



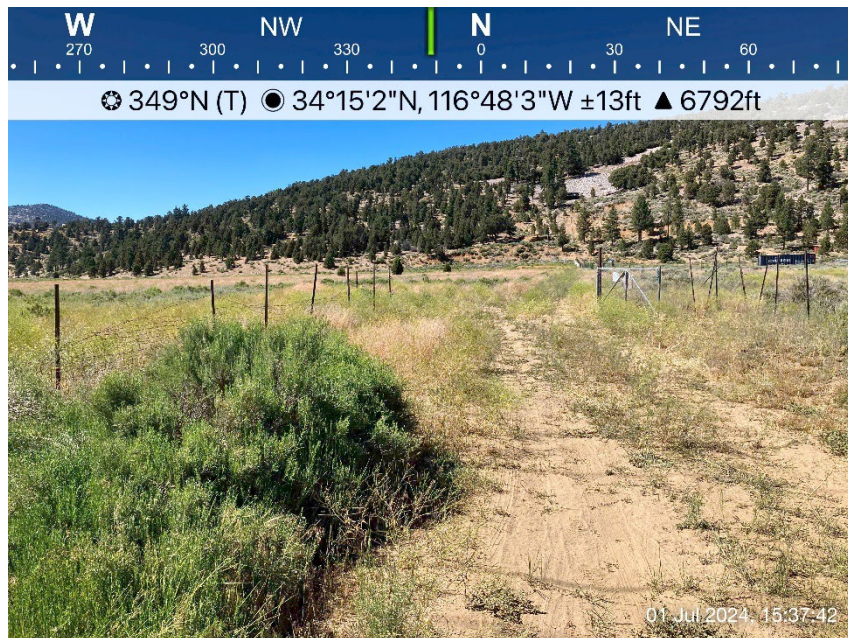
Photograph 15. Close-up of Big Bear Valley milk vetch (*Astragalus lentiginosus* var. *sierrae*) in the north central section of the Project Area facing southeast.



Photograph 16. Overview of vegetation community within the minor topographic depression with evidence of ungulate presence (scat) in the center right facing east.



Photograph 17. Animal burrow in the sparsely vegetated area of the northwestern section of the Project Area facing southeast.



Photograph 18. Unpaved access road from Erwin Ranch Road facing north.



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Suite 300
Irvine, CA 92614

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EXHIBIT F

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**

11/14/25

11:17 AM

A2405020

November 14, 2025

Agenda ID #23863
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 24-05-020:

This is the proposed decision of Administrative Law Judge Trevor Pratt. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's December 18, 2025 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ STEPHANIE WANG for

Michelle Cooke

Chief Administrative Law Judge

MLC:jnf

Attachment

Decision PROPOSED DECISION OF ALJ PRATT (Mailed 11/14/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Bear Valley Electric Service, Inc.
(U913E) for a Certificate of Public
Convenience and Necessity to
Acquire, Own, and Operate the Bear
Valley Solar Energy and Battery
Storage Projects and Authorize
Ratemaking Associated with the
Projects Capital Investment and
Operating Expenses.

Application 24-05-020

**DECISION APPROVING SETTLEMENT AGREEMENT FOR
BEAR VALLEY ELECTRICAL SERVICE'S APPLICATION TO
DEVELOP A SOLAR FACILITY AND
BATTERY ENERGY STORAGE SYSTEM**

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Appendix A - Settlement Agreement

**DECISION APPROVING SETTLEMENT AGREEMENT FOR
BEAR VALLEY ELECTRICAL SERVICE'S APPLICATION TO
DEVELOP A SOLAR FACILITY AND
BATTERY ENERGY STORAGE SYSTEM**

Summary

This decision authorizes Bear Valley Electrical Services, Inc. (BVES) to own and operate a 5 megawatt (MW) alternating current / 6.1 MW direct current photovoltaic solar generation facility and a 5 MW/20 megawatt-hour battery storage system. The solar generation facility will be constructed on approximately 21 acres located at 2151 Erwin Ranch Road, Big Bear, California. The solar project will be interconnected to BVES existing system with construction of 1.8 miles of new 34.5 kilovolt electrical lines. The battery storage system will be located within the boundaries of BVES's existing Meadow Substation at 42020 Garstin Drive, Big Bear Lake, California.

This decision also authorizes BVES to enter into two agreements with EDF Renewable Energy to develop the solar generation facility and the battery storage system. This decision closes the proceeding.

BVES reached a settlement agreement with the Public Advocates Office at the California Public Utilities Commission, which includes a compromise in the net market value of the projects, concluding that the projects are both beneficial to ratepayers, but only if both the solar generation facility and the battery storage system are constructed. The Settlement Agreement also identifies mechanisms to track various project related costs, ensure tax credits are credited to ratepayers, collect project costs through rates, and consider extensions to the maximum reasonable project costs.

1. Background

1.1. Factual Background

On May 17, 2024, Bear Valley Electric Service, Inc. (BVES) filed Application (A.) 24-05-020 requesting Commission approval to enter into two engineering, planning, and construction agreements with EDF Renewable Solutions for the development of:

1. A solar generating facility (Solar Project); and
2. A battery energy storage facility (Battery Storage Project).

BVES would own and operate the two projects upon construction. BVES also requested to include both the Solar Project and the Battery Storage Project in its revenue requirement upon completion of construction.

For the Solar Project, BVES proposed a 5-megawatt (MW) alternating current/6.10 MW direct current solar photovoltaic system using bi-facial solar modules, a single axis tracking system, and Chint Power Systems inverters (or equivalent technologies). BVES proposed to construct the Solar Project on 21 acres at 2151 Erwen Ranch Rd., Big Bear City, California in San Bernardino County. BVES proposed to interconnect the Solar Project to the nearest existing 34.5 kV circuit, approximately 1.8 miles from the Solar Project's site. Per the application, the proposed project is forecasted to produce 14,044 megawatt-hours (MWh) per year, and supply approximately 10 percent of BVES annual retail sales.

For the Battery Storage Project, BVES proposed a 5 MW / 20 MWh battery energy storage system designed to support a range of alternating current power and energy. The Battery Storage Project is proposed to be located inside the fence line of BVES's pre-existing Meadow Substation at 42020 Garstin Drive, Big Bear

Lake, California. The Battery Storage Project will interconnect directly to the Meadow Substation, the central hub for all of BVES's distribution connections.

1.2. Procedural Background

On May 17, 2024, BVES filed A. 24-05-020 requesting Commission approval to enter into two engineering, planning, and construction agreements with EDF Renewable Solutions for the development of:

1. A solar generating facility (Solar Project); and
2. battery energy storage facility (Battery Storage Project).

On June 28, 2024, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) filed a timely protest to the application. BVES filed a reply on July 8, 2024.

A prehearing conference was held on November 14, 2024, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. The Assigned Commissioner's Scoping Ruling was issued on February 24, 2025.

The Applicant served its supplemental testimony on March 26, 2025.

On April 4, 2025, the parties jointly filed a motion requesting a change in the schedule, including additional time for Cal Advocates to prepare its response to the Applicant's supplemental testimony. The motion was partially granted on April 18, 2025, with a revised ruling, clarifying the changes to the schedule, issued on April 23, 2025. Cal Advocates served its response to the supplemental testimony on May 9, 2025.

The parties jointly prepared and filed a Joint Case Management Statement on June 27, 2025. The Joint Case Management Statement included several stipulations to facts and a joint determination that evidentiary hearings were no longer needed.

On July 18, 2025, the parties filed a Settlement Agreement, a joint motion to admit evidence into the record, a joint motion to seal portions of the Settlement Agreement as confidential, and a joint motion to seal portions of the evidentiary record as confidential.

On October 31, 2025, the parties filed and served a joint response, modifying the various requests for confidentiality by withdrawing the request for a few data points and one document. With the joint response, the parties included a revised public version of the Settlement Agreement that is unchanged from the version filed July 18, 2025, except for the removal of the relevant redactions.

1.3. Submission Date

This matter was submitted on July 18, 2025, upon the filing of the Settlement Agreement.

2. Issues Before the Commission

The issues that the Commission will resolve in this decision are the following:

1. Should the Commission authorize BVES to develop and operate the Solar Project?
 - a. Does the Solar Project comply with all the requirements of Public Utilities Code (Pub. Util. Code) Section 399.14?
 - b. Is the net benefit of the Solar Project to ratepayers reasonable in light of its costs and rate impacts?
 - i. Is the Solar Project the most cost-efficient method for BVES to fulfill its unmet Renewable Portfolio Standard (RPS) requirements?
 - c. Should the Commission authorize BVES to enter into the proposed engineering, procurement and construction (EPC) agreement for the Solar Project?

- i. Was the Request for Proposals for the Solar Project properly conducted?
 - ii. Was the selected bid reasonable compared to similar projects?
 - iii. Is the proposed Solar Project's EPC agreement reasonable and in the public interest?
 - d. What is the reasonable and prudent maximum cost for the construction of the Solar Project and the cost of initial operation of the Solar Project?
 - e. Will further analysis and approvals by the Commission be required prior to construction of the Solar Project?
2. Should the Commission authorize BVES to develop and operate the Battery Storage Project consistent with Pub. Util. Code Section 451?
 - a. Is there need for the Battery Storage Project?
 - b. Is the technology proposed appropriate?
 - c. Does the Battery Storage Project provide best value to BVES' customers in terms of greenhouse gas emissions, peak demand reduction, reliability, investment deferral, and reduced power outage risk?
 - d. Should the Commission authorize BVES to enter into the proposed EPC agreement for the Battery Storage Project?
 - i. Was the Request for Proposals for the Battery Storage Project properly conducted?
 - ii. Was the selected bid reasonable compared to similar projects?
 - iii. Is the proposed Battery Storage Project's EPC agreement reasonable and in the public interest?
 - e. Is the net benefit to ratepayers reasonable in light of its costs and rate impacts?
 - f. Should the Battery Storage project and its estimated rate impact be authorized outside of BVES's upcoming General Rate Case?

BVES and Cal Advocates, both parties to this proceeding, jointly proposed the Settlement Agreement. No parties opposed the Settlement Agreement. The joint parties propose approval of the project as proposed by the Applicant with several additional conditions, mainly establishing mechanisms to oversee costs.

Rule 12.1(d) of the Commission's Rules of Practice and Procedure (Rules)¹ provides that the Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest.

Where settlements are contested, they will be subject to more scrutiny than an uncontested settlement. While the Commission's policy is to favor the settlement of disputes, we will not approve unreasonable settlements. We will consider whether the Settlement Agreement fails to address any contested issue in the proceeding, significantly deviates from Commission policies and practices, or fails to fully and fairly consider the interests of all affected entities and customers. We will also consider whether the proponents of the Settlement Agreement have adequately explained and justified each element of the settlement.

3. Whether to Approve the Settlement Agreement

Two key documents provide the necessary background and proposed outcomes with respect to the Settlement Agreement. First, the Joint Motion for Adoption of the Settlement Agreement summarizes the relevant background and settlement process; stipulates information about the projects; states the Parties' positions and settlement terms; states why Parties believe the Settlement Agreement is reasonable in light of the whole record, consistent with law, and in

¹ Unless otherwise indicated, all subsequent Rule references are to the Rules of Practice and Procedure

the public interest; and addresses limited other items. Second, the Settlement Agreement (included as Appendix A to this decision) identifies the settlement conditions, states the settlement terms for each settled item, and includes proposed tariff language.

A brief description of parties' positions and settled terms follows, including a summary of how the Settlement Agreement addresses the scoped issues of the proceeding.²

We will then evaluate the Settlement Agreement provisions to determine if they are consistent with the law, serve the public interest, and are reasonable in light of the whole record.³

3.1. Solar Project

Central to the application is BVES's request for the Commission to authorize the development of the proposed Solar Project.

The Settlement Agreement proposes that the Commission should authorize BVES to develop the Solar Project, as further justified below.

3.1.1. Compliance with Public Utilities Code 399.14

In its application, BVES requested approval under Section 399.14 of the Pub. Util. Code.⁴ Section 399.14(b) requires that a project (1) use a viable technology at a reasonable cost and (2) the eligible renewable energy resource provides comparable or superior value to ratepayers when compared to recent contracts for generation provided by eligible renewable energy resources.

² See Settlement Motion at 8.

³ Rule 12.1(d).

⁴ All subsequent Section references are to the Public Utilities Code unless otherwise specified

The Parties stipulated in the Settlement Agreement that the Solar Project meets both these requirements, as identified in BVES' application.⁵

In the application, BVES asserts that the proposed solar project meets both these requirements. The parties have stipulated that solar project uses photovoltaic generation, a common solar generation technology.⁶ BVES anticipates that the Solar Project design will generate 14,044 MWh of electricity per year.⁷

BVES asserts that the solar project costs are reasonable.⁸ BVES demonstrated in its application that the Solar Project is less in cost than recent generation procurement contracts executed by BVES.⁹

The Settlement Agreement notes that in addition to providing generation benefits for the compliance with RPS, BVES must still procure Portfolio Content Category 1 (PCC1) Renewable Energy Credits (RECs) for greenhouse gas compliance targets under the Commissions Integrated Resource Plan and that the Solar Project provides PCC1 RECs at a lower cost than recent contracts and fulfills both RPS and greenhouse gas compliance needs.¹⁰ This conclusion is supported by additional costing information of recent procurement contracts disclosed during discovery.¹¹

⁵ Settlement Agreement at 7.

⁶ Joint Case Management Statement at 2; Settlement Agreement at 7

⁷ Application at 9.

⁸ Application at 8.

⁹ Application at 13; Exhibit BVES-1 at 1-23; Exhibit BVES-4 at 1-2.

¹⁰ Settlement Agreement at 8.

¹¹ Exhibit CA-01 at 2-6.

Fulfilling Commission greenhouse gas reduction targets, including compliance with RPS and Integrated Resource Planning at a lower overall cost compared to procurement through the generation market will likely reduce ratepayer costs over time compared to other methods of compliance and, therefore, is both reasonable and in the public interest.

The settlement provision stipulating that the Solar Project is proposed with a viable technology at a reasonable cost and that it provides comparable or superior value to ratepayers compared to recent generation costs is reasonable, consistent with the requirements of Pub. Util. Code Section 399.14(b), and in the public interest.

It is reasonable to authorize BVES to develop the Solar Project as an alternative to procuring renewable energy through the California Independent System Operator (CAISO) market in accordance with the Settlement Agreement.

3.1.2. Cost Efficiency and Rate Payer Benefit

In considering the proposed Solar Project, the Commission evaluates whether the net benefit of the Solar Project to ratepayers is reasonable in light of the Solar Project's costs and rate impacts. As part of the consideration, the Solar Project must be determined to be the most cost-efficient method for BVES to fulfill its unmet RPS requirements.¹²

The Settlement Agreement proposes a compromise on the estimated reliability benefits of the Solar Project but ultimately concludes that the Solar Project is cost efficient and recommends that the Solar Project be approved.¹³

¹² Pub. Util. Code Section 399.14(b)(2).

¹³ Settlement Agreement at 10.

The Applicant asserts that the Solar Project will allow BVES to forgo 14,044 MWh of annual energy purchases, resulting in substantial savings in power purchases. Additionally, the Solar Project will fulfill some REC requirements, avoiding the cost of purchasing of those credits.¹⁴

Reducing the amount of electricity purchased from the CAISO managed grid will also lower BVES' transmission access charge costs. The Solar Project will also accrue the value of greenhouse gas reductions.

As discussed in the Settlement Agreement, the parties did not agree on a specific value of reliability benefits, nor did the parties explain the reliability benefit of the Solar Project in isolation, but only when combined with the Battery Storage Project. In the Settlement Agreement, the Parties present a compromise value for the reliability benefits. The Settlement Agreement does not provide a formal calculation or measurement of the reliability benefits and instead presents a compromise between the Parties' two positions without an associated formal calculation or methodology.¹⁵

The Settlement Agreement provides that if the net present value (NPV) of the Solar Project and Battery Storage Project's benefits are considered individually, then half of the reliability benefit value should be ascribed to each project.¹⁶

BVES asserts a higher valuation should be assigned to the reliability benefits to the Battery Storage Project because of its ability to provide support during Public Safety Power Shutoff (PSPS) or other outage events.¹⁷ Cal

¹⁴ Application at 8 and 13.

¹⁵ Settlement Agreement at 10.

¹⁶ Settlement Agreement at 12; Settlement Motion at 8.

¹⁷ Exhibit BVES-5 at Attachment B.

Advocates argues that the reliability value should be sharply discounted because of the potential for the dispatchable Battery Storage Project to be partially or fully discharged and/or unable to recharge during prolonged outage events.¹⁸

The deferred costs of transmission improvements asserted as a quantitative benefit by BVES are excluded from the net project benefit calculation in the Settlement Agreement to reach consensus with Cal Advocates.¹⁹

The benefits calculated in the Settlement Agreement do not include investment tax credits that could result in a reduction in costs. The parties agree that the tax credits should be passed through to ratepayers via a memorandum account.²⁰

In total, the Solar Project's combined calculated benefits and costs yield the net market value (NMV). The NMV as provided in the Settlement Agreement are reasonably enumerated. The NMV of the Solar Project is positive, with the benefits significantly outweighing the costs of the project.²¹

Qualitatively, deferring or potentially avoiding costly transmission improvements is an additional benefit to ratepayers. Even with the exclusion of avoided transmission improvements and the negotiated reliability value of the Settlement Agreement, the NMV of the Solar Project illustrates a net benefit to ratepayers.

We find the Settlement Agreement's NMV calculation and identification of qualitative benefits reasonable. We find the Settlement Agreement's compromise on valuation of reliability benefits of the Solar Project combined with the Battery

¹⁸ Exhibit CA-01 at 1-12 through 1-17.

¹⁹ Application at 14; Settlement Agreement at 11.

²⁰ Settlement Agreement at 4; Settlement Motion at 13.

²¹ Settlement Agreement at 10 and 11; Settlement Motion at 7 through 8; Exhibit BVES-5 at 1-9.

