



Janus Solar and Battery Storage project's Draft Environmental Impact Report (DEIR)
(SCH #2024061043) Due 11/13/2024

Submitted 11/11/2024

To:
Planning Commission
Greg Plucker, Community Development Director
County of Colusa
Via email to gplucker, prodriguez, tjorgensen

From: Stephen and Karan Marsh

After reviewing the content of the September 27, 2024, Draft Environmental Impact Report (DEIR) and the potential environmental impacts from this project, this letter is to document our continued concern and opposition of the proposed Janus Solar and Battery Storage project at Walnut Road and Spring Valley in Williams, CA. **Please confirm receipt of this email.**

SUMMARY: We are extremely concerned the Colusa County would consider such a costly project without following the County's government's standard operating procurement procedures, getting competitive bids and given your own comments of your Notice of Availability:

"Given the size and scope of the project, staff determined that the project could have potential significant effects upon the environment."

Significant is defined as: Impacts that exceed the defined standards of significance and require mitigation.

The County and their hired contractors have described this as a **discretionary** project. Definitions include, but are not limited to:

- Require the exercise of judgment or deliberation when deciding to approve or disapprove a particular activity.
- Are based on best practices, preferences, or expert judgment rather than mandatory requirements.
- Involve actions during project implementation based on factors such as costs, safety, convenience, weather conditions, or resource availability.

September 27, **2024**, DEIR **fails** to disclose or produce:

1. Competitive Bid: A comparison of costs, timelines and abilities from other solar providers to ensure the best possible contractor group is selected for this effort. RWE is one of several other solar companies which could bid on installing a solar plant. RWE's abilities may be special but they are not unique to other solar competitors. Without the ability to compare abilities and cost the county cannot achieve efficiency and economy in the procurement of services, supplies, and equipment. The county and taxpayers lose the ability for maximum value for each dollar of expenditure.

2. Content of any Development Agreement, i.e., “Tolling Agreement” between the developer, PG&E, and the County. A Development Agreement identified in the last sentence, page 1 of the Notice of Completion & Environmental Document Transmittal. Refer to Cancellation of Solar Project in Colusa County **2024-25** Final Budget.

The following DEIR Deficiencies are listed below and further defined in the next table:

1. The Colusa County Board of Supervisors already denied this project via Resolution No.23-006 on 9/23/**2023**.
2. California Energy Commission, AB 205, signed into law June **2022**
3. Fiscal And Economic
4. Data Accuracy and Missing References
5. DEIR does not equal Agenda
6. Missing MOUs
7. Inflated costs
8. Wildfire Mitigation
9. Missing Local Job Hire Details
10. Decommission

Table of Deficiencies			
	Item	Recommendation	Concern
1.	The Colusa County Board of Supervisors denied this project via Resolution No.23-006 on 9/23/2023.	Deny this 2024 request based on the reasons contained in this table, and due to: 1. No changes adopted in the Colusa County 2030 General Plan protections. 2. This 9/27/2024 DEIR version contains conflicting details between the 2023 denied submission and 2024 draft submission.	The General Plan permits solar IF production supports agriculture. This September 2024 DEIR submission is silent on their power's intended end user. Neither the February 2023 attempt nor this September 2024 report indicates the Colusa County residents would enjoy this power nor a reduction in power price due to proximity. Volume 1, 4.11.2.2 Local Objective AG 2-A: Expand Opportunities for Economic Development AND Increased Agricultural Production by Allowing Agricultural Processing Facilities and Uses Directly Supporting Agriculture in All Agricultural Land Use Categories. We support landowners' right to perform business on their land, within the confines of existing law and their budget. Stricter scrutiny and approvals are required once a landowner seeks to circumvent governing policies and requests government funding as is in this case. The denied 2023 DEIR identified the wrong street address as the site location, was without financial basis and provided inaccurate information. The 2024 DEIR expands these errors. Emails between developers and public service officials relating to financial contributions conflict with the 2023 EIR's stated contributions. The contributions are absent from the 2024 draft. Section 2.4.11.5, pg 2-24 "...Applicant agrees to make an annual contribution to WFPA for each year the Project is in operation..." and "...and to provide training for first responders...."

