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March 19, 2026

Mayor Daniel L. Mintz  
Mayor Pro Tem Octavious Scott  
Councilmember Steven Bilderain  
Councilmember April Ramirez  
Councilmember McArthur Wright  
City Manager Dr. Stone James  
Community Development Director Keith Gardner

Comments for E-Group PS Solar Project

Location: North of Two Mile Road, south of Amboy Road (extended) and west of Noel Knolls Road.  
Assessor's Parcel Nos. 0612-201-01 and 0612-201-05.

Dear Councilmembers, City Manager James, and Director Gardner,

Let me begin by introducing myself as a resident of Desert Heights, a community within the City's Sphere of Influence, since 2002. My home is north of the proposed 184 acre E-Group PS Solar Project (Project). Since 2012 I and my few neighbors have lived east of our own 270-acre Solar Zone:

- 150 acre Cascade Solar in Joshua Tree west of Copper Mountain and the combined
- 20 acre SEPV2
- 100 acre SEPV8 on Lear Avenue east of Copper Mountain

And, just days ago, the 64 acre Lear Solar project scraped the ground across the street from the SEPVs. The three and now four solar projects – raising our total Solar Zone to 334-acres – landed on intact desert which was scraped clean of all soil stabilizers and mature vegetation during construction so that when the wind blows from the west I and my neighbors breathe dust (PM10 and PM2.5) and clean up dust from inside and outside our homes. This is not a healthy or pleasant way to live as you are aware.



**Figure 1: Photo of Cascade Solar, January 2025, after 13 years of operation still raising dust whenever high winds blow.** No mesh fence or barrier of trees will contain the dust. Water works only for a short time until the dry desert atmosphere wicks it up and away – a waste of precious desert water to no effect.

Developers of solar projects in the Mojave Desert must comply with MDAQMD Rule 403 to stabilize the soil with water for dust mitigation. The project plans also commit to revegetating with native plants for permanent stabilization.

I suggest you take a drive around and look for yourself – the solar projects remain on bare earth with an occasional few acres sparsely covered by invasive plant species.

## DEIR E-GROUP SOLAR PLAN

### Grading

“The Solar Project will excavate and grade approximately 184± acres of the site’s northeastern region, as well as the driveway from its southern boundary to Two Mile Road. The excavation will result in an estimate redistribution of 264,000 CY in landmass.” (DEIR 2.8-17) (my underline)

### Revegetation

“Although the Project intends to remove the natural vegetation on-site prior to construction, seedlings would be dispersed throughout the parcel after grading. The natural revegetation process would allow the plant root system to expand across the disturbed and loose soil and create a surface condition capable of withstanding strong winds and thus controlling the site’s potential for soil erosion.” (DEIR 2.8-28) (my underline)

### COMMENTS:

To confirm for you how long it takes to return desert soils to their original condition I queried Google

*“How long does it take to return scraped desert to its native condition?”*

The USGS (United States Geological Survey) was referenced:

*Anthropogenic degradation of the southern California desert ecosystem and prospects for natural recovery and restoration.* J.E. Lovich, D. Bainbridge, published January 1, 1999

“Natural recovery rates depend on the nature and severity of the impact but are generally very slow. Recovery to predisturbance plant cover and biomass may take 50-300 years, while complete ecosystem recovery may require over 3000 years. Restorative intervention can be used to enhance the success and rate of recovery, but the costs are high and the probability for long-term success is low to moderate. Given the sensitivity of desert habitats to disturbance and the slow rate of natural recovery, the best management option is to limit the extent and intensity of impacts as much as possible.” (my underline)

### Impacts and Mitigation of Land Redistribution

The purpose of CEQA is to inform decision makers and the public about the impacts of projects.

The DEIR provides no details on the redistribution of the 264,000 CY in landmass and what the final % slope will be. However, we are told:

**DEIR 2.8.7 Mitigation Measures** “impacts associated with both the Solar Project and the Residential GPA (General Plan Amendment) will be less than significant, and no mitigation measures are required.”

**DEIR 2.8.8 Significance after Mitigation** “Impacts would remain less than significant.” (DEIR 2.8-20)

### Mitigation Realities of Excavation

The DEIR does not describe how the 264,000 CY will be moved or the timeline.