Storage Project reasonable. We find that award of potential tax credits to ratepayers is reasonable and in the public interest. We find that the positive ratepayer benefit is consistent with the requirements of Pub. Util. Code Section 399.14(b)(2). We find that the net value of the Solar Project to ratepayers is in the public interest.

The Solar Project is cost efficient by achieving multiple compliance requirements and serving reliability needs.

3.1.3. Engineering, Procurement, and Construction Agreement

In considering the proposed Solar Project's EPC agreement for the Solar Project, the Commission must determine whether the request for proposals (RFP) was properly conducted, whether the applicant's selected bid is reasonable compared to similar projects, and whether the proposed Solar Project's EPC agreement is reasonable and in the public interest.

The Settlement Agreement provides that the RFP was properly conducted, the selected bid was reasonable compared to similar projects, and that execution of the Solar Project's EPC agreement is reasonable and in the public interest.²²

The Applicant asserts that the RFP was properly conducted and that the selected bid and the Solar Project's EPC agreement were the reasonable choice. The Applicant distributed the RFP to 45 companies to solicit bids for the Solar Project.²³ Of the 45 solicitations, only one response was received.²⁴

The Applicant reviewed the received bid and determined that the terms were reasonable and aligned with industry norms and aligned with least-cost

²² Settlement agreement at 11; Settlement Motion at 15.

²³ Exhibit BVES-4 at 1-6.

²⁴ Exhibit BVES-4 at 1-6.

best-fit methodology for solar generation systems.²⁵ The Applicant notes that the Solar Project's EPC agreement includes multiple performance requirements for the Solar Project and construction milestone-based payment mechanisms to ensure adequate performance of the contractor and system.²⁶

The Settlement Agreement did not assert whether the selected bid is reasonable when compared to similar projects. However, the Settlement Agreement does find that the Solar Project's cost is reasonable.²⁷ BVES asserts that identifying comparable projects to assess the reasonable costs is difficult with available data due to the remote and mountainous nature of BVES's service territory. Instead, BVES points to the further determination that the Solar Project produces a net positive benefit. This determination is reinforced by the Settlement Agreement, albeit at a lowered value than that propounded by BVES. Further, the selected bid fulfills the requirements of the least-cost best-fit methodology.²⁸

Cal Advocates did not object to the lack of comparative project cost data nor BVES's explanation for a lack of such data but did explore the reasonableness of the proposed cost of the selected bid through the lens of net value, as discussed above and provided in the Settlement Agreement.²⁹

The distribution of the RFP was broad and appears designed to reach a reasonable number of potential developers. While only one bid was received, the selected bid and Solar Project's EPC agreement, as noted by the parties, include

²⁵ Exhibit BVES-4 at 1-6.

²⁶ Application at 24.

²⁷ Settlement Agreement at 7; Settlement Motion at 15.

²⁸ Exhibit BVES-4 at 1-7.

²⁹ Exhibit CA-01 at 2-3 through 2-6; Settlement Agreement at 8 through 11.

conditions of payments for both meeting construction milestones and potential price adjustments if performance of the completed system does not meet goals to ensure ratepayer protection.³⁰

BVES did not provide evidence of how they determined that no comparable solar projects could be identified. In the absence of data from other comparable projects or multiple comparable bids for the Solar Project, we find the arguments made by BVES and in the Settlement Agreement that the received bid brings net value to be persuasive in determining the reasonableness of the bid. We find that the selected bid is reasonable when considered in terms of the Battery Storage Project's net value, as discussed in greater detail in section 4.2.1, above. We find it reasonable to approve the selected bid despite the parties not providing information on the costs of comparable projects.

We find, consistent with the Settlement Agreement, that the RFP for the Solar Project was properly conducted. We find that the Settlement Agreement's stipulation that the selected bid is reasonable. We agree with the conclusion of the Settlement Agreement and find that Solar Project's EPC agreement is reasonable and in the public interest.

It is reasonable to authorize BVES to enter into the Solar Project's EPC agreement, in accordance with the Settlement Agreement.

3.1.4. Reasonable Maximum Cost and Operating Cost

Pub. Util. Code 399.14(c) requires the Commission to establish a maximum reasonable cost (MRC) for the construction and initial operating costs of projects approved under Pub. Util. Code Section 399.14, such as the Solar Project.

³⁰ Exhibit BVES-4 at 2-20; Application at 24; Exhibit BVES-2C.

The Settlement Agreement identifies an appropriate MRC of constructing the Solar Project.³¹ The Settlement Agreement also identified the anticipated initial operating cost of the Solar Project.³² After review of the confidential information in the Settlement Agreement and confidential testimony, we find that the MRC and the anticipated annual operating costs identified in the Settlement Agreement are reasonable, in the public interest, and consistent with the requirements of Pub. Util. Code Section 399.14(c).

The Settlement Agreement proposes that, within 30 days of completion of the Solar Project, BVES may incorporate the MRC of the project and allowance for funds used during construction (AFUDC) net the expected investment tax credit (ITC) into its rate base as a utility-owned generation asset upon filing of a Tier 1 advice letter, including a return on investment based upon BVES's rate of return.³³ The Settlement Agreement provides that the proposed rates are collected consistent with BVES's most recent rate structure until the rates can be considered at the next general rate case.³⁴ The Settlement Agreement provides that operations and maintenance costs be capped for the current rate cycle (2023-2026) based upon the costs identified in the Settlement Agreement.³⁵ The Settlement Agreement provides that operations and maintenance costs in future rate cycles should be handled in the relevant rate case.³⁶

³¹ Settlement Agreement at 14.

³² Settlement Agreement at 15, Exhibit BVES-4 Attachment A.

³³ Settlement Agreement at 12 through 13.

³⁴ Settlement Agreement at 11 through 12.

³⁵ Settlement Motion at 11; Settlement Agreement at 11 through 12.

³⁶ Settlement Motion at 11; Settlement Agreement at 12.

The Settlement Agreement provides that BVES should be allowed to seek recovery of costs above the authorized MRC through one of two different mechanisms:

1. If the costs for the Solar Project are less than 10% over the MRC, BVES may seek approval via a Tier 2 advice letter, or
2. If the costs for the Solar Project are greater than 10% over the MRC, BVES may seek approval via an application.³⁷

In either overage situation, the Settlement Agreement provides that BVES shall include an analysis of the increased costs' impact on the net market value (NMV) of the Solar Project and Battery Storage Project. The Settlement Agreement notes that if BVES elects to not pursue one of the Projects, then for the purposes of the cost increase analysis, the reliability benefit should be calculated as 50% of the total reliability benefit as identified in the Settlement Agreement.³⁸ The Settlement Agreement provides that BVES shall notify Cal Advocates at least 45 days prior to filing the Tier 2 advice letter. The mechanism stipulates that the Commission should use the NMV as provided in the Settlement Agreement when assessing the increased costs for reasonableness. The Settlement Agreement also provides that if BVES's costs in excess of the MRC are found to be reasonable by the Commission, BVES should be authorized to collect AFUDC on the additional costs accrued during construction and the rate of return for the period after construction until the costs are included in rates.

The Settlement Agreement proposes to track the differences between the Solar Project's forecast and realized ITC in a memorandum account, the Solar

³⁷ Settlement Agreement at 12 through 13.

³⁸ Settlement Agreement at 12.

and Battery Tax Memorandum Account (SBTMA).³⁹ The proposed SBTMA would track the ITC either in a given tax year or in aggregate in addition, but not limited to,

the ITC rate (expected to be 30%), the amount of costs eligible for ITC, timing of when the ITC reduces tax liability, subsequent recapture events, subsequent ITC ineligibility if any, subsequent changes in tax laws, IRS audits and tax-related interest and penalties.⁴⁰

The Settlement Agreement provides that to seek recovery of funds from the proposed SBTMA, BVES should file a Tier 3 advice letter to seek Commission authorization.⁴¹ The Settlement Agreement provides that Cal Advocates be notified by BVES at least 45 days prior to filing the Tier 3 advice letter seeking recovery of funds from the SBTMA.⁴²

The Settlement Agreement provides that BVES should record its incremental legal and other outside services costs for the Solar Project to the Renewable Portfolio Standard Memorandum Account, which can only be recovered after Commission approval in a future proceeding, when all costs are measurable and known.⁴³

We find that the recovery of costs expended is reasonable *up to* the identified MRC. We find that immediately expecting to recover the maximum rather than the actual cost is not reasonable nor in the public interest, as the Settlement Agreement seems to imply. As the Settlement Agreement points out,

³⁹ Settlement Agreement at 11.

⁴⁰ Settlement Agreement at 13.

⁴¹ Settlement Agreement at 13.

⁴² Settlement Motion at 11; Settlement Agreement at 15.

⁴³ Settlement Agreement at 13.

project costs may exceed the maximum for which Commission approval can be sought through various processes, however the Settlement Agreement does not provide for the potential for project costs below the MRC. The rate recovered should reflect the *actual* costs incurred, with minimal approval from the Commission needed for costs lower than the MRC as identified in this decision, including if reduced costs are realized as part of curing a lack of performance, as stipulated in the Solar Project's EPC agreement.

The use of Tier 1 advice letters to implement recovery of the reasonable cost of the project upon its activation (i.e., where it becomes used and useful) up to the MRC propounded by the Settlement Agreement are reasonable.

We find the Settlement Agreement's two-level mechanism for considering costs above the MRC to be a reasonable approach. Additional levels of review and approval from the Commission, such as an advice letter for exceedances less than 10%, as suggested by the Settlement Agreement, if project costs exceed the reasonable and prudent maximum cost are reasonable.⁴⁴

We find the use of an advice letter for soliciting Commission review of costs less than 10% over the MRC is a wise use of Commission resources, allowing for a timely review and, if approved, recovery through rates is in the public interest.

We do not, however, find the use of a Tier 2 advice letter, to be consistent with law, and instead modify the Settlement Agreement provision to require a Tier 3 advice letter. The Settlement Agreement does not provide specific, discreet criteria for staff to independently assess whether the excess costs are reasonable and prudent without applying discretionary judgement, as is required for use of

⁴⁴ Settlement Agreement at 12.

a Tier 2 advice letter. Application of such discretion requires Commission approval. A Tier 3 advice letter, resulting in a resolution voted on by the Commission is a reasonable mechanism consistent with law to solicit Commission approval of discretionary judgements, such as assessing whether the additional costs are reasonable and prudent.

We find seeking Commission review of additional costs greater than 10% above the MRC to be reasonable. We find the scrutiny of full review before this Commission for additional costs greater than 10% above the MRC to be in the public interest. We find that the provision requiring a new application in the case that BVES anticipates costs in excess of 10% above the MRC to be consistent with law.

It is reasonable to authorize BVES to:

- recover project costs up to the MRC, as identified in the Settlement Agreement, through rates;
- create the SBTMA to track and manage crediting realized tax credits to ratepayers;
- seek recovery of costs tracked in the SBTMA via a Tier 3 advice letter;
- seek inclusion of reasonable and prudent project costs in rates above the MRC if the NMV, using the benefits as calculated in the Settlement Agreement, is still positive;
- seek approval to seek reasonable and prudent project costs that are less than 10% over the MRC via a Tier 3 advice letter;
- seek approval from the Commission for reasonable and prudent project costs that are greater than 10% over the MRC through an application; and
- track legal and outside services costs for this application in the Renewable Portfolio Standard Memorandum Account, which can only be recovered after Commission approval in

a future proceeding when all costs are measurable and known.

3.1.5. Further Approvals Needed From The Commission

The Commission must evaluate if further analysis and/or approvals may be necessary prior to the construction of the Solar Project.

The Settlement Agreement takes the position that no further approvals from the Commission will be required prior to beginning construction.⁴⁵ The only potential future approvals anticipated, as discussed in Settlement Agreement, are if BVES exceeds the MRC, discussed in section 3.1.4, above.⁴⁶

We find that with issuance of this decision, the Commission does not anticipate issuing additional approvals prior to the beginning of construction unless there is a substantive change in the design of the Solar Project such that the proposed specifications and/or performance estimates are reduced that may warrant reconsideration of this decision; or that the project is anticipated to exceed the MRC prior to beginning construction.

3.2. Battery Storage Project

Section 451 requires that the Commission only authorize charges that are just and reasonable. Because the development of the Battery Storage Project will result in charges to ratepayers, to authorize the proposed development agreement, the Commission must consider whether development and operation of the Battery Storage Project by BVES is just and reasonable.

The Settlement Agreement proposes that the proposed Battery Storage Project is just and reasonable, meeting the requirements of Pub. Util. Code

⁴⁵ Settlement Motion at 15.

⁴⁶ Settlement Agreement at 12.

Section 451 and that the Commission should approve the Battery Storage Project, as further elaborated and discussed below.⁴⁷

3.2.1. Need for Battery Storage Project

In determining if the Battery Storage Project is reasonable, the Commission should consider whether the Battery Storage Project is responsive to the needs of BVES's system and ratepayers.

The Settlement Agreement stipulates that the Battery Storage Project is needed to support peak demand when installed in concert with the Solar Project and will mitigate impacts of planned and unplanned outages, such as from wildfire or PSPS events.⁴⁸ Therefore, the Settlement Agreement asserts that development of the Battery Storage Project is reasonable.

BVES asserts that the Battery Storage Project will likely defer the need for transmission improvements to allow further electrical imports into the BVES system.⁴⁹ BVES forecasts that peak loads, which occur in winter during snow sport season, will exceed transmission import capacity in the near future.⁵⁰ The Battery Storage Project will be dispatchable to provide additional support when peak usage exceeds the transmission import capacity of the BVES grid. The chief alternative to increase peak capacity would be transmission improvements.

BVES asserts, and is supported by Cal Advocates in the Settlement Agreement, that the Battery Storage Project will also be dispatched to reduce procurement costs during peak pricing and to improve reliability, such as during PSPS events that can impact BVES primary electrical supply from Southern

⁴⁷ Settlement Agreement at 10.

⁴⁸ Settlement Agreement at 9.

⁴⁹ Application at 18; Exhibit BVES-4 at 1-27.

⁵⁰ Application at 18.

California Edison.⁵¹ The parties stipulate that the Battery Storage Project will provide 7,300 MWh per year, reducing peak load energy purchases by 7,300 MWh per year.⁵²

The Settlement Agreement stipulates that the Battery Storage Project will improve compliance with resource adequacy, reducing BVES' obligation by 5,000 kilowatt-hours during peak hours.⁵³

BVES asserts the Battery Storage Project will improve RPS compliance and reduce greenhouse gas (GHG) emissions.⁵⁴ While the Battery Storage Project may at times store energy from renewable resources, we agree that this specific argument is challenging to quantify and does not exclusively justify the Battery Storage Project. This is because the Battery Storage Project will not be exclusively tied to renewable resources and may charge using the most convenient electricity available to the Applicant.⁵⁵

On balance, we find that the Battery Storage Project is needed. Even if not clearly improving RPS compliance, the Battery Storage Project is reasonable and prudent because the Battery Storage Project will likely improve capacity to meet peak demands and improve reliability of the Applicant's system. While the potential to reduce GHG emissions is admirable, the uncertainty of quantifiable reductions limits our consideration as a potential benefit of the Battery Storage Project.

⁵¹ Application at 18; Settlement Agreement at 9.

⁵² Settlement Agreement at 9.

⁵³ Settlement Agreement at 9.

⁵⁴ Application at 20; Exhibit BVES-4 at 1-26.

⁵⁵ Settlement Agreement at 9; Settlement Motion at 20 through 21.

We find the Settlement Agreement's provision that the Battery Storage Project's meets system needs is reasonable. We find that the Settlement Agreement's identification of the Battery Storage Project's need is in the public interest because it will address reasonable system concerns, including reliability. We find that the system need for the Battery Storage Project is consistent with the provisions of Pub. Util. Code Section 451.

It is reasonable for BVES to seek the Battery Storage Project to address peak demand and reliability in its system.

3.2.2. Appropriate Technology Selection

In assuring the reasonableness of the proposed Battery Storage Project, the Commission must consider whether the proposed battery technology is appropriate.

The Settlement Agreement provides that the Battery Storage Project will benefit customers by providing 5 MWh of dispatchable capacity during peak hours. The Settlement Agreement notes that the Battery Storage Project will be capable of discharging 7,300 MWh annually during peak hours.⁵⁶

The Applicant proposes to use lithium-ion battery technology with internal active thermal control systems. The included heating and cooling systems limit impacts to performance of batteries in less-than-ideal climate conditions.⁵⁷ Additionally, the EPC agreement for the Battery Storage Project includes warranties to the system's performance, in addition to performance testing prior to contract acceptance to ensure that the Battery Storage Project

⁵⁶ Settlement Agreement at 9-10.

⁵⁷ Exhibit BVES-3C.

performs in accordance with design specifications and complies with prudent industry standards.⁵⁸

Cal Advocates did not object to the proposed lithium-ion battery technology or question the performance of the Battery Storage Project as asserted by BVES.

Given the lack of objection to the technological choices for the Battery Storage Project design and specifications, which appear to include the ability to maintain ideal operating temperatures to reasonably ensure performance of the Battery Storage Project throughout the year, we find the proposed use of lithium-ion battery technology with climate control systems to be reasonable. Additionally, the Battery Storage Project's EPC agreement includes several financial mechanisms that provide further assurance of the Battery Storage Project's performance that we find to be reasonable and in the public interest. The design appears to be consistent with law and industry standards for the design of battery energy storage systems. Because the battery design specifications are reasonable and prudent, it is consistent with the requirements of Pub. Util. Code Section 451.

The lithium-ion battery technology of the Battery Storage Project is an appropriate technology.

3.2.3. Net Ratepayer Value and Benefit

To determine if the proposed Battery Storage Project is just, the Commission considers whether the net benefit to ratepayers is reasonable in light of the Battery Storage Project's costs and rate impacts.

⁵⁸ Exhibit BVES-3C at 25 and 37 through 40.

