DOCKETED	
Docket Number:	26-SPPE-01
Project Title:	RB Inyokern Data Center (RBIDC)
TN #:	273731
Document Title:	Notice of Preparation of a Draft Environmental Impact Report for the RB Inyokern Data Center
Description:	Replacement Notice of Preparation (NOP) of a Draft EIR for the RB Inyokern Data Center (26-SPPE-01). Supersedes the earlier NOP (TN#273415). Note new comment deadline.
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Notice of Preparation of a Draft Environmental Impact Report for the RB Inyokern Data Center (26-SPPE-01)

Date: November 18, 2026

To: Reviewing Agencies and other Interested Parties

From: California Energy Commission (CEC)

Project Title: RB Inyokern Data Center (RBIDC)

Project Applicant: R&L Capital Inc.

Docket Log: 26-SPPE-01

NOP Review Period: November 18, 2026, to December 17, 2026

In accordance with California Code of Regulations, title 14, section 15082, the California Energy Commission (CEC) staff has prepared a Notice of Preparation (NOP) to inform the Governor's Office of Land use and Climate Innovation (LCI) and each responsible and trustee agency that an Environmental Impact Report (EIR) will be prepared for the RB Inyokern Data Center (RBIDC) proposed by R&L Capital, Inc. (applicant) in the unincorporated community of Inyokern in Kern County, California.

The RBIDC would include a thermal power plant, which would consist of a total of forty (40) diesel-fired generator sets to be used exclusively to provide up to 99 megawatts (MW) of back-up emergency electric generation during utility outages to support the data center operations. The RBIDC emergency backup electric generating facility would not be interconnected to the transmission or distribution grid, nor would the facility participate in demand response, peak shaving, or any grid-support operations.

Small Power Plant Exemption Process

The CEC has exclusive authority to certify all thermal power plants 50 MW and greater for construction and operation in California. The Small Power Plant Exemption (SPPE) process allows applicants that are proposing to construct thermal power plants that do not exceed 100 MW to obtain an exemption from the CEC's jurisdiction and proceed with local permitting rather than requiring CEC certification. Per Public Resources Code, section 25541, the CEC can grant an

exemption if it finds that the proposed facility would not create a substantial adverse impact on the environment or energy resources. Public Resources Section 25541 (c) designates the CEC as the lead agency under the California Environmental Quality Act (CEQA) for all facilities seeking an exemption through the SPPE process. The CEC's EIR will analyze the whole of the action as required by CEQA, which includes the backup generating facility and data center. Any decision by the CEC to exempt the generating facility from its jurisdiction does not approve the project for construction or operation.

The CEC staff has begun its review of the application and will prepare an EIR for public review. At the conclusion of the evaluation and the opportunity for public review and comment regarding the project, a decision will be made by the CEC at a noticed public business meeting on whether the application meets the requirements of Public Resources Code, section 25541. Should the exemption be granted, the applicant would still need to secure the appropriate entitlements and permits from the relevant local, regional, state, and federal agencies to construct and operate the proposed project. The CEC's regulations setting forth the SPPE process are primarily located in Title 20, California Code of Regulations, sections 1936 and 1940-1942.

Response to the Notice of Preparation

Pursuant to the CEQA Guidelines (Cal. Code Regs, tit. 14, § 15082(b)), each responsible and trustee agency and LCI shall provide detail about the scope and content of the environmental information related to the responsible and trustee agency's area of statutory responsibility that must be included in the draft EIR.

At a minimum, the response shall identify:

- The significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or LCI will need to have explored in all draft EIR; and,
- Whether the agency will be a responsible agency or trustee agency for the project.

Due to the time limits mandated by State law, responses must be sent at the earliest possible date but not later than 30 days after receipt of this notice. CEC staff requests your comments by **Thursday, December 17, 2026**. Based on comments received by public agencies on the scope and content of the EIR, CEC staff may request additional information from the applicant to address such comments. If a responsible or trustee agency or LCI does not respond by the end of the 30-day period to provide the CEC with either a response to the NOP

or a well-justified request for additional time, CEC staff will presume that none of those entities have a response to make.

Project Webpage, Subscription, and Document Availability

The CEC maintains a website for this project RB Inyokern Data Center | California Energy Commission and the SPPE application and related project documents are viewable by clicking on the 'Docket Log (26-SPPE-01) found on top right yellow box of the project webpage or at California Energy Commission: Docket Log.

To submit comments electronically, use the CEC's electronic commenting feature on the RBIDC webpage (linked above), click on the 'Submit eComment' link found in yellow box on right-side, and follow the instructions in the online form. In your comments, be sure to include the project name. Once filed, a comments receipt email with a link to the comments will be sent and your comments will be part of the proceeding's public record.