The city and residents, especially the local neighborhoods, need to know these redistribution realities.

I queried Google:

*What would it take to excavate and redistribute 264,000 cubic yards of soil?*

“To excavate and redistribute 264,000 cubic yards (CY) of soil, you are looking at a major earthmoving operation equivalent to moving roughly 1.3 million wheelbarrows or filling about 80 Olympic-sized swimming pools.”

#### 1. Equipment and Logistics

For a volume this large, standard residential equipment (like a skid steer) is insufficient. You would likely need a fleet of heavy machinery:

Excavators: A large excavator can move 300–500 CY per day. To finish in a reasonable timeframe (e.g., 3 months), you would need multiple machines running simultaneously.

Articulated Dump Trucks: If the soil needs to be moved across a large site, you'll need trucks with 25–40 CY capacities.

Bulldozers: Essential for the "redistribution" phase to push, level, and grade the soil once it is dropped.

Truckloads: Moving 264,000 CY requires approximately 26,400 standard dump truck loads (10 CY each) or 10,560 large articulated truck loads (25 CY each). (my underline)

### 2. Timeline Expectations

Production Rate: A single large excavator might take over 500 working days to move this volume alone.

Industrial Fleet: A commercial crew with 4–5 large excavators and a fleet of trucks could potentially complete the excavation in 4 to 6 months, depending on weather and soil density.

### 3. Critical Planning Factors

Soil Expansion: Once excavated, soil "fluffs" or expands by 15% to 50%. Your 264,000 CY of "bank" (in-ground) soil could become nearly 400,000 CY of loose soil that needs to be hauled and spread.

Permits & Surveys: Large-scale grading typically requires a grading permit (\$500–\$2,000+) and a professional land survey (\$200–\$1,200+) to ensure proper drainage."

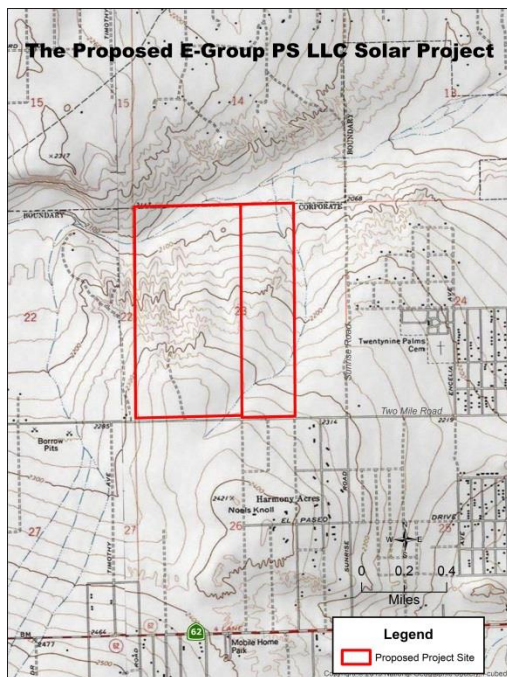


Figure 2: Proposed Solar Project site showing elevation gain from south to north.

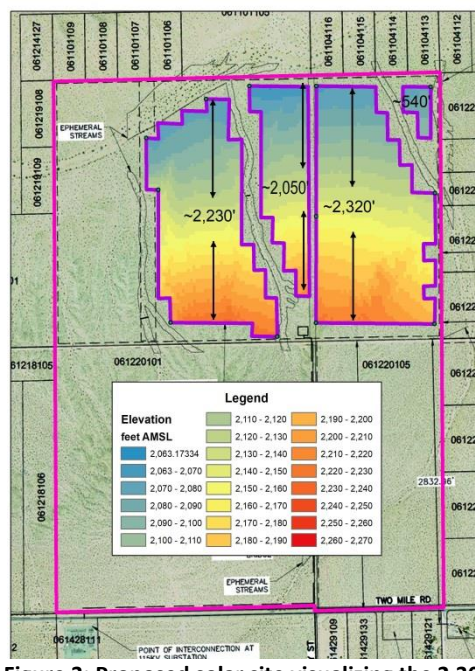


Figure 3: Proposed solar site visualizing the 2,300' elevation gain to be excavated and redistributed.

See the drainages- one on each side and in the middle of where the land will be graded and panels placed. The DEIR states the drainages will not be impacted during soil excavation and redistribution. Not possible.