The Settlement Agreement provides a compromise on the net benefits of the Battery Storage Project but ultimately concludes that the Battery Storage Project is a net benefit to ratepayers and should be approved by the Commission.⁵⁹

The Settlement Agreement provides that the Battery Storage Project is expected to store and discharge 7,300 MWh per year with a corresponding reduction in peak load electricity purchases.⁶⁰ The use of the Battery Storage Project to serve peak electrical loads will defer and possibly avoid costly transmission improvements to increase BVES overall capacity to meet peak loads. The parties stipulate that the BVES will also reduce approximately 5,000 kilowatt-hours of resource adequacy purchases from the CAISO system, resulting in reduced transmission access charges compared to the current BVES system.⁶¹ The dispatchable use of the Battery Storage Project will also allow for grid support during planned and unplanned transmission outages, such as during PSPS events called by Southern California Edison, who manages the connection from the CAISO-managed transmission grid into the BVES system.⁶²

As discussed in the Settlement Agreement, the parties did not agree on a specific value of reliability benefits, nor did the parties explain the reliability benefit of the Battery Storage Project in isolation, but only when combined with the Solar Project. The Parties elected to present a compromise value for the reliability benefits. Neither party agreed to a formal calculation or measurement of the reliability benefits and instead presented a compromise between their two

⁵⁹ Settlement Agreement at 10 through 11.

⁶⁰ Settlement Agreement at 9.

⁶¹ Settlement Agreement at 9 through 10.

⁶² Settlement Motion at 7; Settlement Agreement at 9.

positions without an associated formal calculation or methodology.⁶³ BVES asserts a higher value should be assigned to the reliability associated with the Battery Storage Project's ability to provide support during a PSPS or other outage events.⁶⁴ Cal Advocates argues that the reliability value should be sharply discounted because of the potential for the dispatchable Battery Storage Project to be partially or fully discharged and/or unable to recharge during prolonged outage events.⁶⁵ The Settlement Agreement provides that if the NPV of the Solar Project and Battery Storage Project are considered individually half of the reliability benefit value should be ascribed to each project.⁶⁶

In total, the Solar Project's combined calculated benefits, costs, and NMV as provided in the Settlement Agreement are reasonably enumerated. The NMV of the Solar Project is positive, with the benefits significantly outweighing the costs of the project.⁶⁷

We find the compromise value in the Settlement Agreement reasonable, noting that the value provided in the Settlement Agreement accounts for the potential for the Battery Storage Project to provide support but also accounts for the potential for the Battery Storage Project to be not fully available during unplanned needs.

We agree with the Settlement Agreement that, while qualitatively valuable, potential GHG emission reductions resulting from the Battery Storage

⁶³ Settlement Agreement at 10.

⁶⁴ Exhibit BVES-4 at 1-27; Exhibit BVES-5 Attachment B.

⁶⁵ Exhibit CA-01 at 1-12 through 1-17.

⁶⁶ Settlement Agreement at 12; Settlement Motion at 8.

⁶⁷ Settlement Agreement at 10 through 11; Settlement Motion at 7-8; Exhibit BVES-5 at 1-9.

Project cannot be adequately quantified in a net benefit calculation because the mix of generation sources is unknown at this time.

We find that the Settlement Agreement's calculated costs, benefits, and NMV are reasonable. We find that the Settlement Agreement's conclusion, that the Battery Storage Project benefits outweigh the project costs is in the public interest. We find that the Settlement Agreement's NMV is calculated consistent with law.

It is reasonable to adopt the Settlement Agreement's NMV to determine that the Battery Storage Project has a net benefit to ratepayers.

3.2.4. Engineering, Procurement, and Construction Agreement

In considering the proposed EPC agreement for the Battery Storage Project, the Commission must determine whether the request for proposals (RFP) was properly conducted, whether the applicant's selected bid is reasonable compared to similar projects, and whether the proposed Battery Storage Project's EPC agreement is reasonable and in the public interest.

In the Settlement Agreement, the parties stipulate to the Applicant's assertions in the application that the RFP was properly conducted, the accepted bid is reasonable, and that execution of the Battery Storage Project EPC agreement is reasonable and in the public interest.⁶⁸

The Applicant asserts that the Request for Proposals (RFP) was properly conducted and that the selected bid and the Battery Storage Project's EPC agreement was the reasonable choice. The Applicant distributed the RFP to over

⁶⁸ Settlement Motion at 15.

50 companies to solicit bids for the Battery Storage Project.⁶⁹ Of the multiple solicitations, four responses were received.⁷⁰

The Applicant reviewed the received bids and determined that the terms were reasonable and aligned with industry norms asserting the use of the Commission's least-cost best-fit methodology for battery storage systems.⁷¹ Cost was identified as the primary determining factor for bid selection, with the selected bid being the lowest in overall cost.⁷² The Applicant notes that the Battery Storage Project's EPC agreement includes multiple performance requirements for the Battery Storage Project and construction milestone-based payment mechanisms to ensure adequate performance of the contractor and system.⁷³

The distribution of the RFP was broad and appears designed to reach a reasonable number of potential developers. While only four bids were received, the selected bid and Battery Storage Project's EPC agreement, as noted by the parties, include conditions of payments for both meeting construction milestones and potential price adjustments if performance of the completed system does not meet goals to ensure ratepayer protection.

The selection from amongst multiple bids demonstrates that the bid selected was comparable, if not of better value, than similar battery storage systems in the vicinity, making the selection reasonable and in the public interest. Based upon the bids received and the included performance protections,

⁶⁹ Exhibit BVES-4 at 1-12.

⁷⁰ Exhibit BVES-4 at 1-12.

⁷¹ Exhibit BVES-4 at 1-12, Exhibit BVES-1 at 2-13 through 2-15.

⁷² Exhibit BVES-4 at 1-12; Exhibit BVES-1C Appendix O.

⁷³ Exhibit BVES-4 at 1-13.

the Battery Storage Project's EPC agreement costs appear to be aligned with similar sized battery energy storage system bids and are, therefore, reasonable and in the public interest. The Settlement Agreement's recommendation to approve the Battery Storage Project's EPC agreement is consistent with law.

It is reasonable to approve the Battery Storage Project's EPC agreement.

3.2.5. Consideration to Rate Increase Outside of a General Rate Case

The Commission must determine whether the costs of Battery Storage Project should be authorized to be added to rates outside of BVES's upcoming General Rate Case.

The Settlement Agreement identifies an appropriate maximum reasonable cost (MRC) of constructing the Battery Storage Project.⁷⁴ The Settlement Agreement also identified the anticipated initial operating cost of the Battery Storage Project.⁷⁵ After review of the confidential information in the Settlement Agreement and confidential testimony, we find that the reasonable and prudent maximum cost and the anticipated initial annual operating costs identified in the Settlement Agreement are reasonable, in the public interest, and consistent with the requirements of Pub. Util. Code Section 451.

The Settlement Agreement proposes that, within 30 days of completion of the Battery Storage Project, BVES may incorporate the reasonable and prudent maximum cost of the project and AFUDC net the expected ITC into its rate base as a utility-owned asset upon filing of a Tier 1 advice letter, including a return on investment based upon BVES's rate of return.⁷⁶ The Settlement Agreement

⁷⁴ Settlement Agreement at 14.

⁷⁵ Settlement Agreement at 15, Exhibit BVES-5 Attachment B.

⁷⁶ Settlement Agreement at 11 through 12.

provides that the proposed rates are collected consistent with BVES's most recent rate structure until the rates can be considered at the next general rate case.⁷⁷ The Settlement Agreement provides that operations and maintenance costs be capped for the current rate cycle (2023-2026) based upon the costs identified in the Settlement Agreement.⁷⁸ The Settlement Agreement provides that operations and maintenance costs in future rate cycles should be handled in the relevant rate case.⁷⁹

The Settlement Agreement provides that BVES should be allowed to seek recovery of costs above the authorized MRC through one of two different mechanisms.

1. If the costs for the Battery Storage Project are less than 10% over the MRC, BVES may seek approval via a Tier 2 advice letter, or
2. If the costs for the Battery Storage Project are greater than 10% over the MRC, BVES may seek approval via an application.⁸⁰

The Settlement Agreement provides that BVES shall notify Cal Advocates at least 45 days prior to filing the Tier 2 advice letter. In either overage situation, the Settlement Agreement provides that BVES shall include an analysis of the increased costs' impact on the NMV of the Solar Project and Battery Storage Project. The Settlement Agreement notes that if BVES elects to not pursue one of the projects then, for the purposes of the cost increase analysis, the reliability benefit should be calculated as 50% of the total reliability benefit as identified in

⁷⁷ Settlement Agreement at 12.

⁷⁸ Settlement Motion at 12.

⁷⁹ Settlement Motion at 12.

⁸⁰ Settlement Agreement at 12.

the Settlement Agreement.⁸¹ The Settlement Agreement stipulates that the Commission should use the NMV as provided in the Settlement Agreement when assessing the reasonableness of any increased costs. The Settlement Agreement also provides that if BVES's costs in excess of the MRC are found to be reasonable by the Commission, BVES should be authorized to collect AFUDC on the additional costs accrued during construction and the rate of return for the period after construction until the costs are included in rates.⁸²

The Settlement Agreement proposes to track the differences between the Battery Storage Project's forecast and realized ITC in a memorandum account, the Solar and Battery Tax Memorandum Account (SBTMA). The proposed SBTMA would track the ITC either in a given tax year or in aggregate in addition, but not limited to,

the ITC rate (expected to be 30%), the amount of costs eligible for ITC, timing of when the ITC reduces tax liability, subsequent recapture events, subsequent ITC ineligibility if any, subsequent changes in tax laws, IRS audits and tax-related interest and penalties.⁸³

The Settlement Agreement provides that to seek recovery of funds from the proposed SBTMA, BVES should file a Tier 3 advice letter to seek Commission authorization.⁸⁴ The Settlement Agreement provides that Cal Advocates be notified by BVES at least 45 days prior to filing the Tier 3 advice letter seeking recovery of funds from the SBTMA.⁸⁵

⁸¹ Settlement Agreement at 12.

⁸² Settlement Agreement at 12 through 13.

⁸³ Settlement Agreement at 13.

⁸⁴ Settlement Agreement at 13.

⁸⁵ Settlement Motion at 11; Settlement Agreement at 13.

The Settlement Agreement provides that BVES should record its incremental legal and other outside services costs for the Battery Storage Project to the Base Rate Revenue Requirement Balancing Account, which can only be recovered after Commission approval in a future proceeding when all costs are measurable and known.⁸⁶

We find that the recovery of costs expended is reasonable *up to* the identified MRC. We find that immediately expecting to recover the maximum rather than the actual cost is not reasonable nor in the public interest, as suggested by the Settlement Agreement. As the Settlement Agreement points out, project costs may exceed the MRC for which Commission approval can be sought through various processes, however the Settlement Agreement does not provide for the potential for project costs below the MRC. The rate recovered should reflect the *actual* costs incurred, with minimal approval from the Commission needed for costs lower than the MRC as identified in this decision, including if reduced costs are realized as part of curing a lack of performance, as stipulated in the Battery Storage Project's EPC agreement. Here, we modify the Settlement Agreement's provision to allow collection of rates based upon actual projects costs up to the MRC identified in this decision net the expected investment tax credits in addition to AFUDC, as the public interest is served by the benefit of savings being passed on to ratepayers.

Additional levels of review and approval from the Commission, such as an advice letter for exceedances of less than 10% suggested by the Settlement Agreement, if project costs exceed the MRC are reasonable.⁸⁷

⁸⁶ Settlement Agreement at 13.

⁸⁷ Settlement Agreement at 12.

We find the use of an advice letter for soliciting Commission review of costs less than 10% over the MRC is a wise use of Commission resources, allowing for a timely review and, if appropriate, integration of costs into rates is in the public interest.

We do not, however, find the use of a Tier 2 advice letter to be consistent with law, and instead modify the Settlement Agreement provision to require a Tier 3 advice letter. The Settlement Agreement does not provide specific, discreet criteria for staff to independently assess whether the excess costs are reasonable and prudent without applying discretionary judgement, as is required for use of a Tier 2 advice letter. Application of such discretion requires Commission approval. A Tier 3 advice letter, resulting in a resolution voted on by the Commission is a reasonable mechanism consistent with law to solicit Commission approval of discretionary judgements, such as assessing whether the additional costs are reasonable and prudent.

We find that the proposed use of memorandum accounts to track the various categories of project expenses and tax credits to be reasonable. Where provided by the Settlement Agreement, the memorandum account structure is in the public interest because it allows for additional scrutiny when costs are distributed to ensure that both BVES and ratepayers are fairly remunerated based upon the actual costs and credits accrued. The proposed payment structures and mechanisms are consistent with law and Commission practices.

It is reasonable to authorize BVES to:

- recover project costs up to the MRC through rates;
- create the SBTMA to track and manage crediting realized tax credits to ratepayers;
- seek recovery of costs tracked in the SBTMA via a Tier 3 advice letter;

- to seek inclusion of reasonable and prudent project costs in rates above the MRC if the NMV, using the benefits as calculated in the Settlement Agreement;
- seek approval to seek reasonable and prudent project costs that are less than 10% over the MRC via a Tier 3 advice letter;
- seek approval from the Commission for reasonable and prudent project costs that are greater than 10% over the MRC through an application; and
- track legal and outside services costs for the Battery Storage Project in the Base Rate Revenue Requirement Balancing Account, which can only be recovered after Commission approval in a future proceeding when all costs are measurable and known.

4. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

Three public comments were received. All three opposed the application. All commenters expressed concerns with potential impacts of the Solar Project on and around the location identified by BVES. One of the commenters also generally opposed the use of solar and battery technology.

5. Conclusion

Overall, the Settlement Agreement recommends approval of both the Solar and Battery Storage Projects. We find that the proposed Solar Project is consistent with Pub. Util. Code Section 399.14. We find that the Battery Storage Project is consistent with the requirements of Pub. Util. Code Section 451. We find that development of both projects is reasonable and in the public interest. We find

that the EPC agreements for both projects are reasonable and in the public interest.

We find that the Settlement Agreement's proposed mechanisms for incorporation of the costs to rates reasonable, consistent with law, and in the public interest with only minor revisions to the proposed authorization for recovery through rates. Specifically, we find that it is in the public interest to ensure that the rate recovered should reflect the *actual* costs incurred, with realized savings below the MRC passed on to ratepayers. We find that we must revise some of the Commission review and approval mechanisms for cost exceedances less than 10% over the MRC provided by the Settlement Agreement to be consistent with the Commission's procedures and properly aligned with the appropriate levels of staff authority.

6. Procedural Matters

This decision affirms all rulings made by the Administrative Law Judge and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

7. Comments on Proposed Decision

The proposed decision of ALJ Trevor Pratt in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

8. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Trevor Pratt is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Photovoltaic is a typical and appropriate viable technology for solar electrical generation.
2. The Solar Project uses appropriate technology, as required by Public Utilities Code Section 399.14(a).
3. The Solar Project will be an eligible renewable energy resource.
4. The forecasted cost of the Solar Project's energy generation is less than BVES's recent generation procurement for eligible renewable energy resources, and therefore, provides superior value to BVES's ratepayers.
5. The net present value and net market value of the Solar Project is correctly identified in the Settlement Agreement.
6. The net market value of the Solar Project is cost efficient and yields net benefit to ratepayers.
7. The Solar Project meets the requirements of Public Utilities Code Section 399.14 to be procured and operated as a utility-owned generator.
8. The Engineering, Procurement, and Construction agreement for the Solar Project was appropriately solicited, and the winning bid was appropriately selected.
9. The Engineering, Procurement, and Construction agreement for the Solar Project with EDF Renewable Solutions includes multiple performance requirements and remedies for failure to meet expected performance standards.
10. The Engineering, Procurement, and Construction agreement for the Solar Project with EDF Renewable Solutions is protective of BVES and ratepayers and is in the public interest.
11. The maximum reasonable cost and initial operating costs for the Solar Project identified in the Settlement Agreement are appropriate.

12. No further approvals are anticipated to be needed from the Commission prior to BVES initiating construction of the Solar Project.

13. The Battery Storage Project will support BVES in meeting peak energy demands and reducing immediate needs for transmission infrastructure improvements.

14. The Battery Storage Project will likely provide reliability and resiliency benefits to BVES.

15. There is a system need for the Battery Storage Project to serve BVES's customers.

16. Lithium-ion battery technology is reasonable for fulfilling the identified system need for the Battery Storage Project.

17. The net present value and net market value of the Battery Storage Project is correctly identified in the Settlement Agreement.

18. The net market value of the Battery Storage Project yields value and benefits for BVES's ratepayers.

19. The maximum reasonable cost and initial operating costs for the Battery Storage Project identified in the Settlement Agreement are appropriate.

20. The provisions of the Settlement Agreement are reasonable and in the public interest, except for the provision allowing collection of the maximum reasonable cost in rates without regard to actual project costs.

21. The provisions of the Settlement Agreement are consistent with law, except for the mechanism using a Tier 2 advice letter to authorize costs less than 10% over the maximum reasonable cost.

Conclusions of Law

1. It is reasonable to approve the Settlement Agreement except for (a) the provision allowing collection of the maximum reasonable cost in rates without

regard to actual project costs, and (b) the mechanism using a Tier 2 advice letter to authorize costs less than 10% over the maximum reasonable cost.

2. It is reasonable to authorize BVES to develop, own, and operate the Solar Project.

3. It is reasonable to authorize BVES to develop, own, and operate the Battery Storage Project.

4. It is reasonable to authorize BVES to enter into the Engineering, Procurement, and Construction agreements for the Solar Project and Battery Storage Project, in accordance with the Settlement Agreement.

5. It is reasonable to authorize BVES to recover actual project costs through rates up to the maximum reasonable cost and initial operating costs.

6. It is reasonable to authorize the use of Tier 1 advice letters to initiate the collection of project costs and allowance on funds used during construction after completion of each of the projects.

7. It is reasonable to authorize the creation of the Solar and Battery Tax Memorandum Account to track and manage crediting realized tax credits to ratepayers.