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2.	California Energy Commission, AB 205, signed into law June 2022	The California Energy Commission licenses solar thermal plants above 50 megawatts.	The DEIR fails to discuss California Energy Commission's relation to this project.
3.	Fiscal And Economic	Prior to the decision on this project, a Fiscal and Economic Analysis must be presented to understand the Return on the Investment to the County and to each resident taxpayer. Doing so will provide clear and accountable payment obligations for workforce, taxes, and materials during construction, through operations and decommission by the County or the Developer, should this project be approved.	The fiscal analysis must include a detailed tax analysis with solar credits by line item, property tax reductions by line item, expected revenue and expenses by year, annual public service donations, payments for City of Williams water, as well as expected financial obligations during construction and operations. For example, Assessor Parcel Numbers (APN) 018-050-005 and 018-050-006, which are approximately 630.5 and 255.7 acres, respectively, for a total area of 886.2 acres. If the land is leased, the County will not see an increase in property tax relative to the APNs. The Fiscal Analysis must define what components of the project are taxable and which have solar exclusions. Will the County be required to cover power transmissions cost from project site to Southern California? The missing PG&E Commitment to take power (Memorandum of Understanding) would address such fiscal obligations, should this project be approved. And would confirm Colusa residents receive no direct electrical benefit from this project. As a reminder, the January 9, 2023 fiscal analysis included Colusa County would be required to pay over \$7.4 million during the construction process for labor and materials without identifying income or fund sources. The above-mentioned analysis failed to include the basis for revenue and income. There are oftentimes months and years ramp up time to secure government funding. The DEIR's projected 2025 start year does not allow

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			ample time for the County to complete its budget process to secure funding. 4.15, page 4.15-4 “...Due to the property tax exclusion of the solar project, property tax dollars that would normally be collected to pay for the costs of County public services would be drastically reduced. However, the developer has included in the project definition the payment of a public services...”
4.	Data Accuracy and Missing References	Demand To Eliminate Incorrect Site Address – it’s not a typo	Prior to the decision, the County of Colusa must direct staff to remove the fraudulent use of the neighbor’s 1830 SPV property address as the site location, refer to Tetra Tech’s Report¹. We expect that reference removed from the website and background immediately. Volume 1, page 4.5-20 Volume 2, Part 3, Appendix A: pages 280+ 47 references within the ES-1, PDF Page 361 through page 550, Phase I Environmental Site Assessment The government is using the wrong data to make these crucial decisions. Colusa County inaccurately continues to reference and analyze the neighbor’s property at 1830 Spring Valley Road, Williams, CA 95987 for inclusion within the Janus Solar and Battery project. Prior reference was an accident. This error was brought to CDD’s and the BOS’ attention last year and was viewed as a mistake by the project site’s owner. The project site’s owner immediately removed their inaccurate signage. However, the County continues to display incorrect data which is now considered fraudulent on the County’s part. Refer to DEIR Volume 2 on the County website.

¹ [Janus Solar DEIR SCH-2024061043_Vol-2-Appendixes-Part-3](#), opened 11/9/2024, 47 1830 references.

