

# MBCA



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January 26, 2026

RE: PAPL-2025-00003

APPEAL TO THE BOARD OF SUPERVISORS OF THE PLANNING COMMISSION'S  
CONDITIONAL APPROVAL OF PROJ-2022-00013 RELATED TO THE SIENNA SOLAR  
PROJECT.

Dear Reader,

In addition to the Morongo Basin Conservation Association, the below are co-appellants of the appeal:

1. Mojave Communities Conservation Collaborative, Lorrie L. Steely Founder
2. Hitchin Lucerne, Inc., dba Lucerne Valley Market & Hardware Linda Gommel, CEO
3. Church of Our Lord and Savior Southern California, Bill Lembright, President
4. The Sustainable Learning Center, Neville Slade, Coordinator
5. Bill Petersen, Repair Specialist and Lucerne Valley resident
6. State Scenic Hwy 247 Committee, Jim Harvey, founder
7. Scenic Hwy 247 Committee, Sara Fairchild, landscape architect

The substantive comments that follow form the basis of our appeal:

Our Power Point presentation to the Board of Supervisors on January 27, 2026, has been emailed to the County and is hereby referenced and attached in PDF format to the email of this document as part of our comments justifying our appeal.

1. Section 3 of Resolution 2019-17 is not applicable as the project in its current form (2022-0013) differs substantially from those projects (P201600569, P201700750) whose applications were accepted as complete. The gross area of the site differs from the area of the former and the project description differs in the amount of solar and batteries proposed. For a project to be allowed to relocate, it must be the same project.

We contend that a project application is comprised of a project description that includes the specific use of a specific parcel of a specific legal description and *acreage*. We concur that Section 3 of the resolution was intended, per an email exchange between Dawn Rowe and Chuck Bell on 9-26-22...'**Seems like the intent was to be a "like-for-like" swap...**'

The Sienna solar project should not be allowed to relocate for purposes of evading the provisions of RE 4.10.10.

The intent of the RECE was to limit the ill effects of industrial scale renewables within Community Plan areas and within RL zoned lands. This was expressly stated within the Report presented by Terri Rahhal to the BOS recommending adoption of the RECE. The report did NOT include the Section 3 of the Resolution. Section 3 was deficient by not providing specific guidelines for the applicability of the permission to relocate. Could a 500-acre 50 MW project have been relocated to an 1853 acre site and generate 525 MW? We contend **No**, and that it was not the intention of Section 3. A like-for like was indeed the intention. The proposed project footprint is SIGNIFICANTLY larger than previous projects.

2. The omission of information about “designated scenic highway status” of Highway 247 to the Planning Commission before, and at the PC hearing was a **major flaw** in the staff report – staff’s analysis – and the PC’s deliberation. The failure of Land Use Services to disclose this critical information, and for this substantive issue to not be included within the staff report and the EIR for consideration and discussion is in violation of CEQA. The effects of the Sienna project on the scenic Highway require evaluation and study.

A categorical exemption **cannot** be used for any project that may damage scenic resources (trees, rock outcroppings, etc.) within an officially designated state scenic highway. A Scenic Highway constitutes a Cultural Resource, and the effects of this utility scale renewable energy project must be included with the CEQA analysis.

The letter of intent to Cal Trans for scenic status was prepared by LUS in February 2025 and issued to Cal Trans at that time. The Official Scenic designation by Cal Trans was September 4, 2025. This was nearly 50 days BEFORE the Planning Commission Hearing. There was clearly adequate time to present this to the Commission; no explanation has been provided why it was not. As of this writing, the designation has yet to be publicized in any significant way.

The scenic highway provides an opportunity for the economically disadvantaged community of Lucerne Valley to address some of its disadvantages. The efforts of the Scenic Highway Committee over the last nearly 20 years has been disrespected by the County by its not being forthcoming in publicizing this significant accomplishment. Further, statutory requirements have not been met.

We remain hopeful the County will learn from this debacle and improve their communications in the future.

As described below, the adjacency of a Scenic Highway to the project must be considered in regard to the Gen-Tie lines. The California Public Utilities Code, Section 320 stipulates that utility owners must not install new overhead distribution facilities on officially designated State Scenic Highways without first obtaining an exemption from the CPUC. An exemption has not been submitted as part of the EIR.

3. There was inadequate and insufficient analysis of the project during the Planning Commission hearing. The question by Mr. Weldy asking Mr. Mack if the two acceptance letters for the previous projects that deemed this current project was complete covered this project was answered YES by Mr. Mack. As stated above, this is NOT the same project and the Commissioner should have expanded upon this answer at which time the different size and MW of the project would have been revealed.

Similarly, Commissioner Gongora asked about dust control. Mr. Mack indicated that the project would be fenced. This video CLEARLY shows that fencing is ineffective for controlling dust.

[https://www.youtube.com/watch?v=7xqbJR\\_e0H8](https://www.youtube.com/watch?v=7xqbJR_e0H8)

The failure by the Commissioner to pursue the question did not serve to fully disclose the potential impacts of this development on the Community. The question during the PC hearing by Mr. Weldy about the hop-scotch configuration begs the question. 'What could this hop-scotch space be used for?' The obvious answer is more solar. The EIR did not include that reasonably foreseeable potential in the analysis, or deny it.