8. It is reasonable to authorize BVES to seek approval for reasonable and prudent project costs that are less than 10% over the maximum reasonable cost via a Tier 3 advice letter.

9. It is reasonable to authorize BVES to seek approval from the Commission for reasonable and prudent project costs that are greater than 10% over the maximum reasonable cost through an application.

10. It is reasonable to track legal and outside services costs for the Solar Project in the Renewable Portfolio Standard Memorandum Account, which can only be

recovered after Commission approval in a future proceeding when all costs are measurable and known.

11. It is reasonable to track legal and outside services costs for the Battery Storage Project in the Base Rate Revenue Requirement Balancing Account, which can only be recovered after Commission approval in a future proceeding when all costs are measurable and known.

O R D E R

IT IS ORDERED that:

1. Bear Valley Electrical Services, Inc. is authorized to enter into Engineering, Procurement, and Construction agreements with EDF Renewable Solutions for the development of the Solar Project and Battery Storage Project.

2. Bear Valley Electrical Services, Inc. (BVES) is authorized to place the actual cost for the construction of the Solar Project and Battery Storage Project up to the maximum reasonable cost identified in Settlement Agreement (Appendix A) net the expected investment tax credit, plus allowance for funds used during construction (AFUDC), calculated at the time the projects are completed and placed in service, into the rate base. BVES shall file a Tier 1 advice letter within 30 days of the completion of each of the Solar Project and Battery Storage Project to initiate cost recovery for its investment in and costs to operate the completed Projects for the remainder of BVES's current rate cycle, plus any AFUDC. After the filing of the advice letter, BVES shall be authorized to implement the annual increase in the base rate revenue requirement associated with the Projects for the interim period remaining in the 2023-2026 general rate case cycle on a dollar per kilowatt hour basis or, if projected to be placed in service on or after January 1, 2027, BVES will propose an allocation in its 2027 test year general rate case application for the years 2027-2030.

- (a) BVES shall maximize the tax benefits from the investment tax credit to customers consistent with applicable tax laws.
- (b) BVES shall compute the annual revenue requirements for the Projects using its established rate-making model.
- (c) The rates charged to customers shall be set at levels allowing for the recovery of costs incurred plus its authorized return on rate base.
- (d) Rate base shall consist of the original cost of the Projects, less accumulated depreciation for the assets placed in service, and deferred income tax liabilities which reflect the accelerated tax depreciation allowed under the Modified Accelerated Cost Recovery System provisions of the Internal Revenue Code.
- (e) Rate base shall also be adjusted to reflect the effects of the expected 30% investment tax credit.
- (f) The investment tax credit will be a reduction to rate base restored ratably over the book life of the property pursuant to the rules under former Internal Revenue Code Section 46(f)(1).
- (g) The rate base reduction may not occur until the investment tax credit is realized by BVES. A deferred tax asset shall be included in the rate base calculation in the earlier periods.

3. If Bear Valley Electrical Service, Inc. (BVES) incurs additional project costs above the maximum reasonable cost identified in the Settlement Agreement (Appendix A) for either the Solar Project or the Battery Storage Project, up to 10% above maximum reasonable cost, it may file a Tier 3 advice letter to request recovery of the additional costs above the maximum reasonable cost. At least 45 days prior to filing the Tier 3 advice letter, BVES shall notify the Public Advocates Office at the California Public Utilities Commission and provide

supporting workpapers and documentation for the advice letter. The advice letter shall include an analysis of the impact of the increased costs to the net market value (NMV) of the Projects agreed upon in this Settlement Agreement (if BVES does not intend to pursue one of the Projects, then for purposes of the advice letter, the reliability benefit for the remaining Solar Project or Battery Storage Project will be 50% of the combined Projects' reliability benefit amount). The advice letter shall also include itemized cost breakdowns, narrative explanations of cost drivers, and documentation and explanatory justification for the increased costs. Such analyses, documentation, and justification could also include, but are not limited to, change order logs, pro forma analyses of cost changes, and/or comparative records of market conditions, where relevant. The NMV of the Projects included in the Settlement Agreement (Appendix A) should serve as the basis for determining the reasonableness of incurring the increased costs above the maximum reasonable cost for either the Solar Project or the Battery Storage Project.

4. If Bear Valley Electrical Service, Inc. (BVES) incurs additional project costs above the maximum reasonable cost (MRC) identified in the Settlement Agreement (Appendix A) for either the Solar Project or the Battery Storage Project greater than 10% above maximum reasonable cost, BVES may seek authority to recover the additional costs above the maximum reasonable cost by filing an application. The application shall include an analysis of the impact of the increased costs to the net market value (NMV) of the Projects agreed upon in this Settlement Agreement (if BVES does not intend to pursue one of the Projects, then for purposes of the application, the reliability benefit for the remaining Solar Project or Battery Storage Project will be 50% of the combined Projects' reliability benefit amount). The NMV of the Projects included in the Settlement Agreement

(Appendix A) shall serve as the basis for determining the reasonableness of incurring the increased amounts above the MRC for either the Solar Project or the Battery Storage Project. BVES may be authorized to accrue AFUDC on the additional costs for the period under construction and the full rate of return for the period after construction until the costs are included in rates if the increased amounts above the MRC for either the Solar Project or the Battery Storage Project are found to be reasonably incurred by the Commission.

5. Bear Valley Electrical Services, Inc. is authorized to file a Tier 1 advice letter to establish the Solar and Battery Tax Memorandum Account to include any increase or decrease in the Investment Tax Credit (ITC) allowed in a given tax year or in the aggregate, including but not limited to, the ITC rate, the amount of costs eligible for ITC, timing of when the ITC reduces tax liability, subsequent recapture events, subsequent ITC ineligibility if any, subsequent changes in tax laws, Internal Revenue Service audits and tax-related interest and penalties.

6. Bear Valley Electrical Services, Inc. (BVES) is authorized to file a Tier 3 advice letter to recover costs included in the Solar and Battery Tax Memorandum Account. At least 45 days prior to filing the Tier 3 advice letter, BVES shall notify the Public Advocates Office at the California Public Utilities Commission and provide supporting workpapers and documentation for the advice letter.

7. Bear Valley Electrical Services, Inc. (BVES) is authorized to record the incremental legal and other outside services costs related to the Solar Project to the Renewable Portfolio Standard Memorandum Account, which can only be recovered after Commission approval in a future proceeding when all costs are known and measurable.

8. Bear Valley Electrical Services, Inc. (BVES) is authorized to record the incremental legal and other outside services costs related to the Battery Storage Project to the Base Rate Revenue Requirement Balancing Account which can only be recovered after Commission approval in a future proceeding when all costs are measurable and known.

9. Application 24-05-020 is closed.

This order is effective today.

Dated _____, at Sacramento, California

APPENDIX A
Settlement Agreement

EXHIBIT G



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 26, 2025
Sent via email

Delanie Garlick
Senior Planner
San Bernardino County Land Use Services
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182
Delanie.Garlick@lus.sbcounty.gov

Dear Delanie Garlick:

Bear Valley Solar Energy Project (Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025101328

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County Land Use Services (County) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Proponent: Bear Valley Electric Services, Inc.

Objective: The objective of the Project is to construct a 5 megawatt (MW) alternating current solar photovoltaic facility owned by Bear Valley Electric Services, Inc. Primary Project activities include site preparation, foundations installation, module installation, electrical installation, commissioning, operations and maintenance, decommissioning. The Project will include stormwater features, perimeter fencing, and gravel access drive installation all occur during the Site Preparation stage. Foundation work will include the installation of support posts, single-axis trackers, and an above-ground messenger wire cable management system or trenching for underground electrical cable and collection system. Electrical cables will be installed via an above-grade wire cable management system or in trenches which will then be backfilled. Modules will be mounted to the tracking system and connecting cables. Inverters, pad-mounted transformers, and combiner boxes will be installed during the Electrical Install phase. The Project would interconnect to an existing BVES Circuit adjacent to the Project site.

Location: The project is located on a 29.53-acre parcel (Assessor's Parcel Number 031440129), located at 21551 Erwin Ranch Road, near the City of Big Bear Lake in unincorporated San Bernardino County, California. The Project is located approximately 0.15 miles southeast of the unincorporated community of Big Bear City in the United States Geologic Survey (USGS) 7.5-minute quadrangle for Big Bear City, California, within Section 17 of Township 2 North, Range 2 East.

Timeframe: Construction is estimated to occur over 9 months and become operational by the quarter 4, 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County Land Use Services in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 1:

Section 2.3.2 Water Supply, Page 6; Section 5.3.3.3 Notification Requirements under SCAQMD Rule 403, Page 22-25

Issue: The MND does not identify or analyze the Project's potential to directly or indirectly impact a population of unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; UTS) located in close proximity to the Project site.

Specific impact: The MND does not identify a critical population of UTS, nor analyze the potential direct or indirect Project-related impacts to UTS associated with the construction or operation of the Project, including but not limited to, the use of soil binders, soil palliatives, or dust control surfactants (collectively dust suppressants).

Why impact would occur: The Project will require dust suppression measures which may include the use of dust suppressants and additives to minimize fugitive dust and comply with other local and state air quality regulations. In accordance with Section 2.3.2 "a[A] minimal amount of water would be required during construction for earthwork operations, primarily related to dust control for road construction, grading, and other site work. Water will be applied via water truck during construction activities..." indicating that dust suppressants will be utilized within the project site including access roads. Dust suppressants are available in many formulations, many containing chemicals that are acutely toxic or indirectly contribute to fish stress and mortality. For example, dust suppressants commonly contain phosphorus and ammonia. Phosphorus is an essential macronutrient for plant and algal growth including physiological and biochemical processes. Similarly, ammonia can increase plant and algal growth in moderate concentrations, and toxic at higher concentrations for both plant and fish life.

The US Environmental Protection Agency found that "a[A]quatic ecosystems are affected by direct contamination from spills or runoff from off-site applications of dust suppressants. Fish may be affected by direct ingestion of toxic constituents or their degradation products. They are also sensitive to increased salinity from salts and brine applications. Dust Suppressants that result in an increase in biochemical oxygen demand (BOD) can result in decreased DO [dissolved oxygen] concentrations in nearby streams, which may affect fish health and survival. Dust suppressants that affect macroinvertebrates could cause a decrease in food supplies for fish. Dust suppressants that result in increased suspended solids concentration, either directly or indirectly, via erosion, can potentially degrade

aquatic habitat. At the micro level, suppressants can potential be toxic to soil and water microorganisms."²

Furthermore, the EPA found that direct and indirect impacts to surface and ground waters from these contaminants occur from runoff, infiltration, application error, and other mechanisms³.

Evidence impact would be significant: UTS is a State Fully Protected Species (Fish & G. Code, § 5515) and Federal Endangered Species Act (ESA), endangered species (35 FR 16047) that have experienced significant population and habitat declines and threats. Throughout the UTS range, the loss of habitat associated with reduced water quantities received by streams and unreliable water supplies and prevalence of non-native species are a primary threat to its persistence. The Shay Creek/Baldwin Lake population of UTS is one of 3 known locations within San Bernardino County. In 2025, CDFW native fisheries biologist found the Shay Pond UTS population to be robust.⁴ The current physical expression of Shay Pond is limited to approximately 2 acres of land⁵ although evidence indicates that historically, Shay Pond was approximately 4.5 acres⁶, and Shay Creek flowed year-round and that UTS-occupied the top of Shay Creek down to the edge of Baldwin Lake.⁷

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

CDFW recommends that the MND include enforceable mitigation measures that: 1. prohibit the use of chemicals for washing solar panels and other infrastructure, dust suppression, and other ancillary Project uses without the prior written approvals from CDFW, the County; and 2. require notification of, and CDFW's written approval of any dust suppression measures.

² US Environmental Protection Agency, 2002. Potential Environmental Impacts of Dust Suppressants: "Avoiding Another Times Beach." An Expert Panel Summary, Las Vegas Nevada. May 30-31, 2002.

³ *Ibid.*

⁴ M. Burnett, personal communication, November 20, 2025.

⁵ Harder and Van De Water, 2018. DRAFT Shay Pond Area Hydrogeologic Assessment for the Unarmored Threespine Stickleback Fish. Prepared for California Department of Fish and Wildlife. February 2nd

⁶ *Ibid.*

⁷ US Fish and Wildlife Service, 2002. Biological Opinion on Forest Service Special Use Permits for Water Collection and Conveyance Facilities in the Baldwin Lake Watershed, San Bernardino National Forest, San Bernardino County, California (1-6-01-F-1980). FWS-SB-1980.1 June 5th

Mitigation Measure BIO-3 Dust Suppressants and Additives

For the life of the Project, no chemicals or additives shall be used for dust suppression, panel washing, or ancillary uses without the prior written approval of CDFW and the County.

Mitigation Measure BIO-4 Water Infiltration and Detention Basins

Water infiltration and/or percolation basins will be free of chemicals deleterious to fish, amphibians and plant species.

COMMENT 2:

Section 5.4.1.3 Special-Status Species, Page 30

Issue: The MND does not identify consumptive water uses that can be reasonably anticipated for solar photovoltaic systems, nor identify reasonable precautionary measures to protect a critical population of UTS and its habitat at Shay Pond.

Specific impact: The MND does not identify or analyze the potential for the Project's consumptive water uses to reduce natural water sources supporting Shay Pond, or the pond's population of UTS. The Project's consumptive water uses include, but are not limited to, the use of soil binders, dust control surfactants, solar panel washing, landscaping irrigation, and ancillary uses during construction, operations, maintenance, and decommissioning phases. Cumulative groundwater reductions, not originally anticipated by Harder and Van De Water, and/or fluctuations in surface waters and groundwater within the Basin could substantially impact water inputs received by Shay Pond and negatively impact UTS.

Why impact would occur: Shay Pond's water levels are highly influenced by surface waters, sheet flow, and annual fluctuations in precipitation and groundwater levels. Geoscience previously described a hydrologic divide within the Erwin subunit distinguishing the western and eastern sections. The topographic divide within the middle of the "Shay Pond Drainage Basin" drains the eastern section of the valley toward Lake Erwin while the western section drains south toward Shay Pond. According to Thomas and Harder, "[T]he majority of groundwater flow that occurs in the western portion of the valley ultimately discharges through the Shay Meadow area towards Baldwin Lake. Groundwater is derived from precipitation and subsequent recharge." Historically, municipal groundwater pumping was identified as a potential threat to groundwater levels beneath Shay Pond that sustains the UTS population. Accordingly, municipalities developed alternative water sources to service the area surrounding Shay Pond, leading to reduced groundwater pumping within the vicinity of Shay Pond. This current low-level rate of groundwater pumping was found to not significantly impact groundwater elevations beneath Shay Pond.

Avoiding future significant impacts to groundwater levels by limiting the incremental increase of current groundwater pumping in the vicinity of Shay Pond is a viable and prudent precaution against unintended consequences to a critical population of UTS.

Evidence impact would be significant: Shay Pond lies on coalescing fans of alluvium and colluvium with localized meadow deposits.⁸ Harder and Van De Water describe Shay Pond as "... a spring that is naturally fed by groundwater periodically rising above the land surface. Groundwater levels fluctuate depending on available recharge from precipitation and groundwater pumping from public and private groundwater production wells...." The surface and subsurface water sources supporting Shay Pond are relatively limited in capacity and extent. Shay Pond is currently sustained via supplemental in-basin well water pumping. Unanticipated reductions to the basin's hydrology and groundwater should be avoided and minimized.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming): The MND should identify, quantify, and evaluate the potential need for panel washing, a known if not infrequent requirement common to photovoltaic solar projects. All consumptive water uses, particularly supplemental irrigation, dust suppression, and panel washing, should be minimized. Where necessary, consumptive water uses should be prohibited from using groundwater sources associated with the Shay Pond Drainage Basin Boundary (Geoscience, 2004⁹) and the Erwin Subunit of the Baldwin Lake sub-watershed HUC 12 180702030101)¹⁰

CDFW recommends including the following mitigation measure in the MND.

Mitigation Measure BIO-4 Shay Pond Hydrology

All consumptive water uses including supplemental irrigation, dust suppression, and panel washing are prohibited from using groundwater sources associated with the Shay Pond Drainage Basin Boundary (Geoscience, 2004¹¹) and the Erwin Subunit of the Baldwin Lake Sub-watershed HUC 12 180702030101).¹²

⁸ Harder and Van De Water, 2018. DRAFT Shay Pond Area Hydrogeologic Assessment for the Unarmored Threespine Stickleback Fish. Prepared for California Department of Fish and Wildlife. February 2nd

⁹ Geoscience, 2004. Geohydrologic Analysis of Shay Pond. Prepared for Big Bear City Community Services District. April 29th

¹⁰ US Geological Survey (USGS). 2015. USGS Links for HUC 180702030101 - Baldwin Lake. Retrieved from: <https://water.usgs.gov/lookup/getwbd?180702030101>

¹¹ Geoscience, 2004. Geohydrologic Analysis of Shay Pond. Prepared for Big Bear City Community Services District. April 29th

¹² US Geological Survey (USGS). 2015. USGS Links for HUC 180702030101 - Baldwin Lake. Retrieved from: <https://water.usgs.gov/lookup/getwbd?180702030101>

II. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 3:

Section 5.4.1.3. Special Status Species, Pages 32-38

Issue: The MND relies on improperly conducted surveys that do not follow generally accepted survey methodologies or timing for establishing the presence or numbers of rare plants potentially impacted by the Project.

Specific impact: The Project's Biological Resources Technical Report does not rely on established survey methodologies and inappropriately concludes the potential presence, absence, and number of sensitive native plant species within the Project. The surveys were not performed during an appropriate time of year for a number of species known to occur within or adjacent to the Project site, nor do the surveys follow the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*¹³. Absent protocol surveys, potential Project impacts to candidate, sensitive, or special status species may be mischaracterized, resulting in avoidable, unminimized, or unmitigated impacts not adequately analyzed in the MND.