Interested agencies or members of the public may also subscribe via the project webpage to receive electronic notices of all the project-related activities and documents related to the CEC's exemption evaluation, click on the 'Subscribe RB Inyokern data Center' found in the lower right yellow box of the project webpage (linked above).

If you have any questions or need additional information on how to participate in CEC's review of the proposed project, please contact Elizabeth Huber, Project Manager, by email to Elizabeth.Huber@energy.ca.gov.

Project Location and Description

The proposed project site is located near the intersection of U.S. Highway 395 and State Route 178 in Inyokern, an unincorporated area of Kern County, California. The data center building, emergency backup generating facility, on-site substation, fuel storage, cooling systems, site circulation, and parking would be located on Kern County assessor parcel numbers (APNs) 084-010-43, 084-010-44, a portion of 084-010-45, and a portion of 084-010-48. The total project site encompasses approximately 50 acres of industrially zoned land. The single-story data center building would be approximately 238,000 square feet, with a maximum structural height of 30 feet.

The forty generators would be arranged in two secured generator yards of twenty (20) units each, positioned on opposite sides of the main data center building to ensure load distribution and operational redundancy. All generators would be equipped with Tier 4 Final emissions controls, including selective

catalytic reduction (SCR), diesel oxidation catalyst, and diesel particulate filters (DPF). The facility would include a new customer-dedicated 115/34.5 kilovolt (kV) substation served by two independent 115 kV feeders from Southern California Edison (SCE) and supported by two 60/80/100 MVA transformers configured for redundancy, connecting to SCE's existing infrastructure via underground gen-tie facilities at SCE's Inyokern Substation. On-site fuel storage would be sized to sustain 72 hours of continuous operation at full design load, consistent with Tier III data center reliability criteria.

A regional map and project vicinity map figure from the application are attached to this notice.

Probable Environmental Effects

The CEC's EIR will analyze the reasonably foreseeable direct, indirect, and cumulative effects of the proposed project in the topic areas specified in Appendix G of the CEQA Guidelines. Based on a preliminary review of the application and other filed information, CEC staff anticipates that the following topic areas will be analyzed further in the EIR:

Aesthetics

The proposed project would be constructed on approximately 50 acres of undeveloped flat land in a non-urbanized area. Existing development in the project vicinity includes a solar facility, wastewater treatment plant, the Inyokern Airport, single family residences, commercial uses, and undeveloped, open space.

The EIR will evaluate whether the project would have a significant impact on a scenic vista or damage scenic resources. The EIR will also evaluate whether the project would substantially degrade the existing visual character or quality of public views of the site and its surroundings. The analysis will consider the project's components—including shapes, sizes, exterior surfaces (e.g., colors, textures, finishes), and massing—within the context of the existing physical environment. Project-related night lighting, glare, and reflectance could affect daytime and nighttime views within the existing physical environment. If significant visual impacts are identified, CEC staff will recommend all feasible mitigation measures to reduce those impacts.

Air Quality

The proposed project would require a permit from Eastern Kern Air Pollution Control District (EKAPCD). The EKAPCD is designated as non-attainment for ozone and particulate matter (PM) according to the federal and state ambient air quality standards. The diesel-powered backup generators proposed for the

project could result in potentially significant impacts due to emissions of ozone precursors (oxides of nitrogen [NOx] and reactive organic gases) and diesel particulate matter (DPM), a toxic air contaminant. The EIR will discuss whether the project would result in potential cumulatively considerable net increases of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. The EIR will also discuss whether the project would: conflict with or obstruct implementation of the applicable air quality plan; expose sensitive receptors to substantial pollutant concentrations, including impacts from criteria pollutants and toxic air contaminants; or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. If project impacts related to air quality and public health are determined to be significant, mitigation will be identified to reduce impacts to a less than significant level, as feasible.

Biological Resources

The EIR will evaluate the potential impacts to biological resources associated with project construction and operation. Biological resources that may be affected include special-status plant and wildlife species and other sensitive biological communities. The analysis will consider potential direct, indirect, operational, and cumulative impacts to these resources, including habitat loss or modification, disturbance from construction and operational activities, introduction or spread of invasive species, stormwater runoff and hazardous materials affecting sensitive biological communities, and nitrogen deposition resulting from project emissions that could affect sensitive habitats.

Some of the sensitive species that will be addressed in the EIR include Crotch's bumble bee, Swainson's hawk, western burrowing owl, desert tortoise, Mohave ground squirrel, Le Contes thrasher, American badger, and desert kit fox, among others. The analysis will consider potential impacts related to construction disturbance, lighting, noise, vibration, stormwater runoff, water quality, and wildlife movement.

