up to 1,150 MW of behind-the-meter renewable power generated by the solar facility and would be capable of producing up to 220 tonnes per day of pure, gaseous hydrogen.

CEC Jurisdiction and Opt-In Process

On June 30, 2022, Governor Gavin Newsom signed Assembly Bill (AB) 205, which authorized the CEC to establish a new certification program for eligible non-fossil-fueled power plants and related facilities to optionally seek certification ("Opt-in" Certification) from the CEC. Requirements for the Opt-in Certification program are in Chapter 6.2, Division 15, of the Public Resources Code, sections 25545–25545.13. Regulations to implement the program can be found in

California Code of Regulations, Title 20, sections 1875–1882. The Opt-in Certification program is in effect through June 30, 2029.

Under this new Opt-in Certification process, the types of facilities that can be certified by the CEC now include solar PV and terrestrial wind energy power plants of 50 MW or more, energy storage facilities of 200 MWh or more, the electric transmission lines from these facilities to the first point of interconnection with the existing transmission grid, and facilities that manufacture or assemble clean energy or storage technologies or their components with a capital investment of at least \$250 million. In addition, thermal power plants of 50 MW or more that do not use fossil or nuclear fuels may choose the Opt-in Certification process rather than the CEC’s Application for Certification process.

The CEC is the lead agency under the California Environmental Quality Act (CEQA) and is required to prepare an environmental impact report (EIR) for any facility that elects to opt-in to the CEC’s jurisdiction. With exceptions, the issuance of a certificate by the CEC for an eligible facility is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC’s authority under the Opt-in Certification program does not supersede the authorities of the California State Lands Commission, the California Coastal Commission, or the San Francisco Bay Conservation and Development Commission, if applicable, the State Water Resources Control Board or applicable regional water quality control board, or, in the case of manufacturing facilities, the applicable local air quality management district or the Department of Toxic Substances Control.

The CEC is required to make its decision on whether to certify the project within 270 days of receiving a *complete* application. The CEC staff has begun its review of the application, which has not been deemed complete at this time. Once the application is deemed complete, the 270-day clock to make the final project decision will begin. During this time, the CEC staff will evaluate the proposed project and no later than five days of deeming the application complete, the CEC staff will send formal letters to California Native American tribes inviting tribes to consult with the CEC about the project. Consultation between California Native American tribes and the CEC will proceed according to the requirements of Public Resources Code, sections 21080.3.1, 21080.3.2, 21082.3, and 25545.7.4 (CEQA and the Warren-Alquist Act).

The CEC will also host public meetings in the project area, including an informational and public scoping meeting during the development of the EIR,

and a public meeting during the 60-day comment period on the Draft EIR, which will be included as part of the CEC's Staff Assessment of the application. After the conclusion of the public comment period, the CEC staff will publish an updated Staff Assessment (which will include a Final EIR), and the CEC's Executive Director's recommendation on whether the CEC should certify the EIR and issue a certificate for construction and operation of the proposed project. The updated Staff Assessment and Executive Director's recommendation will be published at least 30 days before the CEC's consideration at a public meeting.

At the business meeting the Commissioners will formally decide whether to certify the EIR and grant a certification for construction and operation of the proposed project. Should the certification be granted, other agencies that retain their permitting authorities must take final action on any additional permits within 90 days of the CEC issuing a certificate.

Participation

The CEC welcomes public participation in the Opt-in review process. A copy of the Darden Clean Energy Project Opt-in application as well as other project materials, can be found on the project's CEC website at <https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>. To stay informed about this project and receive notice of upcoming meetings and workshops, sign up to the project subscription, which can be accessed on the same project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage.

The CEC staff welcomes your comments and questions. Please do not hesitate to contact Assistant Tribal Liaison, Gabriel Roark, at (916) 237-2544 or by email at gabriel.roark@energy.ca.gov.

**Native American Heritage Commission
Native American Contact List
Fresno County
11/30/2023**

| Tribe Name | Fed (F) Non-Fed (N) | Contact Person | Contact Address | Phone # | Fax # | Email Address | Cultural Affiliation | Counties | Last Updated |
|---------------------------|----------------------------|---|--|----------------|--------------|----------------------|---------------------------------|--|---------------------|
| North Valley Yokuts Tribe | N | Jessica Murga, Tribal Secretary | 990 N. Fine Rd Linden, CA, 95236 | (209) 401-6250 | | | Costanoan Northern Valley Yokut | Alameda, Calaveras, Contra Costa, Fresno, Madera, Mariposa, Merced, Sacramento, San Benito, San Joaquin, Santa Clara, Solano, Stanislaus | 11/21/2023 |
| North Valley Yokuts Tribe | N | Erolinda Perez, Tribal Administrator | P.O. Box 717 Linden, CA, 95236 | (209) 649-3155 | | arr0604w@verizon.net | Costanoan Northern Valley Yokut | Alameda, Calaveras, Contra Costa, Fresno, Madera, Mariposa, Merced, Sacramento, San Benito, San Joaquin, Santa Clara, Solano, Stanislaus | 11/21/2023 |
| North Valley Yokuts Tribe | N | Timothy Perez, Tribal Compliance Officer | P.O. Box 717 Linden, CA, 95236 | (209) 662-2788 | | huskanam@gmail.com | Costanoan Northern Valley Yokut | Alameda, Calaveras, Contra Costa, Fresno, Madera, Mariposa, Merced, Sacramento, San Benito, San Joaquin, Santa Clara, Solano, Stanislaus | 11/21/2023 |