Based on the California Natural Diversity Database (CNDDDB) the Project has the potential to result in direct (e.g., grading, crushing, pile driving) or indirect impacts (e.g., water availability, herbicide drift, dusting) to rare plant species, including but not limited to, ash-gray paintbrush (*Castilleja cinerea*) (California rare plant Ranking (CRPR) 1.B.2), San Bernardino blue grass (*Poa atropurpurea*) (CRPR 1.B.2), Big Bear Valley milk-vetch (*Astragalus lentiginosus* var. *sierrae*) (CRPR 1.B.2), Big Bear Valley woollypod (*Astragalus leucolobus*) (CRPR) 1.B.2), Big Bear Valley sandwort (*Eremogone ursina*) (CRPR) 1.B.2), San Bernardino Mountains dudleya (*Dudleya abramsii* ssp. *affinis*) (CRPR) 1.B.2), pinyon rockcress (*Boechera dispar*) (CRPR 2Parish's rockcress (*Boechera parishii*), grey-leaved violet (*Viola pinetorum* ssp. *grisea*) (CRPR 1.B.2), silver-haired ivesia (*Ivesia argyrocoma* var. *argyrocoma*) (CRPR 1.B.2), southern mountain buckwheat (*Eriogonum kennedyi* var.

¹³ Department of Fish and Wildlife, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

austromontanum) (CRPR 1.B.2), and Baldwin Lake linanthus (*Linanthus killipii*) (CRPR 1.B.2).

Why impact would occur: CDFW is concerned that the MND has not accurately described or fully established the biological resources present onsite, limiting both the CEQA Lead Agency's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status plant species. The MND relies on only two site visits, neither of which correspond with established survey methodologies or timing to establish the presence or absence of sensitive plant species. The MND's Biological Resources Report¹⁴ states that the first July 1, 2024 site visit was intended to establish the Project's aquatic resource delineation and site constraints. The second site visit was conducted on September 4, 2024 to map existing vegetation communities, aquatic resources, habitat that could support special-status species, and if present, develop a compendium of floral *and* [emphasis added] faunal species *present at the time of the survey* [emphasis added].¹⁵

Evidence impact would be significant: Special-status plants with CNPS CRPR ranking series 1B and 2B meet the definition for CEQA listing as rare, threatened, and/or endangered. Many CNPS CRPR listed plants have not been reassessed from the time of their listing and said listing ranks may not currently reflect their status in a manner that is up to date with stochastic weather events, extreme heat, and anthropogenic impacts. The Project may result in direct or indirect take of species with a CRPR ranking of 1B.2 and in the loss of the habitats to these rare species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

To reduce impacts to less than significant: CDFW recommends botanical field surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*¹⁷ be conducted by qualified personnel prior to the start of construction. One botanical field survey may be insufficient to detect plants that are not evident and identifiable every year, therefore CDFW recommends multiple surveys. Appropriate surveys will identify the species present to allow development of effective mitigation measures.

Permanent impacts (i.e., areas that will not return to their baseline ecological state and form within one calendar-year of impacts occurring) to non CESA-listed rare, sensitive, special-status plants, shall be mitigated at a minimum 3:1 (mitigated to

¹⁴ ERM, 2024. Biological resources Assessment, Bear Valley Solar Energy Project. Prepared for EDF Renewables Distribution-Scale Power. October 10, 2024.

¹⁵ *Ibid.*

impacted) ratio by acreage area. Compensatory mitigation for impacts to non CESA-listed rare, sensitive, special status plant species and Sensitive Natural Communities by total area (i.e., the combined total acreage of permanent and temporary impacts calculated post-ratios) shall be conducted through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition, or a combination of both, in coordination with CDFW. If CESA-listed plants are present and impacts cannot be fully avoided, a CESA ITP shall be obtained.

Section 5.4.3 Environmental Evaluation, Page 34

Issue: The project has the potential to impact southern rubber boa (*Charina bottae umbratical*). Project activities may result in direct take of southern rubber boa.

Specific impact: The Project includes the potential for direct take of southern rubber boa through crushing, vehicle, or equipment strike during construction, operations and maintenance, or decommissioning activities.

Why impact would occur: The MND identifies that the Project site contains southern rubber boa habitat, and the CNDDDB identifies species occurrences within the Project vicinity. While the MND indicates that southern rubber boa habitat will not be impacted given the footprint of the Project excludes the south facing hillslope, and the nocturnal nature of southern rubber boa, the MND does not specifically exclude the hillslopes as a biological avoidance measure. Lowe¹⁶ characterizes southern rubber boa as nocturnal and crepuscular, frequently observed in damp draws near streams, seeps, and springs during the summer months and may be associated with the Project site during seasonal movements. This seasonal habitat association is likely attributed to annual migrations between ridges and canyon bottoms.¹⁷

Evidence impact would be significant: Southern rubber boa is a state listed threatened species. The primary threat to southern rubber boa is habitat loss and disturbance. The Project occurs within Big Bear, one of two geographic areas where southern rubber boa is known.

Recommended Potentially Feasible Mitigation Measure(s): The Project Proponent shall ensure that impacts to southern rubber boa are fully avoided absent take authorization. CDFW recommends that avoidance of the southern hillslope be incorporated as an avoidance measure. Furthermore, CDFW recommends the project proponent obtain incidental take coverage should the Project have the

¹⁶ Lowe, 1985. Habitat Management Guide for Southern Rubber Boa (*Charina bottae umbratical*) on the San Bernardino National Forest. Prepared for US Department of Agriculture San Bernardino National Forest.

¹⁷ *Ibid.*

potential to result in take of the southern rubber boa. CDFW appreciates the inclusion of mitigation measures MM BIO-1 and MM BIO-2 and recommends incorporating the following language (in **bold**).

Mitigation Measure 1:
To reduce impacts to less than significant:

MM BIO-1: Pre-construction clearance surveys

- A qualified biologist, **experienced in identifying southern rubber boa habitat and conducting southern rubber boa surveys using appropriate survey methodology, determining/establishing appropriate avoidance and minimization measures, and monitoring the efficacy of implemented avoidance and minimization measures** will conduct pre-construction surveys for southern rubber boa within all disturbance areas plus a ~~400-foot~~ **500 foot** buffer no more than 3 days prior to any ground disturbance during the active/breeding season (1 April through 31 October). Should southern rubber boa be observed, work shall be halted within ~~400-foot~~ **500 feet** of the individual until it has moved out of area. **If any individuals are identified within or adjacent to the project area, Project Proponent shall immediately (within 24 hours) notify CDFW and submit avoidance measures that when implemented, will fully avoid impacts to the southern rubber boa. If southern rubber boa is found within the project footprint or full avoidance of impacts to adjacent individuals cannot be accomplished, Project Proponent shall postpone the project until appropriate authorizations are obtained (i.e., CESA ITP).**
- Prior to construction, the applicant shall construct a reptile exclusion fence around the perimeter of the Project area to avoid potential impacts to rubber boa. Additionally, the contractor shall shield and angle any necessary lighting away from the adjacent undeveloped land to the north of the Project site to avoid disturbing wildlife, including rare bats.

MM BIO-2: Construction monitoring

- A qualified biologist shall be onsite to conduct daily (pre-work) sweeps for rubber boa during ground-disturbing activities initiated between 1 April and 31 October. ~~Once a reptile exclusion fence around the perimeter of the Project is constructed, daily (pre-work) sweeps would not be required. In the event of unanticipated discovery of rubber boa within the site,~~ construction personnel shall follow the guidance within the worker education program, including but not limited to halting construction and contacting a qualified biologist, etc.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

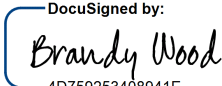
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Scientist, Specialist at (909) 844-2769 or Eric.Weiss@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

Delanie Garlick
San Bernardino County Land Use Services
November 26, 2025
Page 2 of 2

Attachments

A. Mitigation Monitoring and Reporting Plan

ec: Office of Planning and Research, State Clearinghouse, Sacramento

CDFW

Russel Barabe, Senior Environmental Scientist
Richard Kim, Senior Environmental Scientist



Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1: Pre-construction clearance surveys</p> <ul style="list-style-type: none"> • A qualified biologist, experienced in identifying southern rubber boa habitat and conducting southern rubber boa surveys using appropriate survey methodology, determining/establishing appropriate avoidance and minimization measures, and monitoring the efficacy of implemented avoidance and minimization measures will conduct pre-construction surveys for southern rubber boa within all disturbance areas plus a 500 foot buffer no more than 3 days prior to any ground disturbance during the active/breeding season (1 April through 31 October). Should southern rubber boa be observed, work shall be halted within 500 feet of the individual until it has moved out of area. If any individuals are identified within or adjacent to the project area, Project Proponent shall immediately (within 24 hours) notify CDFW and submit avoidance measures that when implemented, will fully avoid impacts to the southern rubber boa. If southern rubber boa is found within the project footprint or full avoidance of impacts to adjacent individuals cannot be accomplished, Project Proponent shall postpone the project until appropriate authorizations are obtained (i.e., CESA ITP). • Prior to construction, the applicant shall construct a reptile exclusion fence around the perimeter of the Project area to avoid potential impacts to rubber boa. Additionally, the contractor shall shield and angle any necessary lighting away from the adjacent undeveloped land to the north of the Project site to avoid disturbing wildlife, including rare bats. 	<p>Prior to and throughout Construction</p>	<p>Project Proponent</p>
<p>MM-BIO-2: Construction monitoring</p> <ul style="list-style-type: none"> • A qualified biologist shall be onsite to conduct daily (pre-work) sweeps for rubber boa during ground-disturbing activities initiated between 1 April and 31 October 	<p>During Construction</p>	<p>Project Proponent</p>

<p>construction personnel shall follow the guidance within the worker education program, including but not limited to halting construction and contacting a qualified biologist, etc.</p>		
<p>MM BIO-4: Shay Pond Hydrology</p> <ul style="list-style-type: none"> All consumptive water uses including supplemental irrigation, dust suppression, and panel washing are prohibited from using groundwater sources associated with the Shay Pond Drainage Basin Boundary (Geoscience, 20041) and the Erwin Subunit of the Baldwin Lake Sub-watershed HUC 12 180702030101). 	<p>During Construction, Operations, Maintenance, and Decommissioning</p>	<p>Project Proponent</p>

EXHIBIT H



ERM

1920 Main Street
Suite 300
Irvine, CA 92614

T +1 949 623 4700
F +1 949 623 4711

erm.com

San Bernardino County
Delanie Garlick, Senior Planner
2400 Del Paso Rd. Suite 140
Sacramento, CA 95834

DATE
19 December 2025

SUBJECT
Bear Valley Solar Energy Project – CDFW Response
Letter

REFERENCE
PROJECT-2025-00036

Dear Delanie:

Environmental Resources Management, Inc. (ERM) is the environmental and civil consultant for Bear Valley Solar Energy Project (Project) working on behalf of EDF Renewables Distribution-Scale Power who is contracted by Bear Valley Electric Service to design, permit, and develop the Project. ERM has reviewed the comment letter dated November 26, 2025 provided by the California Department of Fish and Wildlife (CDFW) and related to the Bear Valley Solar Energy Project Mitigated Negative Declaration (MND). Please find ERM's responses to CDFW comments herein for San Bernardino County's consideration.

Sincerely,

Ian Todd

Partner, ERM

CDFW COMMENT 1:

Section 2.3.2 Water Supply, Page 6; Section 5.3.3.3 Notification Requirements under SCAQMD Rule 403, Page 22-25

Issue: The MND does not identify or analyze the Project's potential to directly or indirectly impact a population of unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*; UTS) located in close proximity to the Project site.

Specific impact: The MND does not identify a critical population of UTS, nor analyze the potential direct or indirect Project-related impacts to UTS associated with the construction or operation of the Project, including but not limited to, the use of soil binders, soil palliatives, or dust control surfactants (collectively dust suppressants).

Why impact would occur: The Project will require dust suppression measures which may include the use of dust suppressants and additives to minimize fugitive dust and comply with other local and state air quality regulations. In accordance with Section 2.3.2 "a[A] minimal amount of water would be required during construction for earthwork operations, primarily related to dust control for road construction, grading, and other site work. Water will be applied via water truck during construction activities..." indicating that dust suppressants will be utilized within the project site including access roads. Dust suppressants are available in many formulations, many containing chemicals that are acutely toxic or indirectly contribute to fish stress and mortality. For example, dust suppressants commonly contain phosphorus and ammonia. Phosphorus is an essential macronutrient for plant and algal growth including physiological and biochemical processes. Similarly, ammonia can increase plant and algal growth in moderate concentrations, and toxic at higher concentrations for both plant and fish life.

The US Environmental Protection Agency found that "a[A]quatic ecosystems are affected by direct contamination from spills or runoff from off-site applications of dust suppressants. Fish may be affected by direct ingestion of toxic constituents or their degradation products. They are also sensitive to increased salinity from salts and brine applications. Dust Suppressants that result in an increase in biochemical oxygen demand (BOD) can result in decreased DO [dissolved oxygen] concentrations in nearby streams, which may affect fish health and survival. Dust suppressants that affect macroinvertebrates could cause a decrease in food supplies for fish. Dust suppressants that result in increased suspended solids concentration, either directly or indirectly, via erosion, can potentially degrade aquatic habitat. At the micro level, suppressants can potential be toxic to soil and water microorganisms."¹

Furthermore, the EPA found that direct and indirect impacts to surface and ground waters from these contaminants occur from runoff, infiltration, application error, and other mechanisms².

¹ US Environmental Protection Agency, 2002. Potential Environmental Impacts of Dust Suppressants: "Avoiding Another Times Beach." An Expert Panel Summary, Las Vegas Nevada. May 30-31, 2002.

² Ibid

Evidence impact would be significant: UTS is a State Fully Protected Species (Fish & G. Code, § 5515) and Federal Endangered Species Act (ESA), endangered species (35 FR 16047) that have experienced significant population and habitat declines and threats. Throughout the UTS range, the loss of habitat associated with reduced water quantities received by streams and unreliable water supplies and prevalence of non-native species are a primary threat to its persistence. The Shay Creek/Baldwin Lake population of UTS is one of 3 known locations within San Bernardino County. In 2025, CDFW native fisheries biologist found the Shay Pond UTS population to be robust.³ The current physical expression of Shay Pond is limited to approximately 2 acres of land⁴ although evidence indicates that historically, Shay Pond was approximately 4.5 acres², and Shay Creek flowed year-round and that UTS-occupied the top of Shay Creek down to the edge of Baldwin Lake.⁵

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

CDFW recommends that the MND include enforceable mitigation measures that: 1. prohibit the use of chemicals for washing solar panels and other infrastructure, dust suppression, and other ancillary Project uses without the prior written approvals from

CDFW, the County; and 2. require notification of, and CDFW's written approval of any dust suppression measures.

Mitigation Measure BIO-3 Dust Suppressants and Additives

For the life of the Project, no chemicals or additives shall be used for dust suppression, panel washing, or ancillary uses without the prior written approval of CDFW and the County.

Mitigation Measure BIO-4 Water Infiltration and Detention Basins

Water infiltration and/or percolation basins will be free of chemicals deleterious to fish, amphibians and plant species.

ERM RESPONSE TO COMMENT 1:

UTS was evaluated for potential to occur within the Study Area for the Project. See Appendix D of the Biological Resource Assessment, which was included as Appendix D of the IS/MND. The species would not occur within the Study Area due to the lack of suitable habitat. It is understood that a population of UTS occurs within the watershed west and downstream of Lakewood Drive.

As indicated in Section 3.2.1 and Appendix H (Aquatic Resource Delineation Report) of the IS/MND, based on the absence of a culvert or stabilized dip crossing at Lakewood Drive and the

³ M. Burnett, personal communication, November 20, 2025.

⁴ Harder and Van De Water, 2018. DRAFT Shay Pond Area Hydrogeologic Assessment for the Unarmored Threespine Stickleback Fish. Prepared for California Department of Fish and Wildlife. February 2nd

⁵ US Fish and Wildlife Service, 2002. Biological Opinion on Forest Service Special Use Permits for Water Collection and Conveyance Facilities in the Baldwin Lake Watershed, San Bernardino National Forest, San Bernardino County, California (1-6-01-F-1980). FWS-SB-1980.1 June 5th

absence of visible bed, bank, ordinary high water mark, and hydrophytic vegetation on the Project site and at the road, limited surface flows cross Lakewood Drive. Therefore, the potential for pollutants to be transmitted from the site to Shay Pond is limited.

Additionally, as indicated in Sections 2.3.5 and 5.10.3 of the IS/MND, compliance with water quality regulations will ensure that stormwater flows are contained onsite and that water quality is maintained. The specific standards to be met and measures to be implemented are provided in the Storm Water Pollution Prevention Plan, the Water Quality Management Plan, Title 3, Division 5, Chapter 1, entitled "Pollutant Discharge Elimination System Regulations" of the San Bernardino County Code (Stormwater Ordinance), Waste Discharge Requirements for the San Bernardino County Flood Control District, the County of San Bernardino and the Incorporated Cities of San Bernardino County, Order No. R8-2010-0036, National Pollutant Discharge Elimination System (NPDES) No. CAS618036, Areawide Urban Stormwater Runoff, NPDES General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems. Order No. 2013-0001-DWQ, NPDES No. CAS000004, NPDES General Permit No. CAS000002, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities, the Water Quality Control Plan for the Santa Ana River Basin, the California Toxics Rule, the National Toxics Rule, and the Water Quality Control Plan for Ocean Waters of California.

Construction

Section 2.3.5 of the IS/MND indicates that the proposed Project requires minimal grading, therefore the application of dust palliative would be limited. Stormwater Best Management Practices would also be implemented to contain stormwater flows onsite as required by NPDES General Permit No. CAS000002, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities.