The DEIR does not disclose the final slope of the area where the solar panels will be installed other than to say in the Aesthetic section (DEIR 2.3-17) "The Solar Project construction phase would involve grading 140 acres (not 184 acres?) to remove vegetation and even out the terrain." What does "even out" mean? Useful information, per CEQA, would be on the engineering plans should the Project be approved but which the public will not see now and be able to comment on.

The DEIR Revegetation plan quoted on page 2 promises that revegetation would "create a surface condition capable of withstanding strong winds and controlling the site's potential for soil erosion." This

is nonsense. Per USGS above, the complete soil disruption during grading, as well as the above described *soil expansion*, would destroy the soil for plant germination and growth of stabilizing root systems.

## **WATER**

What about the MDAQMD Rule 403 requirement to stabilize the soil during wind events with water? Where are the referenced water trucks coming from? E-Group has not consulted with the Twentynine Palms Water District or requested a hook-up to the underground system if the Project is approved. See DEIR 2.11.9 and 2.19-12, 13 below.

### **DEIR 2.11.9 CUMULATIVE IMPACTS**

“Project cumulative impacts are expected to be limited. The Project will not contribute to water quality degradation and will result in a minimal net water demand compared to current conditions. The Project will have no effect on local or area-wide drainage facilities and will not require capacity from any existing or future off-site drainage facility. The Project will not have a cumulatively considerable impact on area drainage or local or regional water quality or supplies.” (DEIR 2.11-26) (my underlining)

Comment: There is no supporting evidence for the “minimal” impacts.

#### **Water Use**

“Water use during construction will be minimal, temporary, and supplied by water trucks. Ongoing water demand will not result, and the water used for site preparation and dust control will be absorbed into the site and eventually returned to the groundwater basin. Impacts associated with construction water demand are expected to be less than significant.” (DEIR 2.19-12, 13) (my underline)

Comment: There is no supporting evidence for the described impacts. Where is the water in the supply trucks coming from?

### **COMMENTS: REALITY OF PROJECT WATER NEED**

How much is “minimal”? The proponent doesn’t say but we can get an idea of actual water use from two solar projects in Lucerne Valley (below). This information was provided by Chuck Bell, president of Lucerne Valley Economic Development Association (LVEDA).



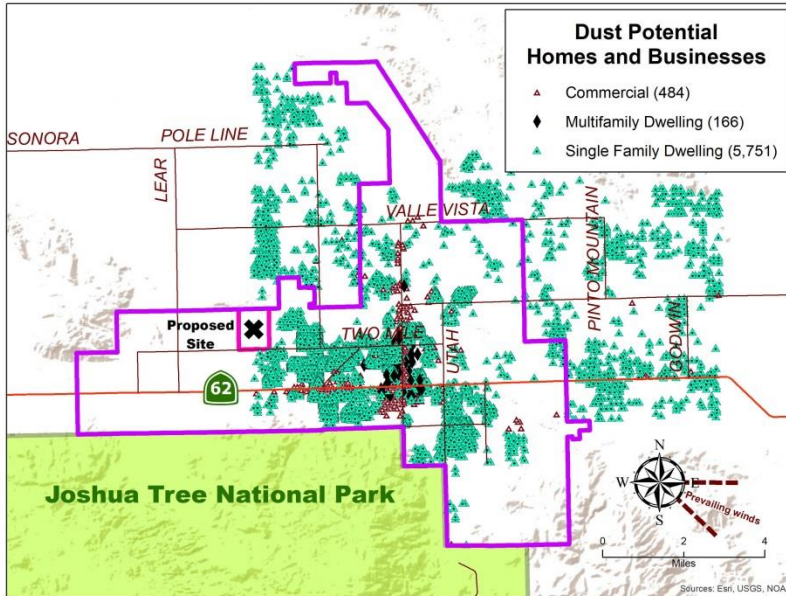
**Figure 4: Agincourt and Marathon Solar sites.**

Agincourt Solar (developed in 2014 on 80 acres) and Marathon Solar (developed in 2014 on 152 acres) are located beside each other on a course gravel hillside in Lucerne Valley off Camprock Road. Each developer anticipated in the EIRs using 10 acre-feet during construction. According to Chuck Bell they used over 50 acre-feet and to this day the dust can blow. The construction manager said they could have used 70-80 acre-feet and still not had enough.

