

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**SPECIAL BCC MEETING**  
**August 12, 2025**

Camilla Bustamante, Chair - District 3  
Lisa Cacari Stone, Vice Chair - District 2  
Justin Greene - District 1  
Hank Hughes - District 5  
Adam Johnson - District 4

SFC CLERK RECORDED 09/11/2025

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**SPECIAL MEETING: PUBLIC COMMENT**

**August 12, 2025**

1. A. This meeting of the Santa Fe Board of County Commissioners Board was called to order at approximately 10 a.m. by Chair Camilla Bustamante in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. **Roll Call:** Roll was called by Celeste Garcia of the County Clerk's Office and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Camilla Bustamante, Chair  
Commissioner Lisa Cacari Stone, Vice Chair  
Commissioner Justin Greene  
Commissioner Hank Hughes  
Commissioner Adam Johnson

**Members Excused:**

None

Chair Bustamante read the case caption as shown below and welcomed the public.

2. **Continuation of Public Hearing on Application by Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean Energy Development, LLC, Applicants, for a Conditional Use Permit (CUP), Case No. 24-5200 (Arising by Appeals in Case Nos. 24-5201, 24-5202, 24-5203 and 24-5204);**

CHAIR BUSTAMANTE: Today's hearing will be public comment as noticed yesterday evening at 11:10 p.m. I believe close. No, not quite. It was late. Just trust us. We noticed that we would be in recess of yesterday's meeting until tomorrow morning at 9:00 a.m. And we'll continue questioning of the applicant and staff. Does the Commission have any sense whether or not there would be any questions of the, parties with standing to request their presence for tomorrow's meeting? Do we have a sense of whether or not we would want them present?

COMMISSIONER GREENE: Madam Chair, I would defer to the later in the day if that's possible just to know what kind of stuff we get from the community.

CHAIR BUSTAMANTE: Okay.

COMMISSIONER HUGHES: Yeah.

CHAIR BUSTAMANTE: Thank you. Okay, we will start public comment. We have people registered. Thank you all for registering either online or as

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you were walking in, but most people who are here at this hour registered online. And we will start with public comment.

Now, what we're going to do every hour, we're going to swear everyone in for that particular hour so that when you come to the podium, you will simply state your name and that you understand that you are under oath. Okay? Are there any questions about that at all? No. Okay. If everyone who is speaking today would please stand and raise your right hand and prepare to be sworn in by our County Clerk.

[Celeste Garcia from the County Clerk's Office administered the oath and reminded the speakers to provide their name, address and confirm their oath at the podium.]

CHAIR BUSTAMANTE: Our first will be Amanda Formby. I'm sorry. Very good. Okay. If all those who have signed up for 10 o'clock will please line up to the podiums and you will state your name when you are called on and we will be able to go from right to left. So, there are two podiums and we will go from left to right as though we were reading a book and when you're called upon by the clerk.

General transcript notes:

- The public was advised at every hour that the microphone shuts off after two minutes
- The oath was administered, on the hour, by the Clerk's Office for those wishing to speak and present in the Chambers. The public was instructed to provide their name, address and for their testimony to be valid, affirm they are under oath
- Comments regarding how to use the microphone were edited from this transcript
- Instructions on unmuting for call-in speakers were edited from this transcript as well as questions of "Can you hear me"

#### **10:00: Public Comments**

MS. GARCIA: If you can please state your name, address, and that you are under oath, please.

CAROL CULVER: My name is Hi, my name is Carol Culver. I live at 12 Mariano Road and I understand that I'm under oath.

CHAIR BUSTAMANTE: Excuse Carol, before you start, Carol, I just told that there are arrows on the floor that you can follow to the podiums and if there's anyone there, if someone has any question or confusion to just help folks to a podium. Thank you. Okay, thank you. Sorry for that.

MS. CULVER: Good morning, Board of County Commissioners. This multinational corporation, AES, is not here in Santa Fe County out of the goodness of their hearts. They're here because they and a local land owner stand to make enormous profits off of the ratepayers of New Mexico. So when AES representatives appear before you, you got to realize they are salesmen and it's your duty as our representatives to bring a healthy dose of skepticism to their presentation as you would with any salesman offering you a sales pitch. For example, when AES says their proposed project is needed to quote power all the residences in Santa Fe, if you were sitting in a large swimming pool and I came along and dumped a water a bucket of water into the swimming pool and

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said, This water is for you, you'd realize that it's absurd. When AES's facility would send power to the grid, PNM would direct it to wherever it's needed in their system. It's not for Santa Fe.

In another sales tactic, their application to the County includes no mention of the accidents and facilities associated with AES that you heard last night. Last night, their representative even went so far as to say AES has quote, no ongoing connection to the Moss Landing facility in California, which experienced huge fires this year. But in fact, an AES subsidiary, Fluence Energy, was the engineering contractor of that facility. AES is trying to sell you on the idea that their project is green and that it will save the planet from climate change, but an EPA administrator said in the aftermath of the fires in San Diego County, Calling a technology green does not mean there are no environmental impacts.

New Mexico is on track for transitioning to renewables. This proposed project is wrong for this location. It's your duty as our representatives to reject it. Thank you.

CHAIR BUSTAMANTE: Thank you. Next, please.

CINDY FUQUA: Cindy Fuqua, 77 Encantado Loop, and I understand I'm under oath.

I'm with CEC. I've been with CEC from the beginning and I've been a part of many meetings with anybody who would meet with us including representatives, County staff over the past two or three years. I think the elephant in the room is that the County is not ready. The third the 30,000 gallon water tank is not only woefully insufficient but is located too close to the BESS in the event of a fire they won't be able to access something that's heated up like that. There's no containment feature to collect the runoff from the fire event to collect contaminated water from running down slope into the -- impacting the endangered species located on site.

We learned the battery containers are too close together, 3.5 feet. Insurance companies recommend 10 feet apart. AES is not ready. The fire captain was asked about the availability of water in Eldorado in the event of a fire. The captain indicated there is an integrated water system in Eldorado and there is but it all stops at Avenida de Compadres. It's about 3/4 of a mile from the western edge of Eldorado. There is no water for those hundreds of homes on the western edge of Eldorado. The County is not ready.

We also learned PNM has already met 50 percent of their renewable energy slate ahead of schedule. This project is not about climate change. That's great wrapping on a project that is not needed, nor is it ready. As of yesterday, we still do not know where the water for this project is coming from. This project is not ready.

The smoke plume information from AES was submitted three weeks ago. This project is not ready. We -- the sound hearing studies was just submitted on Friday. This project is not ready for prime time. Neither is the County. You have --

CHAIR BUSTAMANTE: Thank you. Your time is up.

GREG SHORE: Hi, I'm Greg Shore. My background is in electrical engineering and medicine. I spent most of my career as a physician for the Indian Health Service.

MS. GARCIA: Please state your name, address and that you understand the you're under oath.

MR. SHORE: Okay, my name is Greg Shore, 829 Gonzales Road, Santa

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Fe, New Mexico. I am duly sworn in Sorry about that.

Anyway, I'm here today and I don't live in Eldorado, but I am very interested in renewable energy projects, and I have some serious issues with this one that I'd like to share with you. They range from system design. The design itself that I saw at some of the earlier hearings is not a deeply integrated design. It's a bolt-on design. It's sort of the engineering equivalent of lipstick on a pig. And there's a lot of lipstick on this particular design. As far as testing is concerned, they say and when I asked them about it, they said trust us. As far as testing is concerned, the testing was done in a lab, but it's very difficult to find out the results of that testing. And there is no field testing. This stuff has got to live in shipping containers for 30 years. And I want to see testing that's relevant to that kind of situation.

As far as continuous quality improvement is concerned, we're not getting the best generation of batteries even to start with. And how do we know as 30 years progresses we will have the latest greatest equipment available to us? And when I ask about that, they say trust us. If a toxic cloud should appear and they have significant experience with this, what models have they used to track and predict what's going to happen with these toxic clouds and when I asked about that, trust us. Well, I believe in trusting but I also believe in verifying and so maybe you've all seen this but this is a list of AES's violations since 2000 there's 54 entries on this list and the fines assess for this are \$40,164,885.

And so I would like to ask you if you're okay with this and would you be okay getting campaign contributions from –

CHAIR BUSTAMANTE: Thank you.

TOM HITCH: Hello. my name is Tom Hitch. I live at 40 Via Orilla Dorado, Santa Fe, New Mexico, which is in Rancho Viejo. And I understand that I'm under oath.

So I live about two miles from the solar project and I say yes, in my backyard, I'm a Yimby. In my opinion, there are so many things that are good about this project and so few downsides that it is self-evidently worthwhile.

Yes, we need to do all we can to produce carbon-free power. And yes, replacing the health damaging burning of fossil fuels with clean renewable energy. And we need to take advantage of a workable solution when it's available. Some have said there are better locations for a project like this and I say and I say great let's do both or all the projects that are viable because that is what will be needed if we are to solve the climate crisis. And yes it is crisis it's an emergency which can be hard to see since the worst effects will be experienced by our children and our grandchildren.

So, I feel the need to do all I can to prepare for the future. One thing I do is I volunteer with Habitat for Humanity to build houses to help with our housing affordability crisis. Is that going to solve the problem? No. It's a small drop in the bucket, but it's worthwhile. Even this project is really not massive. It's a medium-sized project. Is this going to solve our climate crisis by itself? No, obviously not. But it's one part. And I feel like we need to move forward. And I'll just close by, paraphrasing President Kennedy who said, If not now, when? If not us, who? Thank you.

CHAIR BUSTAMANTE: Thank you.

CAROL BEIDLEMAN: Good morning. My name is Carol Beidleman, 35 Tatilla, Eldorado at Santa Fe, and I understand I'm under oath. Thank you.

As a wildlife biologist ornithologist with a graduate degree in renewable natural resources and a 50-year federal and nonprofit conservation career, including review of renewable energy projects. I've been scrutinizing AES in this project for three years. The transition to renewable energy must be smart from the start in both the design and siting, strategic not opportunistic, proactive not reactive. The BCC should reject this CUP outright as Officer Hebert did. The risks for your constituents are far greater than the benefits. This will require political courage, putting aside corporate reassurances, landowner enticements, heartstring arguments about future generations.

My key objections are one location. The single most important consideration for such utility scale projects is siting. At the Planning Commission hearing, the newest member, Wendy, asked the most astute question. Why was this location chosen? The honest answer is because this landowner wanted this project on his land, which he's been leasing to AES for a long time for this purpose, not per AES because this location is highest solar resource. Number two, process, AES is taking advantage of the unfortunate reality, a shameful lack of preparedness that the County has not developed a DCI for utility scale renewable energy projects, which they said would be too much work. So the CUP checkboxes Officer Hebert called bare bones can easily be navigated and manipulated for approval of such facilities, a process which is wholly inadequate. In assessing the myriad of threats and impacts that other will others will mention, are we to trust a corporation that redacted information for first responders on toxic gas release and safe distance as trade secrets or their minimalistic cut and paste biological survey report written by an unqualified contractor who surveyed birds for only 5 days before and after the breeding season when most birds are not detectable.