Operation

Maintenance requirements for the proposed Project are minimal and unlikely to require the application of chemicals. For example, the internal access route will be surfaced with gravel and the remainder of the site will be vegetated. Therefore, dust palliative will not be required during operations. The San Bernardino Storm Water Ordinance also requires that all "owner(s)/user(s), occupant(s) or other person(s) responsible for the daily operation and/or maintenance of each parcel in the unincorporated County shall implement and adhere to good housekeeping BMPs (as presented in the California Department of Transportation (Caltrans) standard construction site BMP fact sheets, or equivalent), to reduce the mobilization of pollutants from their property" and prohibits the direct or indirect discharge of:

1. Any sediment, settleable, or suspended solid;
2. Any living or dead animal or the biological waste product of domestic animals;

3. Any food or food processing waste;
4. Any thermal, color, conductive, oxygen demanding or growth inducing waste;
5. Any medical, radioactive, or radiological, chemical or biological warfare agent waste;
6. Any chemical, salt, organic compound, pesticide or metal waste;
7. Any hydrocarbon based fuel, oil, lubricant, fluid or additive waste; and
8. Any substance designated as a pollutant by State or Federal law or regulation.

The applicant has specifically identified nutrients (phosphorus/nitrogen), noxious aquatic plants, pesticides/herbicides, and organic compounds as potential pollutants resulting from landscaping activities during project operation in the Water Quality Management Plan (WQMP) for the proposed Project and committed to the necessary Best Management Practices to prevent pollutants these from leaving the property. Panel washing, if it occurs, is not expected to utilize any chemical additives, and would be subject to the same BMP's as for other potential pollutants.

Therefore, the proposed Project will not directly or indirectly affect UTS due to pollutant discharge during construction or operation.

CDFW COMMENT 2:

Section 5.4.1.3 Special-Status Species, Page 30

Issue: The MND does not identify consumptive water uses that can be reasonably anticipated for solar photovoltaic systems, nor identify reasonable precautionary measures to protect a critical population of UTS and its habitat at Shay Pond.

Specific impact: The MND does not identify or analyze the potential for the Project's consumptive water uses to reduce natural water sources supporting Shay Pond, or the pond's population of UTS. The Project's consumptive water uses include, but are not limited to, the use of soil binders, dust control surfactants, solar panel washing, landscaping irrigation, and ancillary uses during construction, operations, maintenance, and decommissioning phases. Cumulative groundwater reductions, not originally anticipated by Harder and Van De Water, and/or fluctuations in surface waters and groundwater within the Basin could substantially impact water inputs received by Shay Pond and negatively impact UTS.

Why impact would occur: Shay Pond's water levels are highly influenced by surface waters, sheet flow, and annual fluctuations in precipitation and groundwater levels. Geoscience previously described a hydrologic divide within the Erwin subunit distinguishing the western and eastern sections. The topographic divide within the middle of the "Shay Pond Drainage Basin" drains the eastern section of the valley toward Lake Erwin while the western section drains south toward Shay Pond. According to Thomas and Harder, "t[T]he majority of groundwater flow that occurs in the western portion of the valley ultimately discharges through the Shay Meadow area towards Baldwin Lake. Groundwater is derived from precipitation and subsequent recharge." Historically, municipal groundwater pumping was identified

as a potential threat to groundwater levels beneath Shay Pond that sustains the UTS population. Accordingly, municipalities developed alternative water sources to service the area surrounding Shay Pond, leading to reduced groundwater pumping within the vicinity of Shay Pond. This current low-level rate of groundwater pumping was found to not significantly impact groundwater elevations beneath Shay Pond.

Avoiding future significant impacts to groundwater levels by limiting the incremental increase of current groundwater pumping in the vicinity of Shay Pond is a viable and prudent precaution against unintended consequences to a critical population of UTS.

Evidence impact would be significant: Shay Pond lies on coalescing fans of alluvium and colluvium with localized meadow deposits.⁴ Harder and Van De Water describe Shay Pond as "... a spring that is naturally fed by groundwater periodically rising above the land surface. Groundwater levels fluctuate depending on available recharge from precipitation and groundwater pumping from public and private groundwater production wells...." The surface and subsurface water sources supporting Shay Pond are relatively limited in capacity and extent. Shay Pond is currently sustained via supplemental in-basin well water pumping. Unanticipated reductions to the basin's hydrology and groundwater should be avoided and minimized.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming): The MND should identify,

quantify, and evaluate the potential need for panel washing, a known if not

infrequent requirement common to photovoltaic solar projects. All consumptive water uses, particularly supplemental irrigation, dust suppression, and panel washing, should be minimized. Where necessary, consumptive water uses should be prohibited from using groundwater sources associated with the Shay Pond Drainage Basin Boundary (Geoscience, 2004⁶) and the Erwin Subunit of the Baldwin Lake sub-watershed HUC 12 180702030101)⁷

CDFW recommends including the following mitigation measure in the MND.

Mitigation Measure BIO-4 Shay Pond Hydrology

All consumptive water uses including supplemental irrigation, dust suppression, and panel washing are prohibited from using groundwater sources associated with the Shay Pond Drainage Basin Boundary (Geoscience, 2004⁶) and the Erwin Subunit of the Baldwin Lake Sub-watershed HUC 12 180702030101).⁷

⁶ Geoscience, 2004. Geohydrologic Analysis of Shay Pond. Prepared for Big Bear City Community Services District. April 29th

⁷ US Geological Survey (USGS). 2015. USGS Links for HUC 180702030101 - Baldwin Lake. Retrieved from: <https://water.usgs.gov/lookup/getwbd?180702030101>

ERM RESPONSE TO COMMENT 2:

The proposed Project will not utilize local groundwater as indicated in Section 5.19.3 of the IS/MND, which states that “landscape planting irrigation would be required for the first approximately 2 years until landscaping is established, and it is expected that water would be brought from offsite.” Offsite water will also be used for the small amount of water needed during construction.

As detailed indicated in Section 5.10.3 and detailed in the WQMP for the proposed Project, site design includes retention basins to maintain pre-existing hydrologic conditions.

Therefore, the proposed Project will not directly or indirectly affect UTS due to hydromodification.

CDFW COMMENT 3A:

Section 5.4.1.3. Special Status Species, Pages 32-38

Issue: The MND relies on improperly conducted surveys that do not follow generally accepted survey methodologies or timing for establishing the presence or numbers of rare plants potentially impacted by the Project.

Specific impact: The Project's Biological Resources Technical Report does not rely on established survey methodologies and inappropriately concludes the potential presence, absence, and number of sensitive native plant species within the Project. The surveys were not performed during an appropriate time of year for a number of species known to occur within or adjacent to the Project site, nor do the surveys follow the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*⁸. Absent protocol surveys, potential Project impacts to candidate, sensitive, or special status species may be mischaracterized, resulting in avoidable, unminimized, or unmitigated impacts not adequately analyzed in the MND.

Based on the California Natural Diversity Database (CNDDB) the Project has the potential to result in direct (e.g., grading, crushing, pile driving) or indirect impacts (e.g., water availability, herbicide drift, dusting) to rare plant species, including but not limited to, ash-gray paintbrush (*Castilleja cinerea*) (California rare plant Ranking (CRPR) 1.B.2), San Bernardino blue grass (*Poa atropurpurea*) (CRPR 1.B.2), Big Bear Valley milk-vetch (*Astragalus lentiginosus* var. *sierrae*) (CRPR 1.B.2), Big Bear Valley woollypod (*Astragalus leucolobus*) (CRPR 1.B.2), Big Bear Valley sandwort (*Eremogone ursina*) (CRPR 1.B.2), San Bernardino Mountains dudleya (*Dudleya abramsii* ssp. *affinis*) (CRPR 1.B.2), pinyon rockcress (*Boechea dispar*) (CRPR 2Parish's rockcress (*Boechea parishii*), grey-leaved violet (*Viola pinetorum* ssp. *grisea*) (CRPR 1.B.2), silver-haired ivesia (*Ivesia argyrocoma* var. *argyrocoma*) (CRPR 1.B.2), southern mountain buckwheat (*Eriogonum kennedyi* var. *austromontanum*) (CRPR 1.B.2), and Baldwin Lake linanthus (*Linanthus killipii*) (CRPR 1.B.2).

Why impact would occur: CDFW is concerned that the MND has not accurately described or fully established the biological resources present onsite, limiting both the CEQA Lead Agency's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status plant species. The MND relies on only two site visits, neither of which correspond with established survey methodologies or timing to establish the presence or absence of sensitive plant species. The MND's Biological Resources Report⁹ states that the first July 1, 2024 site visit was intended to establish the Project's aquatic resource delineation and site constraints. The second site visit was conducted on September 4, 2024 to map existing vegetation **communities, aquatic resources, habitat that could support special-status species,**

⁸ Department of Fish and Wildlife, 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

⁹ ERM, 2024. *Biological resources Assessment, Bear Valley Solar Energy Project*. Prepared for EDF Renewables Distribution-Scale Power. October 10, 2024.

and if present, develop a compendium of floral *and* [emphasis added] faunal species *present at the time of the survey* [emphasis added].²

Evidence impact would be significant: Special-status plants with CNPS CRPR ranking series 1B and 2B meet the definition for CEQA listing as rare, threatened, and/or endangered. Many CNPS CRPR listed plants have not been reassessed from the time of their listing and said listing ranks may not currently reflect their status in a manner that is up to date with stochastic weather events, extreme heat, and anthropogenic impacts. The Project may result in direct or indirect take of species with a CRPR ranking of 1B.2 and in the loss of the habitats to these rare species.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Environmental Setting and Related Impact Shortcoming)

To reduce impacts to less than significant: CDFW recommends botanical field surveys following the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*² be conducted by qualified personnel prior to the start of construction. One botanical field survey may be insufficient to detect plants that are not evident and identifiable every year, therefore CDFW recommends multiple surveys. Appropriate surveys will identify the species present to allow development of effective mitigation measures.

Permanent impacts (i.e., areas that will not return to their baseline ecological state and form within one calendar-year of impacts occurring) to non CESA-listed rare, sensitive, special-status plants, shall be mitigated at a minimum 3:1 (mitigated to impacted) ratio by acreage area. Compensatory mitigation for impacts to non CESA-listed rare, sensitive, special status plant species and Sensitive Natural Communities by total area (i.e., the combined total acreage of permanent and temporary impacts calculated post-ratios) shall be conducted through purchase of mitigation credits from a CDFW-approved bank and/or land acquisition, or a combination of both, in coordination with CDFW. If CESA-listed plants are present and impacts cannot be fully avoided, a CESA ITP shall be obtained.

ERM RESPONSE TO COMMENT 3A:

Although protocol rare plant surveys were not conducted, the entire site was subject to visual inspection for suitable habitat and floral and faunal species during the site visits. It is understood that the site visits did not occur during the peak flowering period for all of the species with potential to occur. However, as indicated in Appendix D of the Biological Resources Assessment for the Project, and summarized below, only three of the species identified above have potentially suitable marginal habitat within the proposed Project footprint. The remaining species would be limited to the habitat north, upslope, and outside of the proposed Project footprint. Potential indirect impacts to individuals of these latter species, if they occur on that slope, would be limited to short-term dust exposure during construction activities. As detailed in the Response above to Comment 1B, the proposed Project will not affect water availability, and herbicide application, if any, would be limited to landscape areas, which do not abut the slope where these species have

potential to occur. Therefore, focused surveys for these species were deemed unnecessary to complete the analysis of impact significance for these species.

To summarize Appendix D of the Biological Resources Assessment for the Project.

- Ash-gray paintbrush (*Castilleja cinerea*) (California rare plant Ranking (CRPR) 1.B.2), is assessed as having low potential to occur within rocky areas within the big sagebrush shrubland – pinyon and juniper woodland ecotone on-site, all of which will be avoided and occurs upslope of the proposed Project,
- Big Bear Valley woollypod (*Astragalus leucolobus*) (CRPR) 1.B.2) is assessed as having low potential to occur within the pinyon and juniper pine woodland on-site, all of which will be avoided and occurs upslope of the proposed Project,
- Big Bear Valley sandwort (*Eremogone ursina*) (CRPR) 1.B.2) is assessed as having low potential to occur within the pinyon and juniper pine woodland on-site, all of which will be avoided and occurs upslope of the proposed Project,
- San Bernardino Mountains dudleya (*Dudleya abramsii* ssp. *affinis*) (CRPR) 1.B.2), is assessed as having high potential to occur within the south-facing slopes within the pinyon and juniper woodland on-site, all of which will be avoided and occurs upslope of the proposed Project,
- Pinyon rockcress (*Boechera dispar*) (CRPR 2) is assessed as having moderate potential to occur within the pinyon and juniper pine woodland on-site, all of which will be avoided and occurs upslope of the proposed Project,
- Parish's rockcress (*Boechera parishii*) is assessed as having high potential to occur within rocky areas within the big sagebrush shrubland – pinyon and juniper woodland ecotone on-site, all of which will be avoided and occurs upslope of the proposed Project,
- Silver-haired ivesia (*Ivesia argyrocoma* var. *argyrocoma*) (CRPR 1.B.2) is assessed as 'does not occur' based on the absence of suitable habitat and would not be impacted by the Project,
- Southern mountain buckwheat (*Eriogonum kennedyi* var. *austromontanum*) (CRPR 1.B.2) is assessed as having low potential to occur on the gravelly soils on the periphery of the pinyon and juniper pine woodland on-site, all of which will be avoided and occurs upslope of the proposed Project, and
- Baldwin Lake linanthus (*Linanthus killipii*) (CRPR 1.B.2) was observed on site within pinyon and juniper woodland, all of which will be avoided, and is addressed in the IS/MND.

Based on site surveys, suitable marginal habitat may be present for three of the species. However, the area of potentially suitable habitat is limited to potentially mesic areas at the toe of the slope near the northwest corner of the proposed Project, most of which occur outside the proposed Project footprint.

In summary,

- San Bernardino blue grass (*Poa atropurpurea*) (CRPR 1.B.2) is assessed as having low potential (unlikely) to occur based on the absence of wet meadow and seep habitat although mesic conditions might be present in the extreme northwest corner of the proposed Project. Blooming Period is April through August.
- One of the site visits coincided with the blooming period for this species, and it was not observed. It is understood that variation in precipitation quantities and patterns may affect germination and blooming in floral species and could account for individuals not being observed. However, the precipitation for the area was 110% of normal (https://www.cnrfc.noaa.gov/monthly_precip_2024.php). Therefore, there is no reason to believe that seed bank is present but did not germinate, bloom or set seed. Therefore, no impact on this species is anticipated.
- Grey-leaved violet (*Viola pinetorum* ssp. *grisea*) (CRPR 1.B.2) is assessed as having low potential (unlikely) to occur based on the absence of subalpine coniferous forest, upper montane coniferous forest, and wet meadow and seep habitat although mesic conditions might be present in the extreme northwest corner of the proposed Project. Blooming Period is April through July.
- One of the site visits coincided with the blooming period for this species, although it is understood that variation in precipitation quantities and patterns may affect germination and blooming in floral species and could account for individuals not being observed. However, only one CNDDDB record of this species (from 1886) occurs within 5 miles of the Project Area. The exact location from which it was collected is unknown and represented by the CNDDDB as occurring somewhere within a 5-mile radius of Big Bear City and described by CNDDDB as a “best guess” area. The Project Area is more than 5 miles east of all CCH records and is likely outside of the range for the species. Therefore, this species is not likely to occur within the proposed Project footprint and no impact is anticipated.
- Big Bear Valley milk-vetch (*Astragalus lentiginosus* var. *sierrae*) (CRPR 1.B.2) was observed on the property within Upland Mustard Herbaceous Semi-Natural Alliance near the toe of the south-facing slope that occupies the northeastern portion of the site and is addressed in the impact assessment.

Suitable habitat for the species includes Mojavean desert scrub, meadows and seeps, pinyon and juniper woodland, and upper montane coniferous forest. Within the study area for the Project, two individuals were observed at the toe of the slope. As a perennial herb, remnants of individuals would also have been visible during the September site visit. As indicated above for San Bernardino Blue Grass, while it is understood that variation in precipitation quantities and patterns may affect germination and blooming in floral species, precipitation for the area was 110% of normal (https://www.cnrfc.noaa.gov/monthly_precip_2024.php). Therefore, there is no reason to believe that a significantly larger population is present, but did not germinate and bloom. Therefore, impacts would remain less than significant as determined in the IS/MND.

CDFW COMMENT 3B:

Section 5.4.3 Environmental Evaluation, Page 34

Issue: The project has the potential to impact southern rubber boa (*Charina bottae umbratical*). Project activities may result in direct lake of southern rubber boa.

Specific impact: The Project includes the potential for direct take of southern rubber boa through crushing, vehicle, or equipment strike during construction, operations and maintenance, or decommissioning activities.

Why impact would occur: The MND identifies that the Project site contains southern rubber boa habitat, and the CNDDDB identifies species occurrences within the Project vicinity. While the MND indicates that southern rubber boa habitat will not be impacted given the footprint of the Project excludes the south facing hillslope, and the nocturnal nature of southern rubber boa, the MND does not specifically exclude the hillslopes as a biological avoidance measure. Lowe¹⁰ characterizes southern rubber boa as nocturnal and crepuscular, frequently observed in damp draws near streams, seeps, and springs during the summer months and may be associated with the Project site during seasonal movements. This seasonal habitat association is likely attributed to annual migrations between ridges and canyon bottoms.¹⁷

Evidence impact would be significant: Southern rubber boa is a state listed threatened species. The primary threat to southern rubber boa is habitat loss and disturbance. The Project occurs within Big Bear, one of two geographic areas where southern rubber boa is known.

Recommended Potentially Feasible Mitigation Measure(s): The Project Proponent shall ensure that impacts to southern rubber boa are fully avoided absent take authorization. CDFW recommends that avoidance of the southern hillslope be incorporated as an avoidance measure. Furthermore, CDFW recommends the project proponent obtain incidental take coverage should the Project have the potential to result in take of the southern rubber boa. CDFW appreciates the inclusion of mitigation measures MM BIO-1 and MM BIO-2 and recommends in concorporating the following language (in bold).

