

**DOCKETED**

<b>Docket Number:</b>	23-OPT-02
<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	259320
<b>Document Title:</b>	Formal Tribal Notification (redacted) and Distribution List for the Darden Clean Energy Project
<b>Description:</b>	Mailed May 1, 2024
<b>Filer:</b>	Lisa Worrall
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	9/27/2024 8:32:43 AM
<b>Docketed Date:</b>	9/27/2024



April 26, 2024

[REDACTED] Tribal Historian  
North Valley Yokuts Tribe

[REDACTED]

Dear [REDACTED]:

The California Energy Commission (CEC) is responsible for preparing an environmental impact report and other findings for the Darden Clean Energy Project and invites North Valley Yokuts Tribe to consult regarding this project. The CEC will conduct tribal consultation in accordance with the Public Resources Code, sections 21080.3.1 and 25545.7.4, as well as California Code of Regulations, Title 20, section 1878.5. This consultation would focus on environmental impact and mitigation issues and is an opportunity to have your input inform the staff analysis of the proposed project. The CEC staff received the results of a Sacred Lands File search from the California Native American Heritage Commission on November 30, 2023. The search yielded negative findings. The CEC staff would like to consult with you to better understand the concerns of California Native American tribes regarding this project.

### **Background**

In a series of document filings from November 3 through November 9, 2023, IP Darden I LLC and Affiliates (IP Darden) filed an application with the CEC seeking certification from the CEC through the Opt-in Certification process for the Darden Clean Energy Project (Docket No. 23-OPT-02). The proposed project would be in an agricultural area of unincorporated Fresno County south of the community of Cantua Creek.

### **Project Summary**

The proposed Darden Clean Energy Project would consist 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 IP Darden would purchase. 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.

Additional information about the proposed project is available at the locations provided in the following list.

1. Project Description and Figures:  
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=252985&DocumentContentId=88135>
2. Cultural Resources Section of the Application:  
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=252971&DocumentContentId=88122>
3. The rest of the application is made up of the documents filed on the Darden Clean Energy Project docket:  
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02>

### **CEC 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 includes solar photovoltaic and terrestrial wind energy power plants of 50 MW or more, energy storage facilities of 200 megawatt-hours (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 prepare an EIR and make its decision on the application within 270 days of receiving a complete application. The CEC will also conduct public meetings in the project area, including an informational and public scoping meeting during the development of the EIR, and a public workshop 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 decision at a public meeting.

The 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**

In addition to the tribal consultation required under CEQA and the Warren-Alquist Act, the CEC welcomes your participation in the Opt-in review process. Pursuant to the Public Resources Code, section 25545.7.4, we are providing the link to the Darden Clean Energy Project application, hosted on the 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 for the project subscription, which can be accessed on the same

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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, which are important to staff's analysis of the proposed project. Please do not hesitate to contact:

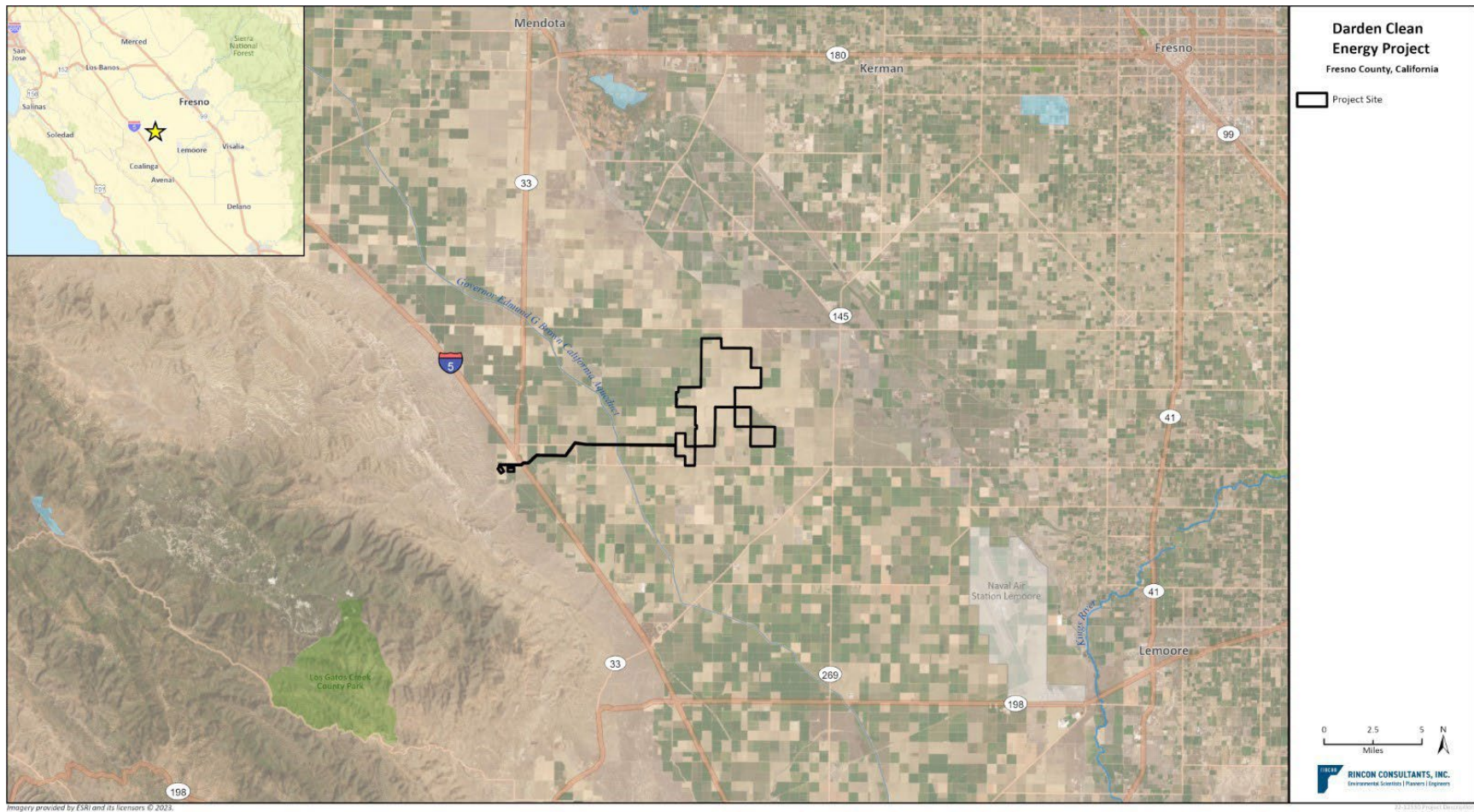
Assistant Tribal Liaison, Gabriel Roark, at (916) 237-2544 or by email at [gabriel.roark@energy.ca.gov](mailto:gabriel.roark@energy.ca.gov).