Sierra Club said last night, We need to listen to qualified scientific experts. Then, which proved they hadn't, went on to falsely state that solar farms can enhance biodiversity. Not here. Thank you.

CHAIR BUSTAMANTE: Thank you.

MS. GARCIA: If you can please state your name, address, and you understand you're under oath.

TOM BECKNER: Hello, my name is Tom Beckner. I live at 1 Glorieta Road. I acknowledge that I'm testifying under oath.

I'm a retired physician and I appreciate the opportunity to address the Commission. AES is not a trustworthy company that the County of Santa Fe should be dealing with. They have a horrible record of environmental disasters. Rather than correct the damage, they have chosen to pay substantial fines. Now AES may be purchased and disappear along with the many promises made to the County.

The County is unable presently to respond adequately to an emergency at the site. No HAZMAT personnel are available. It's a very isolated site as far as getting to it. The Santa Fe Commission has been asked to issue a CUP without seeing final plans. Would you buy a house without seeing the final plans?

BESS batteries are a work in progress. AES installed batteries are not ready for prime time here. Santa Fe County is not ready for this massive industrial BESS facility. Opt

for a moratorium until recommended regulations for BESS facilities and similar facilities can be reviewed and voted into law. This proposed project is the example of money and

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greed. Don't fall for it. Please reject the project as proposed. Remember, nothing goes bad until it does. Thank you for the opportunity to address the Commission.

CHAIR BUSTAMANTE: Thank you.

CHRIS MOORE: My name is Chris Moore. I live at 226 Cibola Drive and I acknowledge I'm under oath.

Commissioners, thank you very much for being here. My name is Chris Moore. I am a dedicated environmentalist and I also served on the Santa Fe City Council for eight years. So I've seen this from both sides. I'm going to focus on a couple of things. Forgive me if there are things you already know.

First of all, solar and wind with battery storage is the only technology we have today to move us away from fossil fuel use at scale. The only other carbon-free technology for energy that's ready to go right now is nuclear, which is expensive and opposed by many people in Santa Fe.

Secondly, rooftops are not enough. I have panels. I'm happy to have them there, but rooftops are not enough. The math does not work out. We need large-scale solar plants like this one. I am also on the Micro Grid Systems Laboratory Advisory Board. Micro grids have their place, but they also are not built to generate power at the amount that we need.

Secondly, I believe these batteries are safe. If you watch the testing video, you'll see that each set of batteries, unlike Moss Landing, has its own fire suppression system. Unlike Moss Landing, those are contained and separated from each other. The Underwriter Laboratories, the same people who test all of our household appliances for safety and make sure they won't burst into flames, deliberately engineered a thermal runaway event and found that the fire suppression put it out before it spread. It certainly did not spread to other containers.

I believe in my heart that there is less fire danger from this than from a gas station or from your neighbor's Tesla. Finally, it is in the nature of things that the opponents to a project like this, and I saw this many times in the City Council around affordable housing projects. The opponents come out in greater numbers and with greater passion than the supporters. I urge you to consider that there is a silent majority of people in Santa Fe County and even I wager in Eldorado who want to see this go forward. Thank you very much.

CHAIR BUSTAMANTE: Thank you, Commissioner, Councilor, I'm sorry.

CARLOS MATUTES: Good morning. My name is Carlos Matutes. I live at 444 Frost Road in Sandia Park. Good morning, commissioners.

My name is Carlos Matutes. I am the New Mexico State Director for Green Latinos. We're a national organization dedicated to fighting for environmental justice for Latina communities and other communities of color. We're here to support the Rancho Viejo project. Let's be very frank right now. Climate crisis is happening. We are in crisis right now. We need to address carbon dioxide pollution right now. The best way for this to happen is utility scale solar and wind projects like Rancho Viejo. We need to do this right now because Latina communities, indigenous communities, historically excluded communities across New Mexico are the ones that are suffering the most from this climate crisis.

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Our options are for every single solar project that gets denied, there will be a fossil fuel project that will take its place. Make no mistake about that. That will happen. And who will benefit from that? Companies like Occidental that just dumped 30,000 barrels of oil in New Mexico. This is not kicking the can down the road. We need to act right now. Thank you very much.

DAVE GREGORIO: Good morning. I'm Dave Gregorio, 2 Monte Alto Court and I understand that I'm under oath.

I stand before you not as someone opposed to renewable energy at all. In fact, I strongly support the transition away from fossil fuel, but I'm here to express my unequivocal opposition to this project as currently proposed. The project does rely on outdated and hazardous lithium-ion battery technology. The same kind of technology that caused multiple toxic fires and explosions in Moss Landing. Despite the state-of-the-art designs and safety systems, Moss Landing failed not once but twice. The result, a massive emergency response, toxic gas exposure, and countless yet to be well understood health issues, and general widespread community disruption. What's most alarming is the actual impact of Moss Landing stretched well beyond the originally model modeled evacuation zone. Families, schools, businesses, all impacted miles outside the expected zone. If a similar event were to occur here, it is entirely possible that most if not all of the city of Santa Fe would need to be evacuated. This is not possible. It is not addressed anywhere in the hazard mitigation analysis. The proposal, as stands today, fails to assess long-term health impacts, potential property devaluation, and the cumulative effect of hazardous off gassing such as hydrogen fluoride, a toxic compound known to linger in the soil long after the flames are gone.

We deserve better technology and a transparent data driven, especially community involved reassessment before putting this county or our city at risk. There is simply no tolerance for risk. None. This community is nationally recognized for our commitment to our people and our wealth of natural resources. I urge you, do not proceed with this project. Demand a full independent review that prioritizes health, safety and long-term resilience. Thank you.

CHAIR BUSTAMANTE: Thank you. And as for the microphone that is on the table, you don't the little square, you don't need to pick it up. You can speak and it will pick you up.

RICKY GATES: My name my name is Ricky Gates. I live at 126 Sereno. I understand that I'm under oath.

Our national forests around Santa Fe have been closed to the public multiple times within the past decade due to climate related fire and fire risk. We as Santa Feans, New Mexicans, and Americans have a choice in being a leader for sustainable energy. Good leadership is about making hard decisions in a timely manner. As a member of Protect Our Winters and resident of Santa Fe, I know that a commitment to clean energy is essential to our success. Our success as a society, but especially as an arid mountain town who enjoys our access to local trails and peaks. The solution to climate change needs to happen on a global level, starting with humble local movements. The Rancho Viejo solar project will add 96 megawatts of clean energy back to the grid, offsetting 120,000 metric tons of carbon dioxide per year and power the equivalent of 23,000 homes annually. When the system is fully up and running, it will generate no noise,

water, or air pollution and require no water or sanitation to run.

Change is hard, especially when it comes to a small community such as ours. With new population growth emerging around Santa Fe, we can appropriately ask, if not, when will it end? But we can't ask this question without asking what our community will look like if we continue to kick the can down the road and do nothing at all.

As a local who loves this community and as a father who wants to pass along a clean and healthy planet to his children, it's time to embrace visible solar panels in all. When we embrace clean energy, we continue to strengthen our already resilient and forward thinking community. For our future and our families and our community, supporting the Rancho Viejo solar project and a clean energy future is the right way forward. Thank you very much.

CHAIR BUSTAMANTE: Thank you,

JIM WHEELER: Jim Wheeler, 95 Encantado Loop, and I understand I'm under oath.

Good morning. My wife and I have owned our house in Eldorado for 14 years and we are both adamantly opposed to this project. Yesterday's testimony proved that the County zoning regulations did not anticipate an energy production facility of this type nor magnitude. As a result, our planning staff was left with few tools and no leverage to evaluate the AES proposal and that in turn created the impression that the County was not taking these risks seriously. It is clear that left to their own devices, AES will do the absolutely bare minimum required. It is only through the due diligence and testimony of those opposing this project that the health, safety, and welfare of the residents surrounding the sites are being addressed.

Yesterday, several Commissioners offered thoughtful questions and ideas in an effort to improve safety. And for that, we thank you. But I urge you not to put another band-aid in the form of a condition, the 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup> condition that is becoming a Frankenstein CUP project.

Please take the time to correct the lack of proper zoning regulation and deny this application or at a bare minimum send it back to the starting line and then hold it to the high standards that our citizens deserve. The County should be holding AES's feet to the fire, not holding their hand to the bank. We are counting on you. Thank you very much.

CHAIR BUSTAMANTE: Thank you.

NANCY WHEELER: Nancy Wheeler 95 Encantado Loop and I know I'm under oath. Okay.

Thank you, Commissioners. I live in Eldorado within two miles of the AES BESS project. I drive an EV and I have rooftop solar. I am all for renewable energy on a safe site. With winds typically at 15 to 35 miles per hour in Eldorado, all it would take is one spark to ignite some grasses or send one of many tumble weeds burning and rolling towards thousands of people, homes, and schools. What if a fire ignites in the middle of a windy night and we are just minutes away and asleep? How will we know if fire or a toxic plume is heading towards us? From the testimony we heard yesterday, it was clear the Fire Department does not have water to cool surrounding containers. The County does not seem ready for this project. This was not very reassuring. With many elderly in Eldorado, there is already fear and confusion about fire evacuation.

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We live in a PNM designated high risk fire area. There are only three major roads out of Eldorado. There are thousands of people. How will schools be evacuated if a fire occurs during school hours and no buses are on site? Danger, fire, panic. Please keep the citizens of Santa Fe County in mind as you make your decisions. You are elected to protect the County and the people. Wow. Are we really prepared for this? The answer is no.

CHAIR BUSTAMANTE: Thank you.

WILLIAM EAGER: My name is William Eager. I live at 37 Encantado Road, Eldorado, Santa Fe. Part of the silent majority. I understand that I am under oath.

I was the manager of public relations at NREL. That's the DOE, National Renewable Energy Laboratory in Golden, Colorado for two years, I wrote and interviewed for articles in *USA Today*, *Solar Today*, and many other publications about renewable energy, and I am a huge fan of renewable energy, including solar. That said, I am not in favor of the AES project because of the location near large residential areas, including Eldorado, Santa Fe, Rancho Viejo, and the City of Santa Fe itself. Meaningless statistics such as battery failure rates in solar farms are generally low. Incident rates for grid-scale battery energy storage systems, BESS, are dropping in recent years and industry data suggests that failure rates are often below 1 percent. For one thing, if that was true, we would not have had Moss Landing 2021, 2022, and 2025.