**Take Away:** Twentynine Palms and Lucerne Valley are on a sand transport path as described and illustrated in my letter of January 14, 2026 under the MBCA letterhead (I am on the board of MBCA). If E-Group PS Solar Project is approved and constructed then all downwind residences and businesses will experience fugitive dust events whenever the high winds blow<sup>1</sup>, generally from the west or southwest.

<sup>1</sup> Regulatory "High Wind" Definition: The Mojave Desert Air Quality Management District (MDAQMD) defines "high winds" as instantaneous gusts exceeding 25 mph or a 15-minute average greater than 15 mph, as these levels are known to mobilize anthropogenic (man-made) fugitive dust.

This Project, and additional solar projects, if approved in the future, will only exasperate the dust problems and degrade the quality-of-life for residents and visitors alike. See Figure 5 below.



**Figure 5: Dust potential from the proposed E-Group PS Solar Project.** The prevailing winds are from the west and south.

**AESTHETICS – VISIBILITY OF THE PROPOSED PROJECT**

The DEIR describes the aesthetic impact of the project and summarizes:

“In order to reduce the severity of these impacts, mitigation measures AES-1 and AES-2 have been developed, which would allow for the restoration of the native plant environment surrounding the solar panels to the extent possible. However, given the broad expanse of land whose scenic character will be impacted, and its location surrounding the panels, and that the Solar Project would still be visible after replanting of native vegetation, impacts would remain significant and unavoidable due to the mass, scale, and form of the Solar Project.” (DEIR 2.3-18)

Requoting from USGS on page 2

“Natural recovery rates depend on the nature and severity of the impact but are generally very slow. Recovery to predisturbance plant cover and biomass may take 50-300 years, while complete ecosystem recovery may require over 3000 years.”

Again, the impacts of this Project will remain significant and unavoidable as stated.

**AB205**

During the Projects hearings before the Planning Commission there was considerable confusion about the amount of MW produced by the 184-acre Project. Accuracy is important because E-Group has indicated they could take the project before the CEC for approval under AB205 if the City denied the Project. The CEC requires 50 MW of AC energy. Web search gives the following:

“To produce 50 MW of solar energy in California, approximately 250 to 500 acres of land are generally required. While some high-efficiency projects may use less, industry standards commonly cite a requirement of 5 to 10 acres per megawatt (MW) of utility-scale solar capacity.”

It is safe to assume, without further evidence, that the site would produce ~38 MW of energy.

Another question was did the 50MW need to be DC (at the source) or AC (after passing through the inverters to the transmission line.) AC is what the transmission lines receive and what the CEC (AB205) requires.<sup>2</sup> To accept DC would be like saying you would bring brownies to a party for people to eat and showing up with only the brownie dough. But there is more. The material below is copied from the Opt-In Certification Program FACT SHEET. The Opt-In Program is AB205.

For the Solar photovoltaic power plant to be eligible it must generate 50 MW or greater. The E-Solar Project would only create ~38 MW of energy. Now, look below at what the CEC certification requires of the applicant regarding agreements with community-based organizations, use of a skilled workforce, an overall positive benefit to the local government, and more. As well, licensing and compliance fees are set in statute and include a nonrefundable deposit of \$750,000 that must be submitted with the licensing application. <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/licensing-and-compliance>

## Eligible Projects



Solar photovoltaic or terrestrial wind electrical generating power plants 50 megawatts (MW) or greater



Energy storage systems capable of storing 200 megawatt-hours (MWh) or more



A stationary power plant using any source of thermal energy, excluding fossil or nuclear fuels, 50 MW or greater



Certain transmission lines associated with these generating and storage facilities



Specified facilities that manufacture or assemble clean energy or storage technologies or related components



Hydrogen production facility (not derived from fossil fuel feedstock) and associated onsite storage and processing facilities

## CEC certification of a project application requires: \*

- An applicant has entered into one or more legally binding and enforceable agreements with, or that benefit, a coalition of one or more community-based organizations.
- An applicant will use a skilled and trained workforce and pay construction workers at least prevailing wages, subject to statutory enforcement, or a project labor agreement.
- The construction or operation of the facility will have an overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility.
- The project will comply with all applicable laws, ordinances, regulations, and standards (LORS), or CEC must find that despite a nonconformance with state, regional, or local LORS, the project is required for public convenience and necessity, and there are not more prudent and feasible means of achieving public convenience and necessity. In making the determination, the CEC considers the impacts of the facility on the environment, consumer benefits and electric system reliability, among other factors.
- Any significant effects of the project must be avoided or substantially lessened, or the CEC must adopt a statement of overriding considerations for significant effects found infeasible to avoid or mitigate.