The applicant has identified proposed measures intended to avoid or minimize impacts, including, but not limited to, conducting preconstruction surveys for special-status plants and wildlife, establishing species protection buffers, and requiring worker environmental awareness training for all project personnel conducting biological monitoring. Staff will also review all compensatory mitigation requirements for listed species and will evaluate the adequacy and effectiveness of these measures. During the independent review staff may identify additional measures through coordination with the California Department of Fish and Wildlife and the United States Fish and Wildlife Service.

Cultural and Tribal Cultural Resources

Based on preliminary information provided by the applicant for this project, the proposed project has the potential to impact cultural or tribal cultural resources. At this time there is not enough information to conclude whether the project would result in significant impacts to cultural or tribal cultural resources and whether they could be mitigated to a less-than-significant level. These cultural and tribal cultural resources and impacts as such will be analyzed by CEC staff in the EIR.

Efficiency and Energy Resources

The proposed project configuration is 86.8 percent loading which appears to be an operating target rather than a physical limitation. The analysis will discuss if the generators could be ramped above 86.8 percent up to their rated capacity, and the need for a limiting device or other design feature that would physically prevent the primary generation system from exceeding 100 MW.

Geology and Soils (Paleontology)

The EIR will evaluate potential impacts related to geology and soils, including paleontological resources. The SPPE Application, Appendix K.1 (TN 269261), includes a Preliminary Soil and Geology Evaluation that BSK Associates completed on December 12, 2025, for the applicant. The Preliminary Soil and Geology Evaluation characterized the project site's geology and potential hazards using existing geotechnical and geologic information and observations collected during a site visit. The SPPE Application, Section 4.7, Soils and Geology (TN 269893) also proposed mitigation measures to reduce potential impacts related to geologic hazards to less than significant.

However, the application stated that, in compliance with the 2025 California Building Code (CBC) and Kern County Code of Ordinances, a design-level geotechnical and geohazard investigation will be performed to collect subsurface geotechnical and geophysical data, evaluate geologic hazards, and propose mitigation for geologic hazards. Based on the information reviewed thus far, CEC staff will require further geotechnical and geohazard data and analyses to evaluate the potential impacts from, and on, geologic hazards, and needs the results of the subsurface and geophysical data to complete the EIR.

Greenhouse Gas Emissions

The project could result in potentially significant greenhouse gas (GHG) emissions from three categories of activities: direct emissions from construction, direct emissions from the testing and maintenance of the backup diesel generators, and emissions from the data center's miscellaneous operations, both

direct and indirect. The proposed project application's Air Quality Impact Analysis (AQIA, TN271094, pg. 4-21) states "Additionally, the proposed Project substations may feature circuit breakers that contain SF_6 gas, used as an insulator and an arc suppressor in the breakers." Because SF_6 containing equipment may be determined by the applicant to be necessary (TN271129, pg.45), CEC staff will confirm how the use of SF_6 would comply with the phase out regulation (California Code of Regulations, Title 17, § 95352) and the applicable phase out date based on the proposed gas-insulated equipment (GIE) characteristics. Additionally, the applicant indicates that a "renewable energy procurement mechanism...will be determined and committed to prior to commencement of operations" (TN271129, pg.45). Based on the information reviewed thus far, CEC staff will evaluate indirect GHG emissions from the project's data center's electricity use and assess whether mitigation is necessary in the EIR.

Hazards and Hazardous Materials

The project site is vacant land in Inyokern and is located within the Inyokern Airport compatibility area, adjacent to Naval Air Weapons Station China Lake, and within one-quarter mile of Inyokern Elementary School. A Phase I Environmental Site Assessment identified recognized environmental conditions on and near the site.

Construction and operation of the project would involve the use, storage, and transport of hazardous materials, including diesel fuel, diesel exhaust fluid, transformer oil, and battery storage systems. The EIR will evaluate potential impacts associated with encountering contaminated soil or groundwater during construction, hazardous materials released during construction or operation, battery system and fire safety, hazardous materials transportation, aviation safety or noise hazards, military compatibility, and emergency response or evacuation.

Staff will review the applicant's proposed project design measures (PDM HAZ-1.1 and PDM HAZ-1.2) to determine whether they would reduce potentially significant impacts to a less-than-significant level and, if necessary, identify additional mitigation measures.