For a second thing, it may be an incredibly small percentage if you're baking a 100 chocolate chip cookies and forget to add one chocolate chip, but any statistical chance above 0 percent for a fire in this residential area is way too high. I was living in Colorado, 17 miles from Louisville and Superior, when 1,084 homes were destroyed in less than 24 hours in the Marshall fire. It was started by a small brush fire that was exploded by winds. I literally could not see the sky. The strongest wind ever recorded in Santa Fe, New Mexico was 89 mph, 3 miles south of Golden. Now, while not in Eldorado, this location is nearby. In Eldorado, sustained winds can reach 29 mph with gusts of up to 59 mph. High wind events are common in New Mexico with the windier part of the year lasting from late October to late June. That is 8 months if you're counting. Thank you.

CHAIR BUSTAMANTE: Thank you.

CHRISTINE CASSANO: Hi, my name is Christine Cassano. Address is 11 Cerrado Way, Santa Fe, New Mexico. And I acknowledge that I'm under oath. Before the box starts, I just want to say we weren't told that we couldn't bring signage. I had a map to go with this, but I'll do it without.

So, in the environmental impact report, the environmental setting 3.1 -- 3.4.1 states that there are 327 ground wells in township 15. And while that's true, it excludes critical data relevant to our community safety, health, and welfare because it excludes all of the wells in Eldorado and most of the wells in Rancho San Marcos. There are 300 active wells in Eldorado, all on the western edge closest to the BESS site. Another 300 wells in Rancho San Marco, not within the boundary. There are 600 wells that are unaccounted for, totaling a 900 -- totaling 900 plus groundwater wells at risk for contamination from toxic chemicals.

Starting with 800 acres of industrial construction site, the use of herbicides,

hazardous battery fires, toxic smoke plumes, and any fire that guarantees the use of suppression chemicals. All of these hazards compounded over the 35-year life cycle of this industrial facility. The disastrous PFAS contamination of residential wells in La Cienega continues to cripple homeowners and has decimated their property values. In Eldorado where our water man stops, if our wells become contaminated by this site, the cost of a single resident is absolutely devastating. Actual quotes from Maya Clifford at Eldorado Water Sanitation District range between \$200,000 and \$425,000 per household to tie in.

If this project is approved, residents will need to immediately develop a comprehensive well water testing program. This will ensure that when our wells become contaminated, we have scientific baseline metrics to present in district court against polluters if needed.

I plead for you that you consider the overwhelming information presented yesterday and by the Hearing Officer, which clearly demonstrate that this site poses a 35-year long hazard and threatens the --

CHAIR BUSTAMANTE: Thank you.

NAOMI HARRISOIN: My name is Naomi Harrison. I live at 15 Ladera Road, Santa Fe 87508, and I am under oath.

I'm confident that the market value of my home and ability to ensure will vastly decrease if Rancho Viejo solar is built. At the February 14, 2023 BCC meeting, Craig Fulmer, inspector with the County Fire Department gave a talk to you all about the Insurance Services Office, ISO, and its fire score ratings. This is the transcript. In brief, you were informed that the ISO rates fire departments nationally, including ours. The ISO bases its ratings on fire department capabilities, including staffing levels, equipment, water infrastructure, and response capabilities, to name a few. ISO ratings are used by insurance companies to establish premiums and insurabilities. According to the presentation, ISO assessments are becoming much more frequent and stringent that the insurance industry is rapidly changing due to disasters caused by climate change. Santa Fe County departments will be reassessed in 2026.

Rancho Viejo Solar and its associated risks will not escape ISO inspections and the resultant ratings upon which insurance companies rely. Locally, premium increases and cancellations are already occurring. Rancho Viejo Solar will make ensuring our homes more difficult and expensive, if not impossible. Thank you.

CHAIR BUSTAMANTE: Thank you.

PATRICIA SCIARROTTA: My name is Patricia Sciarrotta. I live at 137 Principe de Paz. I understand that I am under oath.

This facility would be embedded in the middle of three neighborhoods within a 5 mile radius of 10,000 homes, 25,000 residents, two elementary schools, the community college, and the IAIA. This area is subject to dry conditions, high winds, and fire risk, and would be very difficult to evacuate with only a few roads or only one road in and out of neighborhoods like mine. This area, it's just the wrong location. I believe in renewable energy. I have rooftop solar. This area is zoned residential by our County plan at 96 megawatts, this is a utility scale project and should be in a commercially zoned area and subject to a different permit process, not a CUP. Lithium ion batteries and AES fire suppression chemicals contain PHAS forever chemicals. The batteries are prone to

overheating, fires which have to burn out, toxic smoke, and explosions. AES has a poor safety record with three documented battery fires.

Alternative locations not in congested areas and near distribution lines exist according to the BLM Western Solar Plan, for example, and alternative less flammable technologies like salt ion batteries exist. Why not consider these? Residents assume all the risk with little to no benefit as the power can be used anywhere, not just here. We're likely to face increased insurance cost or canceled insurance because of fire risk, decreased property values, threats to our health, homes, and property. Residents near the Moss Landing Fire report these problems. Does the County have an emergency plan and enough responders who are trained and equipped for battery fires? Please hear your constituents significant concerns and represent us, not AES, and deny this permit. Thank you.

CHAIR BUSTAMANTE: Thank you.

JEFF FORSMAN: Hi., I'm Jeff Forsman. I live at 3 Jacinto Court in Eldorado. And I realize I'm under oath, right?

Okay. So I recently retired about a year ago after a 50-year plus career in the computer hardware and software industry. One of the things we tried to do in approaching any kind of design or business decision or anything was apply the KISS principle. And I don't know if anybody's not familiar with it, but it's keep it simple stupid, right? And I think that had that been applied to the evaluation of this proposal vis-a-vis the requirements and provisions in the SDLC, you wouldn't be hearing any of this controversy today. Right? This is clearly a large utility scale installation, right? And if you look at the SDLC, it says gas and electric energy generation facilities are prohibited in rural fringe areas. They're allowed in rural and there are many applications in rural, right? But this should have been the rule from the beginning. It should have been denied because of that. Instead, what happened is a application for a CUP for a commercial solar energy facility was submitted. Now the industry standard for commercial solar is it applies to a commercial entity like a business, a warehouse, a factory, a junior college, anything like that to provide energy for a large facility bigger than residential. But this facility is 100 times bigger than an average, you know, large-scale commercial facility. So this makes no sense. And the CUP process should not even begun -- have begun with this application.

So I want to say very quickly I think that AES did a lot to try to mitigate the possible consequences but the biggest thing --

CHAIR BUSTAMANTE: Thank you.

LAWRENCE FORETTA: Lawrence Foretta, 12 Encantado Road in Eldorado. I understand that I'm under oath.

I respectfully ask the Santa Fe County Commissioners to put the safety of our community first and oppose the AES Rancho Viejo solar project. We support community solar, but we want it done in a safe and sustainable manner. For the many compelling reasons we have presented, this deeply flawed project does not belong in our community and does not merit your support. Santa Fe County's mission statement calls for a safe, sustainable, and healthy community. Two of the County's core values are integrity and respect. Unfortunately, these values were not reflected by the Chair of the County Planning Commission, who happens to be the deputy of RETA, New Mexico Renewable

Energy Transmission Authority. In its deliberations of this project, he demonstrated a disturbing lack of objectivity and his behavior raises the question of possible conflict of interest. This calls into question the integrity of the hearings process. This is a poor reflection on the County and warrants a review by the County Commissioners.

As we have been saying for over two years, this project is deeply flawed and dangerous and AES's corporate record raises serious red flags. The unpredictable and far-reaching impact of climate change underscores the danger of this project. The increasing number of environmental disasters, the fires in LA, the Texas floods, and Moss Landing which is directly relevant to the AES project must be heeded. We urge you to follow the County's mission statement and reject this dangerous project. The safety, health, and welfare of county residents should come first, not special interests and corporate profit.

CHAIR BUSTAMANTE: Thank you.

MELANIE LENCI: Good morning. Melanie Lenci, 9 Azul Loop, Santa Fe 87508.

So I'm here actually to share a little bit of a love story. I, last year around April, I saw some pictures online and I just I pretty much knew instantly. And then as I was driving to the house, I could just feel it. I pulled up right in front of that house, 9 Azul Loop, out in Eldorado like so many other people that have been here and speaking out and it was absolutely love at first sight. I think part of what we're hearing here or people aren't saying is that this is how they feel or have felt about their homes and that's why we're so scared. What I loved about that house and what I loved about finally being a homeowner, I mean I couldn't even believe it. I actually committed after all these years and I found the perfect place and what this project is doing and I really don't find it a fault of the company. I find it more a fault of how do we even get this far? It's a head scratcher. It just doesn't seem like Santa Fe is prepared for this, this technology this location., of course I'm on the western edge, so it very much does affect me in my thinking of what I might face. But I think that what this project has done and the way that it's been handled, my peace of mind is gone. Just like the peace of mind of so many of the people that have been standing before you. I like I made this investment in this home and in this community because I love it and that's how I want to feel. That's how everyone that walks through these doors wants to feel and that's how you want to feel in your home. So, I really hope that you find a different location, different technology and let people feel –

CHAIR BUSTAMANTE: Thank you.

PATRICIA SILL: Patricia Sill – and I understand I am under oath.

Good morning, Commissioners. Santa Fe, 33 square miles, over 90,000 people live here, and every one of them is counting on you right now. This year, for the first time, *Travel and Leisure* named Santa Fe the number one US travel destination. But titles mean nothing if we become the next 30 mile Moss Landing disaster. We've seen what happened there. Fires spreading toxic fallout across 30 square miles. The toll was real, direct, and deeply personal. It can happen here. Terry onset of AFib, incessant coughing, sore throat, pneumonia type symptoms. Kim, bloody nose, shortness of breath, chest pain, irritated eyes. Jeff, swollen eyes, metallic taste, struggling to breathe, full body rash. And Christy's 26-year-old son dead. His lungs collapsed. He could not breathe. Now replace their names with yours. Replace their children with your children. Replace their neighbors with yours.

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These are not isolated tragedies. They are the foreseeable costs of ignoring what we already know. Property values will collapse as they have by 27 percent at Moss Landing. Here, the loss could even be greater. Families will live under constant psychological terror, and the impacts once they come are irreversible. Commissioners, when this touches your home, will it still be worth it? If you proceed, it will not be just an accident. It will be a deliberate and heartless choice. And in years to come, when people speak of the day Santa Fe's fate was sealed, they will speak of you, not as bystanders, but as the ones who saw the danger. –

CHAIR BUSTAMANTE: Thank you. Next.

DAVID X GORDON: I am David X Gordon., 6369 Jaguar Drive, 87507. And yes, I understand I'm under oath.