Mitigation Measure 1:

To reduce impacts to less than significant:

MM BIO-1: Pre-construction clearance surveys

- A qualified biologist, experienced in identifying southern rubber boa habitat and conducting southern rubber boa surveys using appropriate survey methodology, determining/establishing appropriate avoidance and minimization measures, and monitoring the efficacy of implemented avoidance and minimization measures will conduct pre-construction surveys for southern rubber boa within all disturbance areas plus a

¹⁰ Lowe, 1985. Habitat Management Guide for Southern Rubber Boa (*Charina bottae umbratical*) on the San Bernardino National Forest. Prepared for US Department of Agriculture San Bernardino National Forest.

500 foot buffer no more than 3 days prior to any ground disturbance during the active/breeding season (1 April through 31 October). Should southern rubber boa be observed, work shall be halted within 500 feet of the individual until it has moved out of area. If any individuals are identified within or adjacent to the project area, Project Proponent shall immediately (within 24 hours) notify CDFW and submit avoidance measures that when implemented, will fully avoid impacts to the southern rubber boa. If southern rubber boa is found within the project footprint or full avoidance of impacts to adjacent individuals cannot be accomplished, Project Proponent shall postpone the project until appropriate authorizations are obtained (i.e., CESA ITP).

- Prior to construction, the applicant shall construct a reptile exclusion fence around the perimeter of the Project area to avoid potential impacts to rubber
- boa. Additionally, the contractor shall shield and angle any necessary lighting away from the adjacent undeveloped land to the north of the Project site to avoid disturbing wildlife, including rare bats.

MM BIO-2: Construction monitoring

- A qualified biologist shall be onsite to conduct daily (pre-work) sweeps for rubber boa during ground-disturbing activities initiated between 1 April and 31 October. Construction personnel shall follow the guidance within the worker education program, including but not limited to halting construction and contacting a qualified biologist, etc.

ERM RESPONSE TO COMMENT 3B:

The applicant acknowledges that a state incidental take permit is required should take of rubber boa become unavoidable. However, the proposed revisions to the mitigation measures are unnecessary to avoid significant impacts to the species.

- The standards for a qualified biologist can be implied based upon standard practices in the field.
- Potential indirect impacts to the species are limited due to its nocturnal and crepuscular nature which means that it will not be active while construction activities are occurring. Since the species shelters during the day, which provides an additional barrier between individuals and construction activities, a pre-construction survey buffer of 100 feet from construction activities is sufficient to identify individuals that could be indirectly impacted by dust, noise, or vibration.
- If avoidance is infeasible, the California Endangered Species Act requires an incidental take permit. This is a regulatory requirement, not a mitigation measure.
- Once exclusion fencing is in place and regularly inspected and maintained, rubber boa would have no pathway to enter the site; therefore, daily sweeps would not be necessary.

EXHIBIT I

From: [Peter Bay](#)
To: [Garlick, Delanie](#)
Cc: [Yannick Tamm](#)
Subject: BVES Solar Letter of Support
Date: Wednesday, November 26, 2025 12:02:27 PM
Attachments: [BVES Solar Project Letter of SupportPDF.pdf](#)

You don't often get email from peter.bay@edf-re.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hi Delanie,

I'm covering for Yannick while he is on vacation, but wanted to pass along the attached letter of support for the project from the Big Bear Chamber of Commerce. We also received one from the DWP that I'm waiting for a copy of. Are you able to include this in the Public Comments received on the project prior to the close of that period on Friday? I don't quite have access to the portal to upload, but wanted to make sure we don't miss that.

Many Thanks,

EDFLogo



Peter Bay

VP - Project Development
M: 802-272-6519

peter.bay@edf-re.com

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From: [randal young](#)
To: [Delanie Garlick](#); dawn.rowe@bos.sbcounty.gov
Subject: BVES solar project Proj-2025-00036
Date: Friday, November 21, 2025 12:09:24 AM

You don't often get email from youngrd64@gmail.com. [Learn why this is important](#)

We live at 2125 Erwin Ranch Rd, Big Bear, CA 92314. Adjacent to the proposed solar project. Resistantual Agricultural zoned. There is much wildlife in this area. Stickleback fish, kangaroo mouse, burrows, owls, and Hawks to name a few. We have a very shallow water table. Use of herbicides and other chemicals will easily reach into our well water.

This solar project will directly impact the habitat and environment in this area negatively. We are very concerned about the future of our neighborhood.

Respectfully,

Randal and Christina Young

From: [Styles, Monica](#)
To: [Garlick, Delanie](#)
Subject: Complaint Notice PROJ-2025-00036
Date: Monday, November 10, 2025 8:53:39 AM
Attachments: [Complaint fro PROJ-2025-00036.pdf](#)
[image001.png](#)

Good Morning Delanie,

Please see attached mail for your review. I have the hard copy if needed.

Thank You

Monica Styles

Public Service Employee

Land Use Services Department

Phone: 909-387-5376

385 N. Arrowhead Ave. 1st Floor

San Bernardino, CA 92415



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From: [Planning CSU](#)
To: [Garlick, Delanie](#)
Subject: FW: BVES rezoning
Date: Friday, November 14, 2025 2:24:38 PM

Respectfully,

Amy Claborn

Senior Land Use Technician - Planning Division

Land Use Services Department

[385 N. Arrowhead Ave.](#) 1st Floor

San Bernardino, CA, 92415

909-387-8311



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From: Patty Byrd <byrdhousebb@gmail.com>
Sent: Friday, November 14, 2025 2:18 PM
To: Planning CSU <PlanningCSU@lus.sbcounty.gov>
Subject: BVES rezoning

You don't often get email from byrdhousebb@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

oops, I just sent an email and did not include my contact info, so sorry. I've lived in Big bear Valley 50 years with my husband

so Gary Byrd and Patricia Byrd
350 Maple Ridge Dr, Big Bear, CA 92314
cell 909.855-5799
Sincerely, the Byrd's

--

_____ *Blessings*, Patty Byrd

From: [Moore, Amanda](#)
To: [Garlick, Delanie](#); [Delanie Garlick <Delanie.Garlick@weareharris.com>](mailto:Delanie.Garlick@weareharris.com)
Subject: FW: Contact LUS [#27563] Project-2025-00036
Date: Wednesday, November 19, 2025 3:21:11 PM

Another one received.

From: Wufoo <no-reply@wufoo.com>
Sent: Wednesday, November 19, 2025 2:57 PM
To: Planning CSU <PlanningCSU@lus.sbcounty.gov>
Subject: Contact LUS [#27563]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Please select a topic *	Planning
Name *	GARY CASTLE
Phone Number *	(909) 240-5925
Email *	bigbearpaint@netzero.com
Project Location/ Address (If known)	2151 Erwin Ranch Rd Big Bear City CA. 92314
Parcel Number (If known)	0314 401 29
Project Number or Name (If Any)	PROJ 2025 00036
Please describe your request. *	We've lived in Erwin Lake over 20 years at 750 Lakewood Dr and are against this project for many reasons. Please no commercial projects on residential property, no zone changes, no fire hazards in an area that has inadequate egress/ingress and let's follow the 4.10 Plan passed 2019 which was passed for good reasons thanks for your consideration and service, Mary Jo and Gary Castle 909 240 5925 po 59 BBC

From: [Planning CSU](#)
To: [Garlick, Delanie](#)
Subject: FW: SB COUNTY PLANNING, BVES rezoning
Date: Friday, November 14, 2025 2:02:24 PM

Hello,

See below.

In Re: PROJ-2025-00036

Respectfully,

Amy Claborn
Senior Land Use Technician - Planning Division
Land Use Services Department
[385 N. Arrowhead Ave.](#) 1st Floor
San Bernardino, CA, 92415
909-387-8311



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From: Patty Byrd <byrdhousebb@gmail.com>
Sent: Friday, November 14, 2025 1:58 PM
To: Planning CSU <PlanningCSU@lus.sbcounty.gov>
Subject: SB COUNTY PLANNING, BVES rezoning

You don't often get email from byrdhousebb@gmail.com. [Learn why this is important](#)

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Regarding BVES rezoning parcel #0314-401-29.

I am so very concerned about a perceived wet meadow and intermittently marshy lake, actually I am looking at a letter in the local newspaper that says it is designated as such from the US Geological survey's Geohydrology of Big Bear Valley. This area has several wells operated from our local utility company and receives inflow to recharge these wells which our community depends upon. I am concerned that a for profit electric company is looking to rezone a parcel that our County planning dept has already banned in rural areas from Policy 4.0.

Using lithium batteries is not in our best interest.

Fire danger and possible toxic heavy metals are certainly a detriment for our Valley. Please do not allow an exception for this Solar facility. We do not want future developers to seek the same rezoning and jeopardize our rural community. Solar farms are not as efficient as originally touted.

Thank you for your consideration!

Patty Byrd

--

_____ Blessings, Patty Byrd



SAN BERNARDINO COUNTY

Project Notice

RECEIVED
2025 NOV 18
LAND USE ADMINISTRATION

Date Created: December 12, 2024

An application has been filed with County Planning

PROJECT NUMBER: PROJ-2025-00036

ASSESSOR PARCEL NO: 0314-401-29
Environmental Resources

APPLICANT: Management, Inc.

LOCATION: 2151 Erwin Ranch Road
San Bernardino County CA

COMMUNITY: Big Bear Lake Area/ District 3

ZONING: BV/RS-1

Project Proposal

A GENERAL PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL (VLDR) TO RURAL LIVING (RL) WITH A ZONE CHANGE FROM BEAR VALLEY / SINGLE RESIDENTIAL-1 ACRE MINIMUM LOT SIZE (BV/RS-1) TO RURAL LIVING (RL), FOR A 29.53-ACRE PARCEL, INCLUDING A CONDITIONAL USE PERMIT FOR A SOLAR ENERGY PROJECT APPROX .5-

We'd love to hear from you....

Please submit comments by November 20, 2025, to be sure that they get considered in the review process. However, comments will be taken up to the time of the project decision. Please refer to this project by the Project Number and the Assessor Parcel Number (APN). If you have no comment, a reply is not necessary.

Name:

Ann Kerbel

E-mail Address:

djprov@bellsouth.net

Mailing Address:

3421 SW Canoe Creek Terr
Palm City, FL 34990

Proposed Project Site



Delanie Garlick, Contract Planner

Phone: 916-517-0476

E-mail: delanie.garlick@weareharris.com

Project Decision

If you would like to be notified of the decision rendered for this project, please provide your contact information in the section below and mail this notice back to one of the addresses listed below.

SAN BERNARDINO COUNTY
CALIFORNIA
2025 NOV 17 PM 1:18
CLERK OF THE BOARD OF SUPERVISORS

From: [Steph c](#)
To: [Delanie Garlick](#)
Subject: Opposition to Project PROJ-2025-00036 – Erwin Ranch Solar Project
Date: Monday, November 3, 2025 3:20:20 PM

You don't often get email from stephcron@hotmail.com. [Learn why this is important](#)

Dear Ms. Garlick,

I am writing to express my opposition to the proposed project **PROJ-2025-00036** located at **2151 Erwin Ranch Road, Big Bear Lake Area / District 3**. I respectfully request that this project be denied due to environmental concerns and its incompatibility with the surrounding area's character and community use.

Large-scale solar developments on previously undisturbed land can cause irreversible environmental damage, including habitat loss, soil compaction, and increased erosion. The Erwin Ranch area provides valuable open space for local wildlife and serves as a natural buffer that contributes to the region's ecological health. Converting this land for industrial solar use would undermine those environmental benefits and permanently alter the natural landscape.

In addition, the proposed project site sits near **the Big Bear dog park and disc golf course**, both of which are heavily used by residents and visitors. Transforming nearby open land into an industrial energy site would diminish the scenic and recreational value of these public spaces, introduce visual and noise impacts, and reduce the sense of natural tranquility that makes this area special.

There are far more sustainable alternatives available. Instead of disrupting open land, I encourage the County to prioritize **solar installations on existing developed spaces**, such as **parking lot canopies, rooftops, and other built environments**. These methods generate renewable energy efficiently while minimizing harm to natural habitats and maintaining the recreational and aesthetic integrity of the community.

Approving this project would set a concerning precedent for industrial development encroaching on rural and recreational areas. I urge the County Planning Department to deny this application and instead support solar initiatives that enhance sustainability without sacrificing open space.

Thank you for your time and consideration. Please include me on any future correspondence or public hearings regarding this project.

From: [Nadean Jenkins](#)
Subject: Opposition to Proposed Rezoning and Conditional Use Permit for Solar Farm: Project-2025-00036 parcel 0314-401-29
Date: Wednesday, November 19, 2025 3:04:15 PM

You don't often get email from nadean.jenkins@gmail.com. [Learn why this is important](#)

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I am writing as a concerned resident of Irwin Ranch/ Lakewood Dr to formally express my opposition to the proposed rezoning of the nearby residential zone to a Rural Living Zone with a Conditional Use Permit for a solar farm planned directly next to my home.

While I support renewable energy initiatives and responsible land use, I believe this particular project is not suitable for this location due to its potential to severely disrupt our residential neighborhood, sensitive wetlands, and surrounding wildlife habitats.

1. Lack of Proper Notification:

It has come to my attention that many residents in the immediate area—including myself, the direct next-door neighbor to the proposed site—did not receive any official notice regarding this rezoning or the proposed conditional use permit. We only became aware of the project through a Facebook post, not through formal channels as required for public transparency. This lack of proper notification has left many affected residents without the opportunity to review, comment on, or prepare for the potential impacts of this major land-use change.

2. Environmental Concerns:

The proposed site includes marshland and critical animal habitats, including an area that supports a near-endangered species of fish. Development and construction of a solar farm would threaten these fragile ecosystems through soil disturbance, habitat destruction, runoff, and altered drainage. Once disrupted, these natural systems may not recover, leading to lasting harm to local wildlife and water quality.

3. Impact on Neighborhood Character and Livability:

Our community is zoned for residential use and is home to families who value the peaceful, natural setting. A large-scale solar development of this nature would be inconsistent with the residential zoning intent and would drastically alter the character of the area. Increased construction traffic, operational noise, glare, and loss of open views would diminish our quality of life and property values.

4. Preservation of Zoning Integrity:

Allowing this rezoning would set a concerning precedent, potentially opening the door to further industrial encroachment into residential areas. Maintaining the integrity of our existing zoning plan is essential to protect homeowners, wildlife, and community stability.

In light of these issues, I respectfully request that the Planning and Zoning Department deny the proposed rezoning and conditional use permit for the solar farm project. I also ask that the department review the public notification process for this proposal to ensure that all residents who will be directly affected are properly informed before any decisions are made.

Thank you for your time and for considering the serious environmental and residential concerns raised by myself and my neighbors. I would also appreciate being notified of any decision or upcoming public hearings related to this project.

Sincerely,

Nadean Jenkins

500 Lakewood Dr

Big Bear City, CA 92314

626-549-8347

nadean.jenkins@gmail.com

From: [Nadean Jenkins](#)
To: [Delanie Garlick](#)
Subject: Opposition to Proposed Rezoning and Conditional Use Permit for Solar Farm: Project-2025-00036 parcel 0314-401-29
Date: Thursday, November 6, 2025 2:23:13 PM

You don't often get email from nadean.jenkins@gmail.com. [Learn why this is important](#)

Dear Members of the Planning and Zoning Department,

I am writing as a concerned resident of Irwin Ranch/ Lakewood Dr to formally express my opposition to the proposed rezoning of the nearby residential zone to a Rural Living Zone with a Conditional Use Permit for a solar farm planned directly next to my home.

While I support renewable energy initiatives and responsible land use, I believe this particular project is not suitable for this location due to its potential to severely disrupt our residential neighborhood, sensitive wetlands, and surrounding wildlife habitats.

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Thank you for your time and for considering the serious environmental and residential concerns raised by myself and my neighbors. I would also appreciate being notified of any decision or upcoming public hearings related to this project.

Sincerely,
Nadean Jenkins

500 Lakewood Dr

Big Bear City, CA 92314

626-549-8347

nadean.jenkins@gmail.com

From: [Ashley Prizament](#)
To: [Garlick, Delanie](#); [Supervisor Rowe](#)
Subject: policy 4.10
Date: Wednesday, November 19, 2025 3:01:27 PM

You don't often get email from ashleysegallprizament@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I am a local Big bear resident, and a small bussiness owner. I highly oppose this bill for many reasons. In 2019, the SB County Board of Supervisors voted to Ban Renewable Energy Projects in Rural Areas, known as Policy 4.10.

However, Bear Valley Electric Service has taken advantage of the governor's plan which allows developers to do an end-run around local authorities, BVES has applied for a Solar Field Project on a 30 acre parcel on Erwin Ranch and a lithium battery storage system within the City of Big Bear Lake on Garstin road. The EPA has reported 245 fires caused by lithium batteries, Escondido and Monterey had to be evacuated due to toxic heavy metals in the smoke from battery storage fires.

Not only has BVES has applied for a project that has been banned by our local representatives, they've also applied to rezone the parcel from RS1.

This sets a bad precedent. Future developers could also rezone parcels and piece by piece destroy the rural character of Shay Meadow/Erwin Ranch.

It might be too late to prevent this as the deadline for comments about rezoning parcel #0314-401-29 is November 20, 2025. Comments can be emailed to SB County Planning, planningcsu@lus.sbcounty.gov

The BVES application pdf is available online, it is highly blacked out, including the estimated cost of building the project and who pays. It states that "Bear Valley Community is supportive", which is inaccurate, considering the opposition voiced in public forums. It also states "BVES could obtain renewable energy for a cheaper price from a generator located outside of the Big Bear Valley (e.g., from a large solar resource in the California central valley)".

It further states that there is "no natural water source on the parcel". However, according to the US Geological Survey: Geohydrology of Big Bear Valley, the parcel is designated as wet meadow and intermittent marshy lake. Shay Meadow/Erwin Basin receives 9,307 inflow of runoff which recharges the groundwater basin, one of the highest inflows of water in the valley. In fact, there are five CSD wells in that exact area. The Solar Project is obsolete in 30 years, it won't live up to promises to save money and threatens to destroy the natural beauty that Big Bear Valley is known for. This is a bad fit for Big Bear.