One Commissioner expressed during the hearing that he 'works with this kind of project; and likes them' (or words to that effect). This appears to show prejudice in favor of this project before receiving all of the testimony. This is not proper for a planning body that should receive all information before making any judgments. The presence of only 3 of the 5 commissioners present for considering this project was disrespectful and did not show the respect and reflect the degree of importance this development would have on the Lucerne Valley Community.

4. The measures proposed to mitigate and control dust from this development have not been adequately addressed. The use of water for dust suppression would be totally ineffective in this windy desert environment. The presence of sensitive receptors directly downwind of the project has not been accounted for. During this Planning Commission hearing Mr. Mack stated Code Enforcement would respond to enforce suppression. However as seen within the attached presentation, Code enforcement has NOT been responsive. There continues to be uncontrolled dust

emanating from the Agincourt and Marathon solar sites on Camp Rock Road and the method that must be employed to control dust is through the application of gravel over a geotextile base as was utilized in the Owens Valley. Subjecting the disadvantaged community of Lucerne Valley to the unhealthful effects of PM2.5 and PM10 dust must be recognized within the EIR and effective appropriate mitigations measures adopted.

5. The design submitted is incomplete and with too many uncertainties to qualify for a thorough environmental review. The project as it stands is the ‘concept of a project’ and there is lack of clarity on many crucial elements, including:
  - The technology of the solar panels to be employed has not been established.
  - A construction management plan for the project has not been determined to avoid conflicts with the traffic within the Community.
  - The locations of the Gen-Tie Lines has not been established. The length of Gen-Tie lines has been described as between 3 and 5 miles, a variation of nearly 40%!
  - The adjacency of Scenic Highway 247 vis-à-vis the requirement to place Gen-Tie transmission lines underground has not been studied. The route and precise locations of these lines must be defined before certifying the environmental documents.
  - Any approval must be for what is the most realistic project with specific information such as: the actual configuration determined – transmission routes and mileage – what is to be undergrounded or not – exact accommodations to the neighbors – basic proposed construction local traffic routes, etc.
  - The pending Rancho Lucerne development of 2000+ homes has the potential to cause extensive traffic, so Sienna’s mitigation measures must consider the potential effects on such significantly-sized developments.
  - “PV panels or modules (including but not limited to bi-facial or concentrated PV technology)” - Which type?
  - “Individual panels will be installed on either fixed-tilt or tracker mount systems (single- or dual-axis, using galvanized steel or aluminum)
  - ...’ fixed tilt, they will be oriented toward the south. For tracker mounted systems, the panels will rotate to follow the sun, from east to west” – Which one?
  - A major land-use issue has not been addressed: How does the **dispersed** project layout with internal parcels not part of the project affect the residences and residential zoned parcels in the midst of an industrial use – effects from panels/dust/lost opportunities for their future developments. (see above re: question for PC).
  - There have been no viable project alternatives evaluated within the EIR as required.
  - The applicability of the [Williamson Act](#) has not been addressed within the EIR. This conversion of farmland to solar must be accounted for as applicable under state law.

These unanswered questions mean the PC approved a project in concept – not a specific, definite layout. We challenge if this constitutes a valid environmental analysis for approval. CEQA requires a project definition be ‘accurate, stable, and

finite'. This project does not satisfy that requirement and the CUP and certification recommended by the Planning Commission must be denied.

6. CEQA requires analysis of a project's off-site impacts. Is there sufficient capacity in the Pisgah/Lugo line from the substation to Hesperia Lugo – to LA? What if anything needs to be done to increase its capacity/reliability affecting those other communities – more lines? – local substation(s)? We contest that any utility work/projects beyond Calcite Substation that are necessitated because of Sienna and potentially other solar projects “would be a separate project thus not required to be assessed in this EIR.” This is contrary to CEQA’s offsite impact requirements and must be included within the EIR.
7. The cumulative effects and growth-inducing effects of the Calcite substation have not been recognized or analyzed as required by CEQA. The 2850-acre Stagecoach Solar project, the 480-acre Ord Mountain solar project have not been anticipated in the EIR. These projects as well as the nearly 1250 acres of land within the hop-scotch Sienna development-land that can reasonably be expected to ONLY be suitable for additional solar development.

Cumulatively with the Sienna project included, this amounts to nearly 10 square miles of desert environment being affected. This has not been included within the EIR and therefore the EIR must not be certified.

8. The decommissioning of the project has not been adequately addressed. The proposal is to restore the site by excavating to a depth of 3'-0” for all portions of the site affected by the development (foundations!). While the Findings tout the miniscule amount of 100 cubic yards of grading over the site during construction, the decommissioning would involve significant ground disturbance and grading. The means of controlling the dust from such an undertaking in a future with increasing winds has not been accounted for. How would the dust be mitigated at that time? The EIR fails to account for this eventuality.

Thank you for your consideration of these important issues.

Respectfully,

A handwritten signature in black ink that reads "Steve Bardwell". The signature is written in a cursive, slightly slanted style.

Steve Bardwell, President  
Morongo Basin Conservation Association