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5.	DEIR does not equal Agenda	The State Clearinghouse DEIR No. 2024061043 does not document the developer's proposed financial contribution to the Williams Fire Department identified in the County Agenda	For clarity, The County of Colusa's agendas are not officially part of the DEIR. As a reminder, this detail should be included in the missing fiscal analysis of either the draft or final EIR.
6.	Missing MOUs	PGE MOU not provided	A "Taking Agreement" aka MOU, from PGE committing to taking generated power, if project is approved, has not been provided. 10/25/24 UPDATE: Calfire is listed on the Notice of Completion, but not found online. CA Department of Forestry & Fire Protection response is absent from: Notice of Completion Transmittal Form Summary Form for Electronic Document Submittal CalFIRE Comment Volume 1, page 2-15 Indian Reservation with # residents 2 miles downwind from site.
7.	Inflated costs	It is not in the County's best interest to approve RWE's inflated costs for this Janus project.	The specified site is mostly clear rolling hills and flat pastureland without forest or pavements which would increase trench costs. The DEIR (5-19) estimates the cost for constructing new overhead transmission ranging from \$1 million to \$11 million per mile while the cost to convert existing overhead transmission to underground is between \$6 million to \$100 million per mile . Compare that cost to PG&E's 2023 Stakeholder Report ² "we constructed and energized 364 miles of underground (burying powerlines in the highest fire threat areas) unit cost to below \$3 million per mile ."

² [*2023 Joint Annual Report to Shareholders](#)

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8.	Wildfire Mitigation	Recommend County open and maintain the road from the SPV to Arbuckle via the Cortina Reservation to enable an escape route before any construction for wildfire escape.	If water cannot put out battery fires, what other fire suppression mediums will be available on site and on responder's fire rigs? Appendix K provides a mitigation recommendation of 2" mowed grasses and fire behavior overviews without the presence of solar panels and battery storage facilities. This mitigation is not typical of miles of pastureland with active grazing. As of 10/27/2024 the adjacent property APN # 018-005-020 & 018-050-040 across the SPV gravel road appears to be prepped for a hay crop and will become a fire hazard summer of 2025. Summer is the planned project start, should the project be approved. In October 2024, PGE shuts down power along SPV due to high winds to eliminate anticipated wildfires.
9.	Missing Local Job Hire Details	Recommend the DEIR develop a Sample Workforce Table by position and by percentage to show their basis for planned hires from Colusa County residents, rather than the "six-county regional area".	Define "Colusa six-county" in the DEIR. Define how many Local 46 members will be assigned to this project. Supporters of this project based their position on the promise of being hired. Analysis cannot be completed without the basis of these numbers. Volume 1, 4.14-3 "...it is anticipated that a majority of the construction workforce would be hired from the existing workforce in the <u>Colusa six-county</u> regional area." Volume 1, 5-11 "....a majority of the construction workers would be hired from the existing workforce in the regional area." Section 4.15 page 4.15-4 "...the developer has entered into an agreement with the WFPA to fund a full-time, 24-hours a day, 365 days a year permanent fire fighter to ensure full-time fire staff is available to respond to any fire that may occur..."

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10.	Decommission	Should the project be approved, recommend the developer fund an account to cover the decommission cost including a 3% annual increase for such purposes after the project's 35 years, through the year 2058. The decommission cost should be included in fiscal analysis.	Per 10/28/24 phone call with Sales Manager, Ashley Pardi, the landfill does not take e-waste. The DEIR does not contain a MOU with the Yuba County Ostrom Road Landfill, should this project be approved. If the Ostrom Road Landfill is not available, <u>the developer expects “the County would be required to create and implement a plan for additional capacity.”</u> 4.19.6 Cumulative Impacts, page 4.19-9

High Level Project Description Comparison

02032023 EIR Final	10302024 DEIR Agenda	Comment
a) 4.1-mile -long overhead,	a) 4-mile -long,	.1 decrease
b) 60 kilovolt gen-tie line	b) 60 kV gen-tie line.	No change
c) N/A	c) generate up to 80 megawatts and	Generation
d) store up to 80 megawatts 1,024-acre site,	d) store up to 80 megawatts, or 320 megawatt hours (MWh) ,	Same megawatts, less acreage
e) 768 acres of the 1,024-acre site would be used	e) 666 acres of the 886 - acre site would be used.	less acreage
f) owned by a private landowner in unincorporated western Colusa County.	f) Owned by the Project site landowner and located across Spring Valley Road from the Project?	No increase in property tax rate?
g) 196,000 solar panels over 738 acres	g) 196,000 solar panels plus BES within 666 acres?	Same number of panels and BESS on 72 less acres?