Greetings, people of Santa Fe, public servants. I am David X Gordon, an independent candidate for governor in 2026. As a horseman, I ride through and love these pristine historic desert arroyos. And I fear the replaceable irreplaceable loss of our world famous 100 mile vistas to a threatening eyesore. This sprawling facility should be in no one's backyard and delivers zero benefit to Santa Fe County. It is a non [inaudible] able design and it will not power our homes during a grid outage. Siting the project here rather than 30, 40, 50 miles south east perhaps on the same line are and on previously designated state line serves no rational purpose benefiting only AES invested interests. This bizarre industrial revenue bond burdens us with 200 million in debt and some 360 million in interest payments to bond holders over 30 years. This half billion dollar debt is to be repaid by AES, a firm with 54 environmental and safety violations and 40 million in fines for three runaway fires since 2019. The IRB by design eliminates taxes on equipment starving our schools and services with 20 to 40 million lost in county tax revenue. Meanwhile, more than 10,000 homeowners in face a projected 10 percent drop or more in real estate value that is up to a that is up to 1 billion dollar hit on these people. As buyers reject massive flammable mile wide black plastic eyesore. We are Santa Fe County and deserve better than a tax-free no benefit debt induced potential firestorm that enriches few. Thank you very much.

CHAIR BUSTAMANTE: Thank you.

CHRISTINE HUGHES GLENDENING: My name is Christine Hughes Glendenning. And my official address is 7 Avenida Vista Grande, Santa Fe. My physical address is actually in Lamy, but I feel compelled to speak today and I do understand that I'm under oath.

I am a primary care physician and have practiced ER medicine. I live in Lamy. I've worked around the world during my foreign service career and have assisted in mass casualty events including the Benghazi attack, two revolutions in Egypt, the attack on the US consulate in Saudi Arabia, the Ebola crisis in Africa. I've assisted with a number of emergency medical response teams. I understand how things can go wrong and go wrong very quickly, leading to catastrophic outcomes despite best planning and drills.

It is unfathomable to me that such a short-sighted project such as AES could even be considered. There have been 600 lithium battery associated fires between 2017 and 2023. These chemical fires are no small matter as they are almost impossible to control. And what are these toxic chemicals being released? Hydrogen fluoride, hydrogen chloride, hydrogen cyanide, carbon monoxide, sulfur dioxide, formaldehyde, ethylene,

and the acetylene. This does not even cover the heavy metals such as nickel and cobalt which are carcinogenic. These gases are corrosive. They cause acute and chronic lung damage and severe burns. I wonder how many people are prepared with gas masks in their homes. And why here in Rancho Viejo? There are vast stretches of empty land in New Mexico, even private land where the regulations are less challenging. And why now? The engineering for better battery technology has already been developed.

Commissioners, let's be patient and prudent. Let's protect what we already have for the sake of our children and their children. Let's not allow our precious property --

CHAIR BUSTAMANTE: Thank you.

DANIEL FRESQUEZ (Media Coordinator) Chair Bustamante, we have two people that registered for the 10:00 hour online.

CHAIR BUSTAMANTE: Thank you. If you will state your name and your residence and then you may proceed and be sworn in.

MS. FRESQUEZ: Our first speaker is Mary and Mary Ellen Walker.

[Duly sworn, Mary Ellen Walker, testified as follows:]

MARY ELLEN WALKER: Mary Ellen Walker, 1 Sandia Lane.

MS. GARCIA: And do you understand you're under oath?

MS. WALKER: Yes, I do. May I begin?

CHAIR BUSTAMANTE: Yes, please.

MS. WALKER: All right, I moved to El Dorado after being evacuated for the second time in a Los Angeles area fire. The evacuation in and of itself is a traumatic experience, especially for those of us who live alone and are elderly. And there could be many evacuations here when one or more of the 570,000 AES battery cells catches fire. In the 2009 station fire in Los Angeles County, I was awakened at 2:30 in the morning by a cell phone alert and sheriff's deputies. I had to quickly round up three cats, a dog, and a bird. And there's always one troublemaker. My Siamese cat could smell the smoke and freaked out. Once I caught up with her, she scratched up my arms as I tried getting her in the crate. My blood was dripping everywhere, but I wasn't about to leave her behind. Then I had to fill a box with important papers, stuff a duffel bag with clothing and pet food, water, snacks, a laptop, and whatever else I could think of at a moment's notice. I finally got my pets and property in the car, but there was a long line of traffic inching down the hill. The mountains behind us were on fire, and the smoke was so thick you could barely breathe. I said goodbye to my home of 25 years, not knowing if it would be there when I returned. It took an hour to get a quarter of a mile to the freeway, all the while passing looks who were snapping photos on their cell phones. I turned on a local radio station to get the latest information on what to do. Did I mention this was the second time I was evacuated?

The Santa Fe County Sheriff's and Fire Department would have to travel 20 miles to get to us in Eldorado, leaving our volunteer firefighters to help evacuate residents over a wide area. We would be mostly on our own. How much information did we get in the I-25 police chase --

CHAIR BUSTAMANTE: Ms. Walker, your time is up. Thank you.

MR. FRESQUEZ: Chair Bustamante, our next on line attendee is

Elizabeth Foree.

[Duly sworn, Elisabeth Foree, testified as follows:]

ELISABETH FOREE: I do., can you hear me yet? Elisabeth Foree, 140 Principe de Pas, District 4, and a downwinder. And I understand I am under oath.

Okay. Yesterday, good morning. Yesterday in chamber, Nicholas Bartlett, the fire expert for AES permit, described the possible fire plume shape in fire explosion control. Was he talking about possible land wildland fires or a chemical fire plume? If you AI Google fire plume of a lithium battery storage system, you will think Moss Landing chemical firestorm as of January 16, 2025, lasted five days and during that time reignited. It evacuated 1,500 residents with immediate health issues. It contaminated the air, water, soil, a similar size project as AES Rancho Viejo.

Presently, Santa Fe County Fire Department and Office of Emergency Management do not have working hazard mitigation plan or emergency response team. Thank you very much for the opportunity to address you.

CHAIR BUSTAMANTE: Thank you. Okay. Was there anyone else in the chambers who was scheduled for the 10 a.m.? Nope. Okay.

Okay, let's start with our 11 o'clock. We will do a group swearing and when you approach the podium, you will state your name and your address.

#### **11:00 – Public Comment**

[Ms. Garcia from the Clerk's office administered the oath.]

DAYNA MATLIN: Hello, my name is Dayna Matlin. I live at 53 Camerada Road. I understand I'm under oath.

I want to share two serious concerns with you that I believe have been overlooked. For one, a BESS facility like the one proposed has never been sited in grasslands with extensive brush trees, tumble weeds, and arroyos like we have here. Camilla Brom showed us last night, you all saw how intense and persistent the winds can be in this area. The former head of the County's Emergency Response Department, Martin Vigil, came out to my property and explained that a single tumble weed blown through a BESS fire, if not embers from the burning batteries, could easily escape the facility and start a wind-driven wildfire. AES has repeatedly stated that no BESS fire has ever escaped a facility, but that doesn't guarantee that it will never happen here. What concerned Mr. Vigil even more was the major natural gas pipeline that runs along the western edge of Eldorado. AES has omitted it from their applications even though we have informed them and the County multiple times about this gas line immediately adjacent to my property and just over a mile from a BESS site. That gas line comes above ground several times in what is called a regulator station which can only be shut off manually. With even a moderate wind, a fire could reach that gas line in a matter of minutes. The results could be catastrophic for more than 2,000 homes in Eldorado and adjacent areas that get gas from that line. According to Mr. Vigil, by the time first responders arrive and assess, then notify the gas company, it may be well too late for my family and the thousands of other gas customers. Mr. Vigil told us he would take his concerns to the County. Unfortunately, he's no longer a County employee –

CHAIR BUSTAMANTE: Thank you. Thank you.

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KAY COOPER-MEAD: Hi, my name is Kay Cooper me. I live at 2 Mariposa Road, Santa Fe, New Mexico, and I understand I'm under oath.

After three years, here we are on the last day of the last hearing, but today is where it gets real. Real dangers of lithium ion battery cells where it only takes one of the 570,000 to start the thermal runaway. Real dangers, real contamination risks when the deflogration panels open and release the toxic gases and heavy metals that are lighter than air and travel for miles covering Santa Fe. Real questions about why AES would choose the most dangerous NCA battery over the LFP battery that these projects have moved to. AES loves to say it never escapes the facility. Well, the toxic smoke does. Moss Landing proved what was in that smoke. And no matter the facility design, the smoke vents or the container explodes; there are no emergency evacuation plans or auditory signals to alert thousands of elderly people here to flee with limited escape routes. The same situation that killed hundreds in Paradise, California, Lahaina, Maui, and now Hill Country, Texas. When are we going to learn?

This is a proven danger, so it's not eligible under the code or the SGMP. Why would we even consider placing an industrial power plant with hazardous ignition sources in the middle of a zoned residential area with a high fire risk? There are 9 million acres from the State of New Mexico to site these projects. We know there are much safer projects the county has already held meetings on with Linea that will produce far more power than this project in a much safer area with safer LFP batteries and a water retention system to avoid contamination.

CHAIR BUSTAMANTE: Thank you.

MR. COOPER-MEAD: There are far safer choices available right now in Santa Fe. Why?

CHAIR BUSTAMANTE: Please, Thank you.

SUZANNE MORTIER: I am Suzanne Mortier. I am 19 Sabroso Road, Santa Fe. I understand that I'm under oath.

Madame Chair and Commissioners, the proposed facility is simply inappropriate in a rural fringe zone. Besides that, it comes with plenty of risks. It's an old story companies tell the public something is perfectly safe, then are tragically proven wrong. But they say, Oh, there's been rigorous testing. Even carefully designed tests cannot account for real life circumstances; like damage during manufacturing, transit, or these 11<sup>th</sup> hour changes. What could possibly go wrong? Think O-rings. Who is held accountable? And who provides resources for recovery when systems fail causing them to harm life and property? The corporation, the land owner, the county? Who really bears the blame? The community, your constituents.

At the very least, this type of project should be located away from populations. It's not just about people who live near the site. What happens when schools are affected or the prison needs to be evacuated? Are there really no safer locations? The goal of reducing fossil fuels is laudable and absolutely needed, but we must not rush to trade existing bad technology for something more dangerous and unproven. And as fast as battery technology is improving, the proposed system will be outdated before the construction is even completed. As county commissioners, your obligation is to protect our health, safety, and welfare. Please remember this community will be living with the consequences of this project for decades. Thank you.

CHAIR BUSTAMANTE: Thank you.

SETH SEARLS: Seth Searls, 3 Azul Drive, Santa Fe 87508. And I understand that I'm under oath.

