

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	259685
Document Title:	Garry Comments - National Audubon comments
Description:	N/A
Filer:	System
Organization:	Garry
Submitter Role:	Public
Submission Date:	10/25/2024 5:36:07 AM
Docketed Date:	10/25/2024

*Comment Received From: Garry
Submitted On: 10/25/2024
Docket Number: 23-OPT-02*

National Audubon comments

Additional submitted attachment is included below.



October 24, 2024

California Energy Commission
Docket Unit, MS-4
Docket No. 23-OPT-02
715 P Street
Sacramento, California 95814-5512
Docketed to: 23-OPT-02

RE: Notice of Preparation of a Draft Environmental Impact Report for the Darden Clean Energy Project (SCH 2024091023)

The National Audubon Society protects birds and the places they need, today and tomorrow, throughout the Americas using science, advocacy, education, and on-the-ground conservation.

The climate threat facing birds is urgent.¹ To achieve a future where both people and wildlife thrive, we need to rapidly build out photovoltaic (PV) solar and onshore and offshore wind infrastructure – as well as transmission lines to bring that power to the people who need it. By advocating for responsible and community-centered planning, and well-sited projects we can protect birds from the worst impacts of climate change while preserving the places we all need.

We offer the following comments on the N.O.P. of an EIR for the Darden Clean Energy Project.

Project Summary

The Darden Clean Energy Project (Project) consists of a 1,150 MW solar PV facility, an up to 4,600 MWh BESS, 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 the applicant. 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 the applicant, 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).

¹ Wilsey, C, B Bateman, L Taylor, JX Wu, G. LeBaron, R Shepherd, C. Koseff, S Friedman, R Stone. Survival by Degrees: 389 Bird Species on the Brink. National Audubon Society: New York. www.climate.audubon.org Available [here](#) for download.

Siting

Audubon was a stakeholder in the 2016 Berkeley Law Center for Law, Energy & the Environment (CLEE) project to identify Least-Conflict Solar PV Development in California's San Joaquin Valley.² That project identified Westlands Water District lands as ideal, non-controversial land for solar PV development due, in part, to the high degradation and low conservation value of the lands.

The Project is well-sited as it is located on these ideal lands making it a suitable project in our opinion to receive a rapid environmental review and permitting process.

However, the DEIR should address the impacts in Biological Resources and in Cumulative Impacts on the following species of birds and the places they need of the project and associated infrastructure and show clearly how the Project intends to avoid, minimize or as a last resort compensate with conservation mitigation for those impacts.

Swainson's hawk (SWHA)

The EIR should evaluate the impacts to Swainson's hawk nests and nesting habitat and foraging habitat for SWHA in the project area and for SWHAs within a reasonable foraging distance from nests outside the project area. The EIR should evaluate these impacts individually and cumulatively, of all phases of the project from nest surveys disturbance to construction to operation and maintenance throughout the life of the project.

We have reviewed the Swainson's hawk Conservation Strategy provided in Appendix V of the Darden Clean Energy project description. We support the effort of the Project proponent efforts and expense to plan for conservation of SWHA and their nests and foraging habitat on site, with appropriate buffers, and look forward to California Department of Fish & Wildlife (CDFW) review of the strategy, and the issuance of an Incident Take Permit (ITC) from the Department. The EIR should incorporate this Strategy as well as CDFW's comments on the strategy in evaluating the impacts of the Strategy as well as the potential benefits to Swainson's hawk in the Central Valley over the projected time of the Strategy as well as the project lifetime of the Project. We eagerly await the promised research which could inform future siting, construction and operation of PV solar projects in regard to Swainson's hawks in their range and appreciate this contribution by Project proponent.

Burrowing Owl (BUOW)

The EIR should evaluate the impacts of the project and associated infrastructure on Burrowing owl which has been documented on site.

Migratory birds

The Central Valley is a key flyway for migratory birds such as passerines and especially shore birds and water birds and raptors. These birds and their nests and eggs are protected by the Migratory Bird Treaty Act as well as California regulations. Migratory birds are vulnerable to collision with distribution lines such as the gen-tie line from the project to the interconnection. For instance, in the United States, it has been

² <https://www.law.berkeley.edu/research/cee/research/climate/solar-pv-in-the-sjv/> accessed October, 2024.

estimated that between 8 million and 57 million birds are killed by power lines annually.³ The EIR should evaluate the impacts of electrocution by the collection lines, if above ground, gen-tie lines and any other electrical lines in or to the sub-station on migratory birds.

We appreciate the opportunity to comment on the preparation of the EIR for the Darden Clean Energy Project and look forward to commenting on the DEIR.

Regards,



Garry George
Senior Director, Climate Strategy
National Audubon Society
Pacific Flyway office
garry.george@audubon.org

³ Loss et al, Refining Estimates of Bird Collision and Electrocution Mortality at Power Lines in the United States, 2014, <https://pmc.ncbi.nlm.nih.gov/articles/PMC4081594/> accessed October 2024.