Hydrology and Water Quality

Hydrology and water quality impacts will be analyzed for the project. The project site is located within a Federal Emergency Management Agency (FEMA) Special Flood Hazard Area and the critically over drafted Indian Wells Valley Groundwater Basin. The EIR will evaluate potential impacts related to water supply, flood hazards, drainage patterns, stormwater runoff, and water quality.

The project's annual water demand is approximately 49.1 acre-feet per year that would be supplied by the Inyokern Community Services District. The project would be required to comply with the Sustainable Groundwater Management Act (SGMA) requirements, groundwater allocations, and applicable basin management measures.

Stormwater and water quality impacts would be evaluated for construction and operation of the project. Construction activities could result in erosion, sedimentation, and pollutant discharges, while operation of the project could result in cooling tower wastewater and stormwater impacts on water quality of receiving waters. The project would be required to comply with applicable federal, state, and local stormwater and water quality regulations, including National Pollutant Discharge Elimination System (NPDES) permit requirements and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Land Use

Analysis will discuss existing land uses, land use designations, and zoning within the project site and surrounding the project site. The land use analysis will evaluate whether the project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Specifically, analysis of the project will focus on the project's consistency with the policies and regulations of the Kern County General Plan, the Inyokern Specific Plan, and the Kern County Zoning Ordinance, including allowed land uses, maximum height, and minimum setbacks.

Noise

The noise levels associated with construction could be potentially significant but could be mitigated via the implementation of a construction noise plan. The temporary intermittent noise impacts associated with the yearly testing of the generators, as well as the likelihood for increased noise levels resulting from project operation could be potentially significant. The nearest residential area is located approximately 400 feet west of the project site border and is not anticipated to be significantly impacted by project noise levels. CEC staff will evaluate potential noise and vibration impacts and, if necessary, recommend mitigation measures to ensure significant noise and vibration impacts are reduced to less than significant or eliminated.

Transportation

The proposed project is located in an unincorporated area of Kern County, which necessitates a Level of Service (congestion) analysis per Section 902-1 of

Division 9 of the County's Public Works standards. The LOS analysis will evaluate conditions during construction, as the traffic generated during on-going operations would not meet the County's minimum threshold to necessitate a study.

Additionally, the construction and operation analysis for the EIR will provide information and materials to support the determination if the project meets all the criteria of the environmental checklist established by CEQA Guidelines, Appendix G part XVI, which includes: conflicts with policies supporting alternative modes of travel (bike, ped, transit), conflict with vehicle-miles-traveled (VMT) thresholds, impacts to physical road features that might impair safety, or impacts to emergency access.

The EIR will evaluate VMT for construction worker vehicle trips required to construct the project. Truck trips are excluded from VMT calculations according to state guidelines, and the on-going operation of the project would not generate sufficient VMT to warrant analysis. The potentially significant VMT impacts may be reduced with compliance and application of existing regulatory requirements and an applicant proposed mitigation measure.

Wildfire

The project site is within a Local Responsibility Area (LRA) served by the Kern County Fire Department and is designated as a Moderate Fire Hazard Severity Zone. The project site is not within a State Responsibility Area (SRA) or a Very High Fire Hazard Severity Zone. The nearest SRA, located approximately 3 miles west of the project site, is classified as a Moderate Fire Hazard Severity Zone, and the nearest High Fire Hazard Severity Zone is approximately 5 miles west of the project site.

Construction activities, including welding, cutting, grinding, vehicle operation, and use of heavy equipment, could ignite dry vegetation or other combustible materials. Operation of the substation and subtransmission facilities could increase fire ignition potential due to electrical faults, equipment failure, downed conductors, or vegetation contact. The project would include diesel-fired emergency standby generators and associated fuel storage, battery and uninterruptible power supply systems, an electrical substation, and a subtransmission line extending to the interconnection point at US-395. All these features and activities could present potential ignition sources.

Staff will assess whether the project would impair emergency response or evacuation along SR-178 and US-395; restrict emergency access to the site or surrounding lands; increase wildfire risk to adjacent desert lands and residences;

or expose people or structures to wildfire-related hazards, including smoke or hazardous emissions from a battery or fuel fire. The analysis will consider existing and reasonably foreseeable fire-weather conditions, including the potential for hotter, drier conditions and longer fire seasons, as appropriate.

Staff will review the applicant's proposed project design measures, including compliance with the California Fire Code and Kern County Fire Code; Knox Box rapid entry; a perimeter access road and adequate fire-apparatus access; defensible-space and clear-zone maintenance; construction fire-prevention procedures; vegetation management; inspection and maintenance of electrical equipment; and coordination with Kern County Fire Department Station 83 for pre-incident planning, emergency access, response to battery or fuel fires, and evacuation or shelter-in-place procedures. Staff will also review the applicant's proposed mitigation measures (MM 4.20-1 through MM 4.20-4) to determine whether they are sufficient to reduce potential wildfire-related impacts to less than significant and, if necessary, propose additional mitigation measures. Based on its analysis to date, staff identified that the project would likely have a less than significant impact related to wildfire.