Thank you Commissioners for the time. I really appreciate you listening to the voices of your constituents. I oppose a conditional use permit for this project. Let me amplify three takeaways from yesterday. I think they were really important. First, water. It's not clear to me that the precise contours of a water plan have been decided. Are they trucking in effluent for the construction phase or is water from April to December to be piped via County fire hydrant? These details are important. I can only infer that they, like many other aspects of this plan, are being left for later when the community no longer has a voice in the matter. I do not want to defer consequential decisions to the judgment of a corporation and to unelected officials. Second, failure risk. According to Joseph Rowley, failure rates per megawatt hour in the EPRI database since 2020, not since 2018, but since 2020, suggest that this project charitably has an expected failure rate of at least 85 percent over its 30-year lifetime. What would failure look like? Nothing good in an area surrounded by parched grassland and 60 mile per hour winds in the spring blowing directly toward a residential community. It doesn't matter that this project is compliant with applicable codes. The fact that it is statistically likelier to have multiple failures than to have zero failures represents a potential hazard for fire panic and other danger, which as you know is a core criterion for CUP approval. Third, advocates have argued that the new design will prevent a moss landing. But as Ashley Schannauer noted yesterday, only 20 percent of BESS incidents recorded in the EPRI database with causes attributed were due to poor design.

Now, I have been an economist for two decades. From my experience, this time is different are the four most terrifying words that I ever hear. Thank you.

CHAIR BUSTAMANTE: Thank you.

MARLENE BARNES: Hello. My name is Marlene Barnes. I live at 45 Camino Costadino and I am aware I'm under oath. Thank you.

AES's proposed battery storage facility must not be located directly in the center of a large residential area. Extreme fire risk is a deal breaker when trying to qualify for a CUP. The County sustainable land government states that a conditional use permit must be weighed against potential impacts on adjacent land uses. It must not be detrimental to the health, safety, and general welfare of the area, nor create a potential hazard for fire, panic, or other danger. Is this risk real? Multiple quotes from the annual report to stockholders by AES states, Our battery storage operations involve risks with lithium on batteries, which can rapidly release energy by venting smoke and flames. Can ignite near material nearby materials. can cause significant personal risks such as a fire explosion to inadequate processes, technological flaws or human error.

This application for the CUP explains that thermal runaway, the cell enters an uncontrollable self-heated state with ejections of gas shrapnel and particulates. Fire suppression method Novec 1230 may temporarily interrupt a fire but it will not successfully suppress it. The suppression systems are designed to suppress small fires. There's no expectation that a thermal runaway type fire will be suppressed.

Commissioners, please deny the CUP. Thank you.

CHAIR BUSTAMANTE: Thank you.

JOSEPH PRINGLE: Hello, my name is Joseph Pringle. I live at 41 Camerada Road and I understand that I'm under oath.

So, there were two key decisions that were made early on in this whole process. that have determined the whole course of this project. And I believe these decisions were fundamentally flawed. I mean, the analogy here is if you're driving someplace and you're late getting there and you realize that you're lost, you don't just keep driving ahead in the same direction hoping that you'll magically arrive at your destination. But that's what the County is doing here.

So these two key decisions were whether or not this is a commercial solar facility or whether it is a gas or electric generating facility. As we heard yesterday, this distinction determine whether a CUP could be used to locate this facility on this piece of property. And the second is whether or not this rose to the level of a DCI, which would greatly impact the review and evaluation. Based on the testimony we heard yesterday, it appears that both of these decisions were made by County staff who have absolutely zero experience in this area. They had some meetings. They brought in some County staff from various departments and they decided how it should be classified. One of the Commissioners even had to ask them yesterday how this process went and who approved it. So, it was clearly decided at a relatively low level in the County.

I'm not criticizing the staff. They're just not experts in this area and they were doing what they thought was best. So, decision one arises from a lack of definition in the code. The County Attorney said yesterday that the regulation shouldn't try and define everything precisely and that the Commissioner should apply judgment to decide how something like this should fit into an undefined category. So when the SLDC was written in 2016, they couldn't have envisioned this type of facility. But I can guarantee you that AES researched our codes and regulations and recognized that a lack of definition could work in their favor and they saw an opportunity to get this approved before the regulations were developed and put in place. Don't have time to get to the second point. Thank you for your attention.

CHAIR BUSTAMANTE: Thank you.

NANCY JOHNSON: My name is Nancy Johnson and I live at 9 Avenida Casa del Oro. I have for 22 years but I've been a property owner for 28 paying my County taxes faithfully.

I want to talk about the location of this and the impact on insurance. We lived through, many of us lived through the Hermits Peak Calf Canyon fire that saw our insurance rates go way up. Like mine went up \$500 a year. My lovely insurance person who I've been with for 20 years has said that if this goes through the good news is I get to keep insurance, but it's going to cost me an extra \$2,000 a year just to get have insurance while other people are totally going to lose insurance. And when talking to people in the mortgage business here, they're saying if you can't get insurance, you can't get a mortgage. So, they're going to have to pay cash and self-insure themselves, which is why, you know, why us that we have to go through this when location, location, location is great for retailers. It's great for lodging people. It's not so good for a solar facility. And I fear that what's going to happen is we're going to lose a lot of people and our property values are going to go way down. Even though yesterday AES said, Oh, don't worry about property values. They are going to go down immediately because of a lack of

insurers who are still here but may leave the county and then they're going to leave New Mexico and that puts everybody in the state at risk.

So I thank you for listening.

CHAIR BUSTAMANTE: Thank you.

DAVE DUTTON: My name is Dave Dutton. I live at 2 Puerto Road in Eldorado. Yes, I understand that you are under oath. Yeah, there's a bottom line. Sorry.

Okay. I've lived in Eldorado for 26 years. Since 2015, my small roof mounted solar array has conducted thousands of clean kilowatt hours back into the grid. For that, PNM pays me an exorbitant 2 and a half cents for every kilowatt hour I produce.

I'd like to focus today on risk management. I'm not a risk management expert except to say that as a federal park ranger for 31 years, I experienced firsthand the dark side of risk management decisions, drownings, shootings, horrific boating accidents, etc. The risk management concerns with the proposed AES facility, however, are institutional and complex. The recent BESS fire at Moss Landing, the fourth in five years, is proof enough. Manu Koenig, a district supervisor in central California, put it this way. It's a quote. It seems less like a risk that maybe a fire will happen and more like an inevitability of fire at these facilities will happen.

The increasing prevalence of thermal runaway fires at BESS facilities at home and abroad has caused municipalities to rethink BESS facilities. So, is it prudent to insert a fire prone facility that AES is proposing directly into the heart of the communities which surround it, possibly affecting an estimated 25,000 people? Are the folks at ground zero to absorb all the risk, fire, toxic smoke, etc., and receive nothing in return? It only takes one, just one rogue lithium ion cell to go south and cause a potential catastrophic loss. AES is proposing storing a over well over a half million of these cells. So, what are the odds?

I'll leave you with another quote. Risk comes from not knowing what you're doing. That's Warren Buffett. Choose wisely, Commissioners, lives, your constituents lives may be at risk. Thank you.

CHAIR BUSTAMANTE: Thank you.

DANA JOHNSON: Hi, my name is Dana Johnson. My address is 16 Mariano Road, Santa Fe. And I understand that I'm under oath.

Members of the Commission, although we would love solar energy, we should not have half a million lithium batteries sitting between four large neighborhoods, two schools, two colleges, and a prison. Even these new batteries with their improved technology have not been sufficiently tested and proven to be able to resist thermal runaway for 20 to 30 years. They've been in use for only three years in only one location. Many of their performance tests were actually failed according to careful research we heard yesterday. This proposal is premature. Neither the technology nor the many emergency response plans are ready. There are so many discrepancies and questions, missing information, redactions, land use, toxicology studies, evacuations, and essential scientific claims that need to be violated -- I mean, validated, and a whole list of violations. The County lacks experts in many different areas, resulting in citizens having to step up to give their own expertise. One human error, and we will be in the same fiery predicament as the Calf Canyon fire when months of high winds carried embers for miles, not feet. The winds carried embers for miles, not feet. Way more than

just the 30 feet of road and concrete in the current plan, burning much of New Mexico in a three month long fire.

Because contrary to what we've been told, open flame in the New Mexico weather is escaping containment. You've been told that the that the fires have not escaped containment. Open flame is escaping containment, especially when it burns for days at a time and reignites when you least expect it.

Commissioners, safety is your job. Please do not be responsible for tragedy in Santa Fe. Thank you.

CHAIR BUSTAMANTE: Thank you.

MEKAH GORDON: Hi my name is Dr. Mekah Gordon and I live at 22 Huego Road, Santa Fe, 25 plus years.

Diogenes, as most of you might have heard, is a Greek philosopher. He said that, it is said that Diogenes had carried a lantern through the streets of Greece in search of an honest man. According to what the proponents have said in their description of the lithium ion batteries as being state-of-the-art. But guess what? He's still looking. The AES fiasco, oh, sorry – lives are on the line here. People's homes, which they worked extremely hard to obtain, will deteriorate value. The beauty and gift of moving to this magnificent area for most was a dream come true. So we are literally fighting for everything we hold dear. The peace and tranquility I have personally found here has given me a sacred place to call home for over 25 years when the probability of a major disruption of our serenity being seriously destroyed and inevitably cause all those dreams to evaporate specifically due to the handful of people whose intentions are profits before human dignity and peace of mind is unconscionable.

This conundrum pales to everything else we fought for or against in this community. We are literally being betrayed by greedy profiteering which undermines the struggles and sacrifices we have all made to get here. By ignoring the potential for a catastrophic disaster due to a conglomeration of purposely greedy consequences. It's not if, but when and by then most of you will regret the apathy that you contributed to.

I've always been a consummate optimist, but considering the totality of what can go terribly wrong is too ever overwhelming. If you think education's expensive, try ignorance. I found it exceedingly easy to offend hypocrites and thus shake them from their stoic perches. It just takes a little bit of truth to power.

CHAIR BUSTAMANTE: Thank you. I'm sorry. Can you speak up?

LOUISE HUMMINGBIRD: Louise Hummingbird, 2714 Galisteo Court, Santa Fe.

So Meta gets to come in and use our natural clean geothermal energy and you want to stick us with something that's dangerous and toxic, has a history of fires. It's not an environmentally friendly solution. Mining is involved in the production of these batteries. You're using oil to manufacture them. If we're going to use oil to manufacture something, why don't we manufacture something that's better for us and not going to bring hazards, more hazards into our environment? When tech is moving ahead at such a fast rate these days, surely we can wait a little until something -- a better option comes along. Are we going to be able -- we're going to be paying for an outdated battery storage facility when we could have had something better.

I think it's better to be safe than sorry. Thank you.

CHAIR BUSTAMANTE: Thank you.

PAUL LAUR: Good morning. My name is Paul Laur. I live at 55 Encantado Loop in Eldorado and I understand I'm under oath.