**\*This list is not exhaustive; other requirements may apply based on each project.**

<sup>2</sup> AB205 Chapter 61 “This bill would establish a new certification process for a solar photovoltaic, terrestrial wind electrical generation power plant, or thermal power plant that does not use fossil or nuclear fuels, with a generating capacity of 50 megawatts or more, an energy storage system capable of storing 200 megawatt hours or more of electricity, an electric transmission line from those generating or storage facilities to a point of junction with an interconnected electrical transmission system, or a facility for the manufacture, production, or assembly of energy storage systems or their components, wind systems or their components, solar photovoltaic systems or their components, or specialized products, components, or systems that are integral to renewable energy or energy storage technologies with a capital investment of at least \$250,000,000 over a period of 5 years.” (my underline)

## CONCLUSIONS

E-Group would benefit in many ways if the City approves the Project for construction in the proposed location north of Two Mile Road. The E-Group would save money by:

- not having to develop additional acreage to produce 50MW of energy,
- not submitting a nonrefundable deposit of \$750,000 with their licensing application,
- not having to enter into one or more legally binding and enforceable agreements that benefit a coalition of one or more community based organizations, or
- ensuring that the construction or operation of the facility will have an overall net positive economic benefit to the local government

E-Group has promised to give the city \$100,000 a year during operation which could be considered an economic benefit but only if it is part of an enforceable agreement with one or more community based organizations. The actual benefits are not currently known.

As it stands, the CEC would not accept this Project. The City Council should not accept this Project either.

### Does California need E-Group solar energy?

The solar energy (AC) produced would feed into the SCE transmission line without benefitting 29 Palms City residents. Currently the State Cal ISO is not in need of the proposed 38MW that would be produced as the Project stands. Seen in the Cal ISO latest report

PEAK NET EXPORTS 846 MW Jan. 25, 2:27

Previous month: 0 MW

Previous year: 2,321 MW

Melody Petersen, Los Angeles Times, December 2, 2024 reports

“In the last 12 months, California’s solar farms have curtailed production of more than 3 million megawatt hours of solar energy, either on the orders of the state’s grid operator or because prices had plummeted because of the glut,”

The waste would have been even larger if California had not paid utilities in other states to take the excess solar energy, documents from the state’s grid operator show. That means green energy paid for by California electricity customers is sent away, lowering bills for residents of other states.

Arizona’s largest public utility reaped \$69 million in savings last year by buying from the market California created to get rid of its excess solar power. The utility returned that money to its customers as a credit on their bills.

The residents of other states are benefitting BUT the residents of 29 Palms would not, AND we would have to deal with all of the impacts. (my underline)

### A 2012 REMINDER:

This Project reminds us why the 2012 Moratorium against Solar went into effect.

It banned utility-scale solar facilities in 2012, shortly after the Highlander 1 Solar Field became operational. The Planning Commission stated:

“Commercial Solar Fields can be shown to have direct, adverse impacts to the aesthetic quality of the desert vistas the community now enjoys, deleterious effects to the tourist industry that the community depends on, potential adverse impacts to property values for the properties adjoining or surrounding such facilities, potential decreases in the quality of life for those individuals that reside with properties adjacent to or surrounding such facilities, and potential serious impacts to the biologic, cultural and social resources of our community.”

Please vote for Alternative 1: No Project/No Construction

This Alternative assumes that the Project site would remain vacant desert land.  
This Alternative will ensure that as the City's governing body you follow your personal missions to ensure that Twentynine Palms continues as a safe, healthy, and thriving community for your families and that attracts individuals seeking a place to call home and spend vacation time.

Thank you for giving your attention to my comments.

Sincerely,

A handwritten signature in cursive script that reads "Pat Flanagan".

Pat Flanagan