Alternatives

The EIR will consider a reasonable range of potentially feasible alternatives that would avoid or reduce the project's identified significant impacts. Alternatives could include fuel and technology alternatives, potential site alternatives, or other alternatives to offset potential impacts (e.g., high water use, noise, impacts to sensitive species). The EIR will also evaluate a no project alternative as required by Cal. Code Regs., tit. 14, section 15126.6, subd. (e)(1).

Responsible Agencies

CEC staff have identified the County of Kern and the Eastern Kern Air Pollution Control District as responsible agencies for this project. The project will require the following approvals and permits if exempted:

- Kern County – Planning and Natural Resources Department's Planning Committee review and approval, and Master Plan approval.
- Eastern Kern Air Pollution Control District – authority to construct and permit to operate the backup generating facility.

Trustee Agencies

CEC staff has identified the California Department of Fish and Wildlife as a trustee agency for this project.

Attachments (from SPPE main application TN: 269593):
Project Location and Zoning Map (Figure 2-1)
Project Regional and Vicinity Map (Figure 2-2).

Figure 2-1 Location and Zoning Map

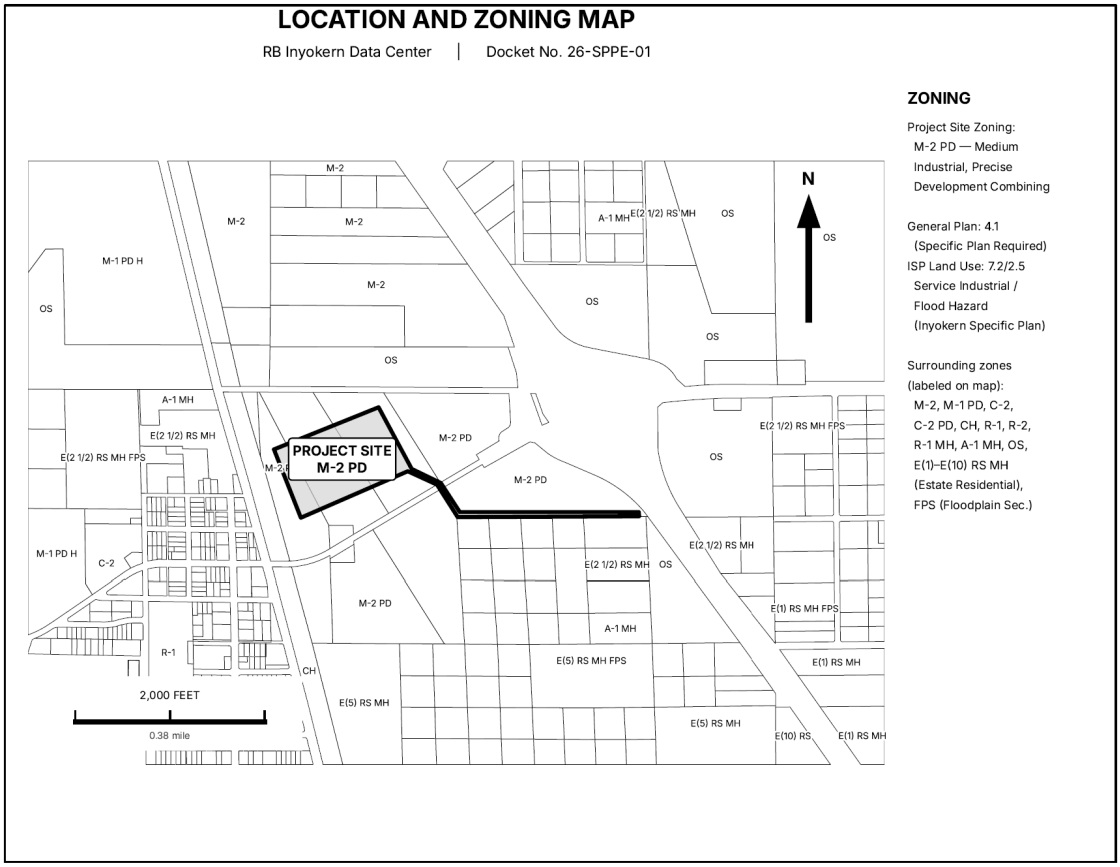

Figure 2-2 Project Vicinity Map