I have lived in Eldorado for 24 years. I bought my house there, raised a family. I am literally on the edge of Rancho Viejo about as close as you can get to this proposed facility directly downwind. Right now I have had several conversations in person with Mr. Joshua Mayer who was kind enough to come on KSFR radio station at Santa Fe Community College and talk about the issues here. I also first met him on a chairlift at Ski Santa Fe and we had that conversation as well. And my arguments, my objections being a person that is directly in line of fire if something does happen are pretty much been dismissed over and over and over again. In fact, the last time he was on the show on Saturday, he accused me of being hypocritical when I suggested that we should move this facility down somewhere between Cline's Corners and Lamy where there's open ranch land. And he said, Well, you wouldn't have a problem putting it in somebody else's backyard. I said, Well, I do actually have a problem putting I don't think this belongs in anybody's backyard, much less a mile away from mine. And by the way, it would take me at least a half hour or more to get out. I'm six and a half six and a quarter miles from US 285 and there's one way out. And so at any rate, it's something that even if everything went perfect, we would still have that threat. My property value would go down, my insurance would go up inevitably. By the way, we had a Sierra Club member tell me on the radio show on Saturday as well that they don't they don't cancel insurance or they don't go up until after an event. Well, I'm sorry it'd be too late. Thank you for your time.

CHAIR BUSTAMANTE: Thank you.

ANDREW KRUMPE: Hello, my name is Andrew Krumpe. I live in Ranch Viejo, 38 Via Ora Dorado and I understand that I am under oath.

I'm a retired -- Oh, by the way, Commissioners, thank you for letting me speak today. I know you've got a lot on your plate. I'm a retired [inaudible] and mechanical engineer with experience in renewable energy generation as well as offshore oil and gas production. One tool that engineers use is something called risk assessment and mitigation planning or RAMP. The RAMP process looks at risk likelihoods and outcomes. One of the risks I will address is fire in the BESS. First likelihoods: a six-year audit by Clean Energy Associates completed in 2024 found that 15 percent of the BESS units inspected had defective components in the thermal management systems. In addition, that same CEA audit found quality issues in 28 percent of the fire suppression systems. These issues included problems like incorrect wiring of smoke detectors and defective circuit board materials. Given the well documented sensitivity of the BESS to malfunctions due to defects, I feel the likelihood of fire in the project's lifetime is not insignificant.

Second outcomes, explosions of batteries, cells, modules, and racks with fire spreading to the surrounding wilderness urban interface of the WUI. Leakage of electrolyte into surface and groundwaters. Dispersion of PFAS from the fire suppression systems into the environment. Generation and release of combustible and toxic gases. Given that level of likelihood and possible severe outcomes, I would say that this is not worth the risks, especially since there are many alternatives such as reciting safer

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batteries, super capacitors, hybrid systems. But finally, the decentralized micro grid system that has been proposed by Clean Energy Coalition Santa Fe. I've worked with micro grids incorporating wind, solar, hydro dynamic, and diesel co-generation systems in their utility, resilience, environmental impact, and cost seem much better suited for incorporation into Santa Fe energy systems.

And I would urge the Commissioners to seriously consider this approach as an alternative. Thank you very much.

CHAIR BUSTAMANTE: Thank you,

PENELOPE LEE: Penelope Lee, 9 Mimosa Road, Santa Fe 87508.

And I realize I'm under oath.

Commissioners, I know that you all care for the children in our community. So, there's something that you should know in an emergency that requires an evacuation like Escondido and Moss Landing. School children cannot be evacuated and transported to another location until buses are brought back to the schools. Talked to the principal of Eldorado this past week and verified this. He says there are filters in the rooms should they have to shelter in place and the buses would get a police escort. All these logistics take time calling out the order getting bus drivers to the buses transporting the buses to the children. Time is critical here. With roads blocked from traffic even with a police escort the buses won't get through even if everything is jammed up. Too many things have a possibility of going wrong in planning for an evacuation with vehicles that are not on site. There are no drills for an evacuation that move children from one location to another. And it would never replicate the mess of a massive evacuation of 5,000 or more residents taking place at the same time. Add to that evacuating parents that are surrounding the school trying to get their kids. The schools may have plans in place, but not one I believe works for this scenario. Plan that doesn't work can be worse than none because it gives some parents a false sense of security.

Also, the size of an adult's heart lungs is larger than that of an infant's or child. An adult can have lungs 20 times the size of a newborn's. The smoke and toxins will have more of a detrimental effect and long-term impact on them. I would not want this on my head. Thank you.

JAMES LEE: Good morning. I'm James Lee and I also live at 9 Mimosa Road.

Prior to moving to Santa Fe, I served in law enforcement for over 30 years and was heavily involved in emergency management planning. One part of emergency planning was consideration of special populations. A special population I haven't heard discussed here are correctional facilities. Two of these facilities are located very near to the proposed AES site. Any critical incident which requires evacuation of the general public will probably necessitate the evacuation of these facilities. The staffing required to securely transport county detainees will require a significant percentage of county law enforcement personnel. These deputies will then be unavailable to assist in the evacuation of county residents. Additionally, response times to other law enforcement calls will be adversely affected. The state prison presents more serious public safety concerns as the state's maximum security facility, it houses the most violent offenders in our state. Transporting this population in mass exposes the public to increased risk. Compounding the risk, local law enforcement will not be available to assist.

I think these issues along with other community concerns should be sufficient to deny approval of this project. If not, I plead with you to delay your decision until you can study these issues and ensure adequate response plans are in place. I know some will say I am an alarmist, but in my line of work, we live by the adage, hope for the best, but plan for the worst. To do otherwise is to court disaster. Thank you for this opportunity.

CHAIR BUSTAMANTE: Thank you.

DANA HART-STONE: My name is Dana Hart-Stone. I live at 8 Lauro Place, Santa Fe 87508. And I understand that I'm under oath.

Good morning, Madam Chairwoman and Board members. I have many questions that I haven't been able to get answers for. Why now? What is the urgency of building this dangerous power plant now? It would be intelligent to wait a year or two until safe solar batteries are on the market, and they will be. MIT is working on commercialized nonflammable, non-toxic alternatives to lithium ion batteries. The company Alsym Energy started by an MIT professor states on the landing page of their website, An affordable, high performance, and nonflammable alternative to lithium batteries. Significantly better technology will arrive in the next few years.

Why here? Why build this dangerous AES power plant so close to 25,000 people near tens of thousands of people who live and work in Santa Fe and the hundreds of thousands of visitors that come to Santa Fe annually, let alone the 400 plus students and faculty and staff at Eldorado Community School. The New Mexico Tourism Department reported on October 1, 2024 that quote, New Mexico set a record for direct visitor spending of \$8.6 billion in 2023. How much of the next 8.6 billion will Santa Fe County not receive when tourists go to safer destinations? What plans does Santa Fe County have for protecting tourists from the toxic clouds that thermal runaways will cause at the massive power plant? Imagine a toxic cloud drifting towards Indian market or the International Folk Art Market or during an opera performance or during Zozobra.

I live in Eldorado. The winds often blow towards Santa Fe, which is contrary to what I heard one of the AES men say yesterday, which was the winds always blow west. They don't. What are the plans? Will there be community outreach to save citizens lives before a catastrophic event?

CHAIR BUSTAMANTE: Thank you.

MR. HART-STONE: Thank you.

JIM DESJARDINS: My name is Jim DesJardins and I live at 525 Carisle Boulevard SE and I understand I am under oath.

I'm with the Renewable Energy Industries Association of New Mexico. We have approximately 60 member companies. We've been around since 2004 and we're in the early stages of a huge demand for more electricity, electric vehicles, building electrification, and data centers. To ensure needed economic development and jobs that accompany them to maintain our standards of living, it's essential that we add new generation. And solar is the fastest to deploy and is the cheapest electrons. And there's also tax credits that are scheduled to expire soon. New Mexico has a long history of being an energy state and we're in an excellent position to transition to renewable energy with the second BESS solar access in the country great wind in the east. However, these are variable resources and they do require energy storage so we can dispatch energy to the grid when needed and right now batteries are the most cost effective way of doing this

and they are safe with advancements in technology.

I also want to add that we have similar technology most of us in our pockets right now in our cell phones that is being proposed here. And then we have them in our tools electric vehicles that many of us drive. Additionally, right next to where this facility is proposed, there's a much more dangerous facility. It's called a gas station that has substances like gas and diesel that are toxic and flammable. I'm not here to endorse specifically this project, but I do want to say that if we wait for perfection, it will be a long wait. Meanwhile, the clock keeps on ticking. Thank you very much for the opportunity.

CHAIR BUSTAMANTE: Thank you.

RANDY COLEMAN: Hi, my name is Randy Coleman. I'm vice president of the Clean Energy Coalition. I live at 22 Fonda Road in Eldorado and I understand that I'm under oath.

Commissioner Hughes, District 5 has had it right all along. The opposition to the AES project was born in District 5 and those with as those with the most to lose. The diligent Hearing Officer got it right. District 5 was the only no from the Planning Commission. Support for the project comes primarily from outside district 5. Those with the least to lose. Commissioner Hughes, don't let District 5 down now. Vote no on this project. Commissioner Johnson, your district knows wildfire all too well. You can join the climate chain headlong rush around this project. Or you can recognize the reality that when your district faces the danger again, PNM will pull the plug and the project will have proven of no value to your district. There are better approaches available now. Ask me. Commissioner Cacari Stone, consider the impact on Santa Fe, its businesses, and its tourists. It will only take one event at this site to spoil an industry. That is the lifeblood of this area, especially when there is a far superior solar and battery storage facility, only a few months behind the behind this one, and it moves the risk further from the danger. Chairperson Bustamante, your district is up next very soon on another solar farm and battery storage. Your district has the most to lose and the most to gain as it as the transition to renewable energy. District 3 will play a pivotal role in the growth of Santa Fe and the County to 2050 and beyond. Don't let outside corporations get ahead of solid review and good planning. Commissioner Greene, as you try to climb the political ladder in New Mexico, the actions taking place today in Santa Fe County will set a precedent –

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, we have a few on line. Our first speaker is George Broyles. [Connectivity issues – See Page 211.]

Next we have Stefi Weisburd.

[Duly sworn, Stefi Weisburd, testified as follows;]

STEFI WEISBURD: My name is Stefi Weisburd. I live at one Howlin Wolf in Tijeras and I understand that I'm under oath.

According to the solutions project, to transition away from fossil fuels, we need to build on average 200 megawatts of solar and 200 megawatts of wind per month per state for 16 years. That's a huge amount, and it's not adjusted to recent increases in energy demand. I worry that now with the Trump administration's antagonism to renewables that we have a very short window to build utility scale solar that will deliver the cheapest electricity in history to New Mexicans. Delays raise costs and electricity prices are

already climbing. PNM just raised theirs and they're going to do it again next year. Trump has killed solar R&D at Sandia and other places. He's targeted scientists. He's truncated tax credits and he's banned renewable projects on federal lands and offshore. This will cripple our industry, workforce, and renewable innovations. Plus, the growing demand from data farms, limited new supply, much of which the administration wants to fill with fossil fuels, is adding up to more expensive electricity that will ripple through our economy and hurt a lot of people.