This will be a threat to our valley, as well as a burden to our residents as well as wildlife. Please stop this from happening.

Ashley Segall

From: [L.Gifford](#)
To: [Garlick, Delanie](#); [Planning CSU](#)
Cc: mbeveridge@citybigbearlake.com; delanie.garlick@weareharris.com; [Supervisor Rowe](#)
Subject: PROJ 2025-00036/ 2151 Erwin Ranch Road/parcel # 0314-401-29
Date: Monday, November 10, 2025 5:37:28 PM

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Dear SB County Senior Planners,

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area. The Solar Project is obsolete in 30 years, it won't live up to promises to save money and threatens to destroy the natural beauty that Big Bear Valley is known for. This is a bad fit for Big Bear. Please deny the application for re-zoning and place a moratorium on such projects in rural areas.

Sincerely, Lori Brunet

P.O. Box 3008 Big Bear City, CA 92374

From: L.Gifford
To: Delanie.Garlick@lus.sbcounty.gov; planningcsu@lus.sbcounty.gov
Cc: mbeveridge@citybigbearlake.com; Delanie.Garlick; Supervisor.Rowe@bos.sbcounty.gov
Subject: PROJ 2025-00036/ 2151 Erwin Ranch Road/parcel # 0314-401-29
Date: Monday, November 10, 2025 5:37:28 PM

You don't often get email from riogifford@yahoo.com. [Learn why this is important](#)

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moratorium on such projects in rural areas.

Sincerely, Lori Brunet

P.O. Box 3008 Big Bear City, CA 92374

From: [Eileen Dryden](#)
To: [Delanie Garlick](#)
Cc: [Eileen Bruner](#)
Subject: PROJ-2025-00036 - Opposition to Solar Farm Installation Letter
Date: Saturday, November 1, 2025 1:25:20 PM
Attachments: [Opposition to Solar Farm Installation Letter.pdf](#)

You don't often get email from painboss911@aol.com. [Learn why this is important](#)

Hello Ms. Garlick,

Please see attached letter of opposition to solar farm installation for project no:
PROJ - 2025 - 00036

Thank you for your consideration in this matter.

Eileen Dryden
760.844.2635

From: [Styles, Monica](#)
To: [Garlick, Delanie](#)
Subject: PROJ-2025-00036
Date: Tuesday, November 18, 2025 12:44:12 PM
Attachments: [Project Notice PROJ-2025-00036.pdf](#)
[image001.png](#)

Hello Delanie,

Please see attached mail received for your review. I have the hard copy if needed.

Thank You

Monica Styles

Public Service Employee

Land Use Services Department

Phone: 909-387-5376

385 N. Arrowhead Ave. 1st Floor

San Bernardino, CA 92415



Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

County of San Bernardino Confidentiality Notice: This communication contains confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication, you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.

From: [Laura Roll](#)
To: [Delanie Garlick](#)
Subject: PROJ-2025-00036
Date: Thursday, November 20, 2025 7:44:24 AM

You don't often get email from laura.roll@gmail.com. [Learn why this is important](#)

Good morning,

I am writing to express my concern and opposition to re-zoning APN 0314-401-29 from VLDR to RL and allowing a solar energy project to be built. As a person who lives in Erwin Lake very close to this project it would absolutely ruin the rural character of our area and set a precedent for development in areas of the valley that should remain rural. The parcel is not a suitable location for a solar field for other other environmental reasons as well. The project did not have enough community outreach to allow residents to comment in time. I am worried that not enough residents have been able to effectively voice concerns about this project. Please let me know if there is a better way to submit my comments as I want to be sure mine are included. I do not support this project moving forward.

Thank you,
Laura Minuto

From: [john miller](#)
To: [Delanie Garlick](#)
Subject: PROJ-2025-00036
Date: Friday, October 31, 2025 10:29:07 AM
Attachments: [lettersolarproject.docx](#)

You don't often get email from jqa.2643@yahoo.com. [Learn why this is important](#)

Hello, kindly see the attached letter. Thank you, John H. Miller

From: [Nadean Jenkins](#)
To: [Garlick, Delanie](#); delanie.garlick@weareharris.com; [Planning CSU](#)
Subject: Project # 2025-00036 Parcel #0314-401-29
Date: Thursday, November 20, 2025 5:36:17 PM

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Hello,

As the deadline approaches for comments on this project, I would like you and all of the planning department to truly think of how this will affect families and homes in the area. Not only will property values decrease, but think about the children at the park less than a 3 minute walk away. I live in the home directly next door to this proposed project with two small children, and I would like you to consider, would you want to live and raise your children next door to a solar farm?

There were many other proposed locations for their solar project that would not disrupt residents AT ALL, NOT NEED TO REZONE and still have everything they need to build.

Please take into consideration this area is not meant for this type of commercial development. Policy 4.10 in San Bernardino county bans solar energy projects in rural living zones for a reason.

Thank you,
Nadean Jenkins

From: [Wendee Hawkins](#)
To: [Garlick, Delanie](#); delanie.garlick@weareharris.com; [Planning CSU](#); [Supervisor Rowe](#); mbeveridge@cityofbigbearlake.com; rputz@cityofbigbearlake.com; william.boyd@senca.ca.gov
Subject: Project-2025-00036 solar field project
Date: Thursday, November 20, 2025 8:29:45 PM

You don't often get email from wendeehawkins@gmail.com. [Learn why this is important](#)

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Project number: proj -2025 -00036
Assessor parcel no: 0314-401-29
Location: 2151 Erwin Ranch Road
San Bernardino County CA
Community: Big Bear Lake Area/ District 3
Zoning: BV/RS -1

To all concerned:

I am opposed to this project. My home is located within yards from this project... So many things for the planning department to take into consideration when deciding on this project.

First, the impact on the environment. This is a main grazing area for our local burros. We have predatory birds that hunt, nest, and mate in this meadow. There are protected animals in this meadow. The protected rodents and the stickleback fish in the adjacent pond.

Secondly, the residents. We have ranch properties with animals and livestock. The impact on us, our properties and our animals would be detrimental. The dust, the traffic, the construction is way too close to our homes.

According to many studies the closest a home should be located to any solar field is 1.6 miles minimum. The recommended distance is 6 miles!! The project is right on top of our homes.

The county planning and zoning is there for our protection. We are asking you to do your job and protect us from industrial construction. The zoning is in place for our protection. Please abide by the zoning that is in place. Ask yourself if you would want to look out your window and see a solar field with prison fencing around it.

Bear valley electric claims they need to include environmentally friendly solutions yet they won't allow their customers to install solar! Not to mention the environmental disasters going on in the desert at this moment. Solar fields are being dismantled and are complete hazards. Don't allow them to turn our pristine meadows into a dump.

Many of the homes out here are on well water. What happens when our waters are contaminated from the construction of this massive project. Will they try to spray toxic weed killer to keep the field clear? I already have to chase down the county park district when they try to spray toxic weed killer on the field behind my home. I can only imagine the scale of toxic chemicals on 30 acres!

Please take our concerns into consideration when reviewing this project. It is not welcome in

our neighborhood. None of the adjacent properties or surrounding homes support this project.

We live in Big Bear for a reason. We love nature and the great outdoors. It would devastate our property values to have a massive industrial solar field in our yards.

Thank you,
Wendee Hawkins
2124 Erwin Ranch Road
Big Bear City, CA 92314
818-517-8943

From: [Donna Jenkins](#)
To: [Delanie Garlick](#)
Subject: Proposed Project Site "Big Bear Lake"
Date: Wednesday, November 19, 2025 1:57:42 PM
Attachments: [Solar Farm Letter.pdf](#)
[Erwin Ranch Lot Burros.pdf](#)
[Solar Farm Land Pic.pdf](#)
[Erwin Ranch Lot.pdf](#)

You don't often get email from donnasellsbigbear@gmail.com. [Learn why this is important](#)

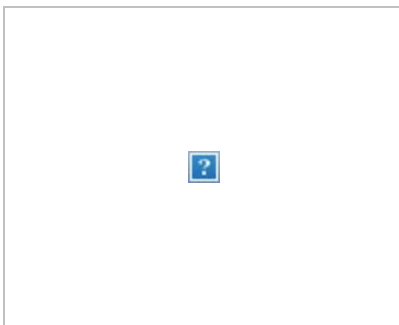
Hi Delanie,

RE: Project Notice
Project # PROJ-2025-00036
APN# 0314-401-29-0000
Location: 2151 Erwin Ranch Road
Big Bear City, CA. 92314
San Bernardino County
Community: Big Bear Lake/ District 3
Zoning: BV/RS-1
Project Proposal

See attached letter/comments, wildlife and land pictures to please take into consideration.
Please confirm receipt.

Thank you for your time.
We look forward to hearing from the Project decision.
Have a nice day.
Donna Jenkins

Thank you,
Warm Regards!
Donna



From: [Sue Norris](#)
To: [Delanie Garlick](#)
Subject: Re: PROJECT-2025-00036
Date: Tuesday, October 28, 2025 3:01:33 PM

[You don't often get email from susieqofoc@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I strongly object to the proposed installation of a solar farm in this location. Parcel 0314-401-29 This is not a commercial area, there are houses directly bordering this property. This is a rural horse community, I'm sure the County has other more suitable locations available for this project.

Sincerely

Sue Norris - Sent from my iPhone

From: [Wendee Hawkins](#)
To: [Garlick, Delanie](#); delanie.garlick@weareharris.com; [Planning CSU](#); [Supervisor Rowe](#); mbeveridge@cityofbigbearlake.com; rputz@cityofbigbearlake.com; william.boyd@senca.ca.gov
Subject: Re: Project-2025-00036 solar field project
Date: Thursday, November 20, 2025 8:35:21 PM

You don't often get email from wendeehawkins@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

"Policy 4.10" refers to a 2019 San Bernardino County, California ordinance that banned utility-scale solar and wind farms in its Rural Living zones. The policy was a response to community opposition over the impact of la renewable energy projects on rural landscapes and recreational areas. It is one example of many local restrictions that have been implemented against renewal energy projects across the country.

The Policy: San Bernardino County supervisors voted to ban new, large-scale solar and wind farms on over a mill acres of private land within "Rural Living zones" The Reasoning: The policy was a direct response to community pushback from residents who opposed the industrialization of rural areas they considered precious f their natural, historical, and recreational qualities.

Impact: The ban effectively halted the construction of utility-scale renewable energy projects on significant portions of private land in the county.

Wider Context: This policy is an example of a broader trend in the United States where local communities have opposed large renewable energy projects, leading to numerous restrictions and bans on wind and solar farms

Please include this information from our own county

On Thu, Nov 20, 2025 at 8:29 PM Wendee Hawkins <wendeehawkins@gmail.com> wrote:

Project number: proj -2025 -00036
Assessor parcel no: 0314-401-29
Location: 2151 Erwin Ranch Road
San Bernardino County CA
Community: Big Bear Lake Area/ District 3
Zoning: BV/RS -1

To all concerned:

I am opposed to this project. My home is located within yards from this project...
So many things for the planning department to take into consideration when deciding on this project.

First, the impact on the environment. This is a main grazing area for our local burros. We have predatory birds that hunt, nest, and mate in this meadow. There are protected animals in this meadow. The protected rodents and the stickleback fish in the adjacent pond.

Secondly, the residents. We have ranch properties with animals and livestock. The impact on us, our properties and our animals would be detrimental. The dust, the traffic, the construction is way too close to our homes.

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Bear valley electric claims they need to include environmentally friendly solutions yet they won't allow their customers to install solar! Not to mention the environmental disasters going on in the desert at this moment. Solar fields are being dismantled and are complete hazards. Don't allow them to turn our pristine meadows into a dump.

Many of the homes out here are on well water. What happens when our waters are contaminated from the construction of this massive project. Will they try to spray toxic weed killer to keep the field clear? I already have to chase down the county park district when they try to spray toxic weed killer on the field behind my home. I can only imagine the scale of toxic chemicals on 30 acres!

Please take our concerns into consideration when reviewing this project. It is not welcome in our neighborhood. None of the adjacent properties or surrounding homes support this project.

We live in Big Bear for a reason. We love nature and the great outdoors. It would devastate our property values to have a massive industrial solar field in our yards.

Thank you,
Wendee Hawkins
2124 Erwin Ranch Road
Big Bear City, CA 92314
818-517-8943

From: [Dottie Saville](#)
To: [Delanie Garlick](#)
Subject: Solar Project - Erwin Lake (PROJ-2025-00036) APN# 0314-401-29
Date: Thursday, November 20, 2025 4:18:49 PM

You don't often get email from savillekendot@yahoo.com. [Learn why this is important](#)

Dear Delanie Garlick,

I am writing to request that the project noted above, not be approved for Solar Energy Project.

This is a residential area and to change its Zoning to allow development of a 30 acre Solar Farm is not appropriate and will drastically alter the quality of life in the surrounding areas. It will negatively impact the living environment for the homes already established as well as our entire rural and equestrian community. There are several health, safety and environmental issues that have not been adequately addressed as well.

I am also concerned about the cost of this project and how it will effect a small community like Big Bear who will have to bear the brunt of paying for it, while they already pay some of the highest electricity rates in the country. The cost/benefit of this project is not cost effective for the Valley, much less for the community of Erwin Lake.

I would like to request that this project find a more secluded area away from Residential homes and properties.

Respectfully,

Ken & Dottie Saville
777 Cypress Ln - Erwin Lake

Denise Swift
1254 E. Alpinview Drive
Big Bear City, CA 92314
(909) 583-1776
denise.swift@gmail.com

RECEIVED

2026 JAN 29 AM 11:06

LAND USE SERVICES
ADMINISTRATION

January 24, 2026

Planning Commission of San Bernardino County
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0187

Project: **PROJ-2025-00036**

Dear Planning Commission Members:

I am writing to you as a property owner (APN: 0314422570000) near the proposed solar energy project located at 2151 Erwin Ranch Road in Big Bear City (APN: 0314-401-29). **I urge you to oppose this proposal.**

I have **seven issues** with this project being placed in this Low Density Residential area.

1) **Noise.** Inverters and tracking mechanisms can cause buzzing and humming sounds. Many residents in the Big Bear Valley cherish living next to nature with dark skies and minimum man-made sounds. The buzzing and humming would be a nuisance and possibly disrupt sleep, causing stress-related health issues.

2) **Glare.** My property is on the adjacent hill to the proposed project. I enjoy seeing the natural scenery from my property. Seeing solar panels would disrupt the natural view and the glare would be visually disturbing.

3) **Aesthetics.** A solar farm on a mountain meadow is an eyesore.

4) **Raising heat temperatures.** Our local temperature could be affected with the “solar heat island effect”.

5) **Toxic materials.** Toxic materials such as cadmium could be released if panels are damaged or during a wildfire. These materials could leak into the ground water. (An estimated 100 yards from this proposed site is a pond that is constantly being supplied with city water to the Shay Meadow stream to protect the endangered stickle-back fish.)

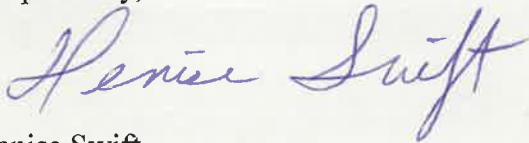
6) **Wildlife negatively impacted.** The wild burros hang out in this meadow where the proposed site is located. They shelter under the trees on the adjacent hill in the evenings and come down to eat during the day. There are also a variety of birds that use this meadow.

7) **Disrupts Recreation.** Hikers, cross-country runners, and mountain bikers access the trails alongside the proposed lot. The San Bernardino National Forest is only a few yards up the hill from the proposed lot. If we lived down the hill in the city, we would expect to recreate near buildings, utilities, and along sidewalks. By moving to Big Bear we have chosen to live alongside nature.

I ask that you **deny the request** from Bear Valley Electric to build a solar farm in this low density residential area. There are other areas a solar farm would be better suited, such as, next to the dump where there are no houses.

Thank you for your time and attention to this issue. I look forward to hearing about the committee's decision.

Respectfully,



Denise Swift

RECEIVED

2026 JAN 29 AM 11:07

LAND USE SERVICES
ADMINISTRATION

Keith Swift
1254 E. Alpinview Drive
Big Bear City, CA 92314
(909) 583-1776
keith@ohmygodjesus.com

January 24, 2026

Planning Commission of San Bernardino County
385 N. Arrowhead Avenue
San Bernardino, CA 92415-0187

Project: **PROJ-2025-00036**

Dear Planning Commission Members:

I am writing to you as a property owner (APN: 0314422570000 plus our home) near the proposed solar energy project located at 2151 Erwin Ranch Road in Big Bear City (APN: 0314-401-29). **I urge you to oppose this proposal.**

I Oppose this

I have **seven issues** with this project being placed in this Low Density Residential area.

1) **Noise.** Inverters and tracking mechanisms can cause buzzing and humming sounds. Many residents in the Big Bear Valley cherish living next to nature with dark skies and minimum man-made sounds. The buzzing and humming would be a nuisance and possibly disrupt sleep, causing stress-related health issues.

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7) **Disrupts Recreation.** Hikers, cross-country runners, and mountain bikers access the trails alongside the proposed lot. The San Bernardino National Forest is only a few yards up the hill from the proposed lot. If we lived down the hill in the city, we would expect to recreate near buildings, utilities, and along sidewalks. By moving to Big Bear we have chosen to live alongside nature.

Please Deny Project

I ask that you **deny the request** from Bear Valley Electric to build a solar farm in this low density residential area. There are other areas a solar farm would be better suited, such as, next to the dump where there are no houses, or out in the mountains **away from all public view.**

Thank you for your time and attention to this issue. I look forward to hearing about the committee's decision.

Respectfully,

A handwritten signature in black ink, appearing to read "Keith Swift". The signature is written in a cursive style with a large initial "K" and "S".

Keith Swift