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| North Valley Yokuts Tribe | N | John Murga, Tribal Historian | P.O. Box 717 Linden, CA, 95236 | (209) 479-0546 | | johnmurga824@gmail.com | Costanoan Northern Valley Yokut | Alameda, Calaveras, Contra Costa, Fresno, Madera, Mariposa, Merced, Sacramento, San Benito, San Joaquin, Santa Clara, Solano, Stanislaus | 11/21/2023 |
| Santa Rosa Rancheria Tachi Yokut Tribe | F | Shana Powers, THPO | P.O. Box 8 Lemoore, CA, 93245 | (559) 423-3900 | | spowers@tachi-yokut-nsn.gov | Southern Valley Yokut | Fresno, Kern, Kings, Merced, Monterey, San Benito, San Luis Obispo, Tulare | 10/3/2023 |
| Santa Rosa Rancheria Tachi Yokut Tribe | F | Nichole Escalon, Cultural Specialist I | P.O. Box 8 Lemoore, CA, 93245 | (559) 924-1278 | | nescalone@tachi-yokut-nsn.gov | Southern Valley Yokut | Fresno, Kern, Kings, Merced, Monterey, San Benito, San Luis Obispo, Tulare | 10/3/2023 |
| Santa Rosa Rancheria Tachi Yokut Tribe | F | Samantha McCarty, Cultural Specialist II | P.O. Box 8 Lemoore, CA, 93245 | (559) 633-3440 | | smccarty@tachi-yokut-nsn.gov | Southern Valley Yokut | Fresno, Kern, Kings, Merced, Monterey, San Benito, San Luis Obispo, Tulare | 10/3/2023 |

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| Table Mountain Rancheria | F | Brenda Lavell, Chairperson | P.O. Box 410 Friant, CA, 93626 | (559) 822- 2587 | (559) 822- 2693 | rpennell@tmr.org | Yokut | Fresno,Madera,Merced | |
| Table Mountain Rancheria | F | Bob Pennell, Cultural Resource Director | P.O. Box 410 Friant, CA, 93626 | (559) 325- 0351 | (559) 325- 0394 | rpennell@tmr.org | Yokut | Fresno,Madera,Merced | |
| Tule River Indian Tribe | F | Neil Peyron, Chairperson | P.O. Box 589 Porterville, CA, 93258 | (559) 781- 4271 | (559) 781- 4610 | neil.peyron@tuleriv ertribe-nsn.gov | Yokut | Alameda,Amador,Calaveras,Con tra Costa,Fresno,Inyo,Kern,Kings,M adera,Mariposa,Merced,Montere y,Sacramento,San Benito,San Joaquin,San Luis Obispo,Stanislaus,Tulare,Tuolu mne | |

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| Tule River Indian Tribe | F | Joey Garfield, Tribal Archaeologist | P. O. Box 589 Porterville, CA, 93258 | (559) 783-8892 | (559) 783-8932 | joey.garfield@tulerivertribe-nsn.gov | Yokut | Alameda, Amador, Calaveras, Contra Costa, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, Stanislaus, Tulare, Tuolumne | 7/22/2016 |
| Tule River Indian Tribe | F | Kerri Vera, Environmental Department | P. O. Box 589 Porterville, CA, 93258 | (559) 783-8892 | (559) 783-8932 | kerri.vera@tulerivertribe-nsn.gov | Yokut | Alameda, Amador, Calaveras, Contra Costa, Fresno, Inyo, Kern, Kings, Madera, Mariposa, Merced, Monterey, Sacramento, San Benito, San Joaquin, San Luis Obispo, Stanislaus, Tulare, Tuolumne | 7/22/2016 |

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| Wuksachi Indian Tribe/Eshom Valley Band | N | Kenneth Woodrow, Chairperson | 1179 Rock Haven Ct. Salinas, CA, 93906 | (831) 443-9702 | | kwood8934@aol.com | Foothill Yokut Mono | Alameda, Calaveras, Contra Costa, Fresno, Inyo, Kings, Madera, Marin, Mariposa, Merced, Mono, Monterey, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne | 6/19/2023 |
| <p>This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.</p> <p>This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Darden Clean Energy Project, Fresno County.</p> | | | | | | | | | <p>Record: PROJ-2023-005793 Report Type: List of Tribes Counties: Fresno NAHC Group: All</p> |