I help people understand the electrification process and last week I spoke to a man who is living on \$1,100 a month. He skips heating his house in winter to save \$200. Thank goodness right now his swamp cooler is keeping up for now, but as temperatures and rates rise, I fear for him and a growing number of New Mexicans like him who will not be able to afford to keep their selves healthy and safe. Thank you.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Julie Rehmeyer.

[Duly sworn, Julie Rehmeyer, testified as follows:]

JULIE REHMEYER: Okay , my name is Julie Rehmeyer and I live at 87 Rio en Medio Road in Santa Fe and I understand that I'm under oath.

I am thrilled about the Rancho Viejo project and I strongly hope that you'll support it. I lived through the Medio Fire in 2022, which was just a mile from my house, and it was, of course, worsened by climate change. The Rancho Viejo project will let us do our part to reduce those risks while also bringing major local benefits. For one thing, it's cheap. It will provide power at a fixed price for decades to come, while electricity prices as a whole are expected to rise substantially. It will increase our tax base by millions, providing money for schools and firefighters and roads. It will help protect us from blackouts, especially during major problems with the grid, which are expected to rise. It will provide renewable power for families who can't install rooftop solar. It will be a point of pride, making Santa Fe a leader in the clean energy transition.

So, while it's easy for some to concoct frightening scenarios, the reality is that the risk is low. So low in fact that the wildfire that is feared has literally never happened in the history of battery storage. The risk is far lower than the risks I, for example, face by living next to a forest dried out by climate change. Furthermore, if Santa Fe rejects this project, it won't just deprive us of green energy. It will stoke misinformation-fueled resistance to renewable projects everywhere. Fear spreads just like wildfire does. Right-wing propagandists have championed the false idea that clean energy is dangerous. And if Santa Fe buys into it, it will spread that false narrative further.

Is Santa Fe really going to be a community the Trump administration can thank for slowing down the clean energy transition? Let's turn toward the clean energy future we want and need. Please say yes to the Rancho Viejo project.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, it appears the other attendees that registered for the 11:00 hour block that were online are no longer online.

CHAIR BUSTAMANTE: Okay, thank you very much. Do we have anyone left in the chambers for the 11:00?

[The Commission paused the hearing until 12 o'clock.]

SFC CLERK RECORDED 09/11/2025

## 12:00 – Public Comment

[Celeste Garcia from the County Clerk's Office administered the oath and reminded the speakers to provide their name, address and confirm they are under oath at the podium.]

BUTCH MARTIN: Butch Martin, 85 Altza, Butch Martin, and I understand that I'm under oath.

I like things that are simple and believe it or not this proposal is simple. It sounds very complex but really it isn't hard to understand and to figure out what to do after basic analysis. The main players AES is exploring a sale. PNM is being acquired. What they say today may not be what they say tomorrow. Not a strong foundation. The simple analysis is this: there are 12 million acres where AES could safely locate in brown fields and away from high density population. And there is plenty of power from other safely located facility proposals such as Linea. Use common sense. The AES project is redundant. You are entrusted to make a very important decision. There are powerful voices out there telling you to support AES to benefit the fortunes of a few at the expense of many. I believe we can meet the 2030 solar mandate by safely siting projects and using improved technology.

You've heard repeatedly about the risks and dangers. How many fires and explosions and unrealistic promises does it take to realize this is a Trojan horse? The vast majority of residents of Eldorado, Rancho Viejo, Rancho San Marcos, Alteza, [inaudible] are opposed to the AES location. Don't believe me? Take a vote. I've gone door to door in part of Eldorado. I've spoken to hundreds and hundreds of people in these areas at La Tienda, the flea market, the farmers market, and Agora. I've spoken to them at the Santa Fe Railyard and Farmers Market and even in the plaza. This is not political, no party, no parties involved, nor is it NIMBY because it's a matter of safety. If you vote for this, Commissioners, you're willing to play a form of Russian roulette with the health and general well-being of the people of Santa Fe County. Thank you.

CHAIR BUSTAMANTE: Thank you.

KATIE SINGER: My name is Katie Singer. My address is 310 Lomita Street. And I understand that I'm under oath.

When there's soy in the tubing around the electrical wires in a solar facility, mice can chew it. The exposed wires can spark. If there's dry vegetation nearby, a fire can start. If the sun is out, you cannot turn off the power. You can't turn off the panels. Two, when hail cracks panels, chemicals, including PFAS can leach into groundwater. Three, at the end of their usable life, panels and batteries are hazardous waste. The bond here is not sufficient for AES to pay for disposal. That leaves the County responsible to pay for 700 acres of hazardous waste disposal. There are so many risks involved. AES has provided designs for only 30 percent of this project. Approving of it would be arbitrary and capricious. Thank you.

CHAIR BUSTAMANTE: Thank you.

MICHAEL DALEY: Hello, I'm Michael Daley, 3 in Enebro Way. And I am an electrical engineer with formal training in reliability prediction methodologies for power electrical equipment. I'm astonished how little technical information, none of it

independently verified as I understand, the County seems to feel sufficient in making a decision with such potentially disastrous consequences. This is not about solar power. This is about dangerously inappropriate storage of flammable toxics. Nonflammable BESS batteries are available now and are getting cheaper fast. Lithium ion batteries are really only much cheaper if you would assign a low value to both reliability and safety as AES obviously does. This generation of batteries will soon be obsolete and recognized as a dangerous techno failure like leaded gasoline which was also state-of-the-art until it wasn't. Does no one care when the fire is likely to start?

Highly accelerated life testing, HALT is the industry best practice for predicting time to failure. This is where my training lies. Due diligence requires the County to demand halt-based meantime to failure test results and their standard deviations, including the significant multi-dimensional effects of altitude and have these independently analyzed. Only from this can the chances of a fire in any particular time frame be meaningfully calculated. Your decision should be based on this risk. Anything less would be gross and negligence.

Has AES failed to use industry best practices nor have they done the tests, didn't like the results, and are keeping them secret as they did with the UL tests that they also failed? Which of these is acceptable to you? And if the physical safety of your constituents is not your priority, what is? Thank you.

CHAIR BUSTAMANTE: Thank you.

JOEL FEINSTEIN: My name is Joel Feinstein. I live at 5 Azul Drive and I understand that I am under oath.

I'm a retired pediatrician. We live on the northwest edge of Eldorado. We sit on our deck, watch the sunset, listen to silence, feel the breeze, facing directly towards the proposed industrial power plant site. We have no fire hydrants in our area of Eldorado. And we are closest directly in line with the site. As a doctor, I pay attention to assumptions that people make. There were two major assumptions that I heard yesterday. First, any accidents are contained within 80 feet and no effect beyond 1/3 of a mile within the site boundaries. And the second assumption when they talked about worst case scenarios was exactly the same, no different; 150 feet up, everything within a third of a mile. No problems, no worries. Where does this lead? There's no consideration necessary for the surrounding neighbors under this scenario. In fact, the principal laughed repeatedly during the neighbor's testimony, showing disdain, it was very distracting and should have been admonished.

This plant should be sited where there are no neighbors to have concerns about in an industrial area with industrial resources and particularly with water resources that are not established. Regulations say do not approve if tendency to cause detriment to health, safety and general welfare. The principal never mentioned children in schools in the presentations and I want to say the effect of airborne particulate matter can cause lifetime problems with children, not just that week.

Here is a deception, wildfire risk, nothing. Since there's no problem beyond one-third of a mile, that's an assumption.

CHAIR BUSTAMANTE: Thank you, sir.

ELISA VIGIL: My name is Elisa Vigil. My home of 38 years is on 18 Monte Alto Road. I understand I'm under oath.

As residents of this beautiful area, we've chosen to live here because of our love for the country, clean air, clear skies, and the stunning natural landscapes and diverse wildlife habitats. The proposed plant would not only affect the value and safety of our homes and property, but also have devastating impact on our environment. The emissions, toxins, and chemicals would contaminate our air, water, soil, leading to ecotoxicity and harm to the wildlife that calls this place home. From burrowing rodents, hawks, owls to deer, bobcat, and many species of birds and insects. We do not, excuse me -- we're not just talking about wildlife. We're also concerned about the impact of our pets and livestock in surrounding communities, including Eldorado, Highway 14, San Marcos, Madrid, Cerrillos, Rancho Viejo, the Ridges, Arroyo, Honda, and others. Our community values all animals, whether wild, domestic, or livestock. But and most importantly, we're talking about the health and safety of our children and elderly who are the most precious and vulnerable. Their well-being should never be compromised, and the AES Rancho Viejo facility would be compromising us all. AES, if you insist on moving forward with this project, please consider building it in a remote area where it won't potentially cause harm to our community and others -- even if there's ranches and homes, ideally where there's no homes within a 50 plus mile radius, without considering our quality of life and the risk to our health.

Finally, our Commissioners, our homes are the most valuable asset and we've worked very hard to maintain them for our families. We want future generations to live long healthy lives in a safe environment. Please do the right thing. We voted you in office and we entrusted you to make the decisions for our best and our good.

CHAIR BUSTAMANTE: Thank you.

MARTIN VALDEZ: Honorable Commissioners, my name is Martin Valdez. I live at 3 Mimosa Road in Eldorado.

First of all, I would like to say that I'm not against solar energy because as a matter of fact, I have solar panels on my home. I am also not against this project per se, but I am against the project in the proposed location adjacent to many neighborhoods and schools. I'm kind of surprised that we're even here today to be debating this issue. And it is my understanding that the proposed use is not even an outright permitted use according to the Santa Fe County Land Use Code. There are thousands of acres within Santa Fe County where this project could be located without jeopardizing the health, safety, well-being as well as our property values of the hundreds of people who elected you to represent our best interests.

I am appealing to you today to vote your consciences and vote no and respect our best interest and not the interests of those whose only interest is to make a buck and then leave the community regardless of the impact left behind on our on your neighbors, your constituents that elected you. Thank you.

CHAIR BUSTAMANTE: Thank you.

GREG CLIBURN: Good morning. My name is Greg Cliburn. My address is 45 Crazy Rabbit Drive, Santa Fe, New Mexico 87508. I understand that I'm under oath.

I support the project. My comments today are directed to some of the concerns that have been expressed about fire and especially about the County Fire Department's competence and capability. I'm a fire service professional who retired from the City

of Santa Fe Fire Department in 2020 as an assistant fire chief after more than 25 years as a volunteer and career firefighter in our community. For six of those years, I served as the department's chief training officer. I'm also a graduate of the National Fire Academy's Executive Fire Officer Program. With this background, I'm confident that our Santa Fe County Fire Department will continue to keep our community safe by doing what good fire departments do in the face of all hazards, ensuring compliance with codes and standards, researching and developing workable standard operating guidelines, performing detailed sight specific pre-incident plans, affirming mutual aid agreements, and conducting frequent focused training.