Sincerely,

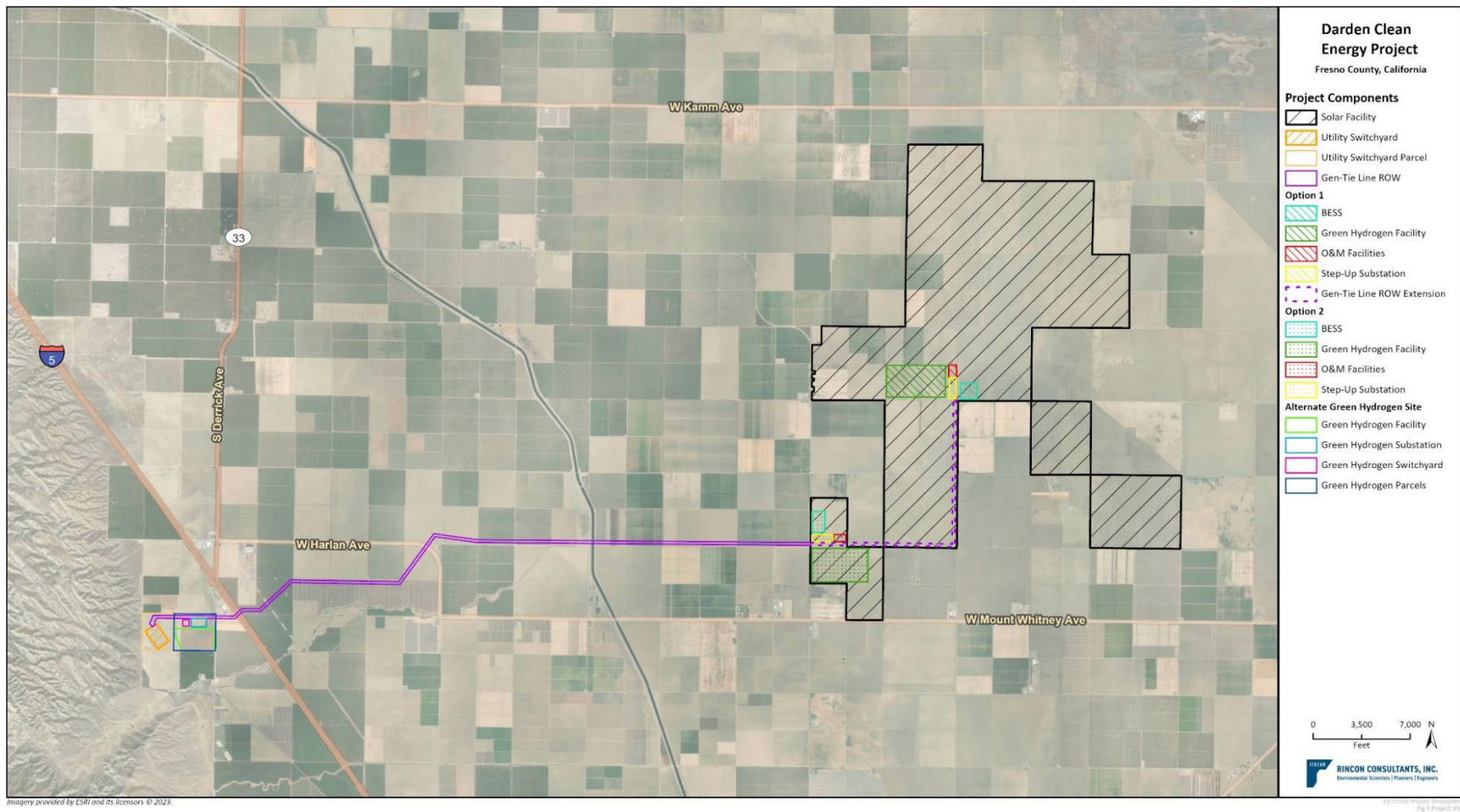
*Sierra Graves*

Sierra Graves  
Tribal and Community Engagement Lead

Attachment:  
Project Location Maps



Source: Figure 2 in Ogaz, A., C. Felt, A. Losco. 2023. *Darden Clean Energy Project Cultural Resources Technical Report, Fresno County, California*. Rincon Consultants Project No. 22-12530. Report on file at the Southern San Joaquin Valley Information Center, California State University, Bakersfield.



Source: Figure 1 in Ogaz, A., C. Felt, A. Losco. 2023. *Darden Clean Energy Project Cultural Resources Technical Report, Fresno County, California*. Rincon Consultants Project No. 22-12530. Report on file at the Southern San Joaquin Valley Information Center, California State University, Bakersfield.

## Formal Tribal Notification Distribution List

### Table Mountain Rancheria

Chairperson  
Cultural Resource Director

### North Valley Yokuts Tribe

Tribal Administrator  
Tribal Compliance Officer  
Tribal Historian  
Tribal Secretary

### Tule River Indian Tribe

Chairperson  
Environmental Department  
Tribal Archaeologist

### Wuksachi Indian Tribe/Eshom Valley Band

Chairperson

### Santa Rosa Rancheria Tachi Yokut Tribe

Cultural Specialist I  
Cultural Specialist II  
THPO