The people of Santa Fe County Fire Department are experts in their field and are dedicated to the safety of our community. I trust them. Everyone in our community should trust them. They are our locus of expertise about fire risk, community risk reduction, and emergency response. The expertise they offer us cannot be gained by doing your own research. It is gained through ongoing education, rigorous training, and direct experience in the fire service.

Our society is being torn apart by those who cultivate distrust of expertise and spread disinformation to hinder progress. More than ever, it's important to counter this effort by attending to genuine expertise and correct information. In relation to fire, that is what our fire department offers us. If as a community we believe we can't count on them, then the proposed project is far from the biggest threat we face. Thank you.

CHAIR BUSTAMANTE: Thank you.

ANDREW RODNEY: My name is Andrew Rodney. I live at 4 Gavilon Place 87508 and I understand that I am under oath.

April marked my 31<sup>st</sup> year living in Eldorado. I own two properties there and well. For 13 years I've generated more clean energy from my solar panels than I consume and I support this project. The opposition states that they have 2100 members.

The 2020 census reports our county population is over 154,000. So 2,000 residents oppose a plan that'll produce clean energy for 24,000 homes and generate millions of dollars in tax revenue; 2,000 residents oppose a plan arguing that the project poses a serious risk due to the BESS. You've heard technical testimony yesterday as I did. I ask you to concentrate on a few sets of verifiable facts. First, according to the EPRI database, battery storage failure rates dropped by 98 percent from 2018 to 2024. The EPRI cites seven fires involving UL certified BESS systems in the last five years. A verifiable fact about all these incidents is the fire never escaped the facility. It never spread behind beyond the facility. It never caused any damage, no injuries or no fatalities. From 2017 to 2022, battery storage capacity in the US increased more than 18-fold, a 15-fold increase since 2020 alone. The fundamental facts are that there are more BESSes and there are fewer fires.

The CEC has no concern about gas stations. One sits just outside Eldorado and it's approved for that location. NFPA reports 4,000 gas station fires a year in the US, some resulting in fatalities, fire spread, and toxic fumes. The County has approved dozens of gas stations because residents need them. Residents need clean energy. As Mr. Spock wisely said, The needs of the many outweigh the needs of the few. The fear is the minority should not outweigh the needs of Santa Fe County. Please focus on the project advantages that will impact everyone in our community. And thank you for your time.

CHAIR BUSTAMANTE: Thank you.

DREW HOFFMAN: Hi, my name is Drew Hoffman. I live at 726 Manhattan Avenue. I understand that I'm under oath.

I moved here about a week and a half ago. And almost every day since I've been here, I've heard people talking about being scared about this project. I've heard it from members of the Clean Energy Coalition on the street. I've heard it from my neighbors. And I've heard it in passing at Knuckles Brewery at the Railyard. I think this is a time in our country where people are very skeptical of corporate influence and that seems to be how people are looking at the possible issuance of this permit. The speakers who I've heard today from and associated with the Clean Energy Coalition seem extremely knowledgeable and their arguments seem extremely -- the arguments seem reliable and persuasive to me and I'd like to add my voice and their support. Thank you.

CHAIR BUSTAMANTE: Thank you.

DESIREE BERNARD: Hello. My name is Desiree Bernard. I live at 1410 Santa Rosa Drive, Santa Fe. And I understand that I'm under oath.

So, I'm here to speak in support of the proposed solar and battery storage project in Rancho Viejo. Obviously, as I feel in this moment, change is really, really hard for us humans, as necessary as it is in these times of profound social and environmental breakdown. And I'm grateful for your efforts in the county to do a good thing to move forward renewable energy in Santa Fe, especially as this context is very important to me. The federal government is now actively trying to undermine efforts to move forward with the renewable energy transition. So we need climate action and we need it on a local and state effort, local and state level, that kind of effort is never more important than now.

I want to acknowledge and respect the concerns raised by neighbors. Safety is essential and their concerns deserve thoughtful attention which obviously being given. At the same time, we have to look at the full picture. Ongoing dependence on fossil fuels is fueling the climate crisis which is driving extreme heat, drought, and high winds that make catastrophic wildfires far more likely and severe. Utility scale solar and battery projects are a key part of the solution. Modern battery tech systems are designed with rigorous fire safety standards, monitoring technology, and emergency protocols. They are vastly more safe and sustainable than the fossil fuel infrastructure which they help us replace. If we allow fear to stall progress, we prolong our dependence on the very systems creating the most danger. Moving forward with renewable energy is not just about reducing emissions. It's about protecting our homes, our health, and our future for the children and grandchildren from the severe hazards of a warming planet. I urge you to approve this project. Continue working with developers and neighbors to ensure that it's built and operated with the highest safety standards. We can and must meet our energy needs this energy transition while safeguarding our community. Thank you.

CHAIR BUSTAMANTE: Thank you.

BARBARA CASTLEMAN: Hello, my name is Barbara Castleman. I live at 10 Moya Loop in Eldorado and I understand I'm under oath.

Watching the hearing yesterday, I was struck by how many mistakes and omissions AES made in their application. For example, not including details about where the water came from, not realizing part of the land to be developed is in the Santa Fe Community College zone and addressing that, and not doing the required thorough

environmental, flood plain and cultural history studies before designing the project. If you were building a new house, would you hire an out of state contractor who wasn't completely on top of all of the local codes and permit rules? How about one who didn't give you an accurate, detailed quote, but instead copied, cut, and pasted from other quotes, or just deleted any questionable information? Before you picked a place to build on, wouldn't you want to know any of the potential surprises like 60 mph winds, fire risk, and water issues? You'd need all the answers before you made a decision, right? Then why on earth would you allow AES to build the massive Rancho Viejo project?

It was also surprising to hear that PNM has repeatedly rejected AES's offer to sell them electricity from the new plant and has still not agreed to buy their power. PNM already has exceeded their 2030 goals for clean energy and plans to acquire whatever energy is needed in the future from other places in New Mexico that will replace coal mine plants with clean energy places like San Juan County. Please don't put our lives in the hands of a company that prioritizes profit over safety. As our Commissioners, I ask that you please put people above profit and not approve this project.

CHAIR BUSTAMANTE: Thank you.

CRAIG CASTLEMAN: Hi, my name is Craig Castleman. I live in Eldorado, which was the state's first purpose-built passive solar community. Far from being nimbies, we welcome solar panels in our backyards and our front yards and the sideyards. They're all over the place. What we object to are more than half a million lithium ion batteries located in the middle of scrub land not far from our community. Every year in the United States there are 5,000 lithium ion battery fires. Two of them a week on airplanes. Most of the time it's a car or a motorbike that burns up. But twice this year so far, they've been large BESS installations. China, the country that makes those lithium batteries and exports them to our country, is turning to sodium ion batteries for domestic use. The largest, the three largest battery companies in China which happen to be the three largest in the world are making sodium ion batteries because sodium is cheap. We have oceans full of it and unlike lithium they don't endanger the environment when they dig it up. We have huge deposits in Lea and Eddy County.

Why don't we consider moving forward like the Chinese and adopting safe non-burning sodium ion batteries instead of some version of lithium? Sodium ion batteries also don't require manganese or cobalt, which are also terrible, terrible for the environment when you mine them. It doesn't make any sense to allow AES to hurry us. They're in a hurry because their stock declined by half last year and they're about to be eaten up by vultures and so they would like this project. Thank you.

CHAIR BUSTAMANTE: Thank you.

DEBOARH WITKIN: I'm Deborah Witkin. I live in Eldorado.  
My address is 34 Encantado Loop 87508.

This is a quote from the *Secret of Life* by Salman Rushdie. A poem cannot stop a bullet. A novel cannot diffuse a bomb. But we are not helpless. We can sing the truth and name the liars. Therefore, Deborah Witkin, I'm a clinical nurse specialist. I've provided care to the sickest people in our country for 25 years in the context of level one trauma centers. I am today a consultant assisting top tier attorneys in our country to assist litigation due to the damages like the damages and death that will occur causing irreparable harm to survivors, men, women, children, babies, dogs, elders, cats, birds,

reptiles, and may occur while they're sleeping.

I own a home in Eldorado. This town is not by any means imaginable capable to provide the level of medical care that will be required when the catastrophic event will occur. A single 18650 lithium battery may exert 1,500 PSI of explosive force in a thermal runaway, according to the National Library of Medicine. This hospital in Santa Fe is incapable of providing care to any and not the number of individuals that will occur catastrophic injury. Do you know what a lung of an injured thermal child looks like? Do you train individuals to have the capacity to immediately appear with an Airbus to transport the hundreds of people after stabilization to a level one trauma center? You don't. Are you going to pay for their survivors? Are you going to help bury them? Who is going to tend to these injured? Shame on you. How dare you? How dare you do this in the name of whatever it is? I have a neighbor who's pregnant. She cannot sleep.

CHAIR BUSTAMANTE: Thank you.

VICTORIA CLARK: Victoria Clark, 3 Gualdo Road, 87508. I understand I'm under oath.

On September 28, 2023, AES filed a complaint in First Judicial Court for a temporary restraining order against Santa Fe County, and I was present. At this hearing, a representative of Santa Fe County, Mr. Sanchez stated, Santa Fe County is at a disadvantage. No one in Santa Fe County has experience in commercial solar. Yesterday, Santa Fe County staff was questioned regarding changes in language of the SLDC prior to the AES CUP application, to which they answered something to the effect, Not aware. This was before I was hired. On May 18, of 2022, just weeks after the AES Surprise, Arizona BESS explosion and fire, Santa Fe County and AES met. May, June, and July of 2022, Santa Fe County introduced and approved a community solar ordinance which states a renewable energy production facility that uses sunlight to generate with these additional words and may store energy for sale or profit. Six months later, AES filed their CUP application with the County. I wonder if AES informed the County of this terrible accident in Surprise, Arizona.

When Penny Ellis Green and Jose Larrañaga left, new staff was hired. Would it not have been prudent for a handoff of the history of this important application of utility scale power plant? AES knew quite well of our County's lack of experience, weak language, and codes and took advantage of us. They're opportunistic. We the people know the history of these issues because of the thoughtful concerned constituents of Santa Fe County and I'm extremely grateful to them. I was a nurse at St. Vincent for 40 years. My task was to ensure the safe delivery of countless mothers and babies. I implore each of you when you weigh your decision, please consider the safety of our land, air, water, and the people of Santa Fe County over AES. Thank you.

CHAIR BUSTAMANTE: Is there anyone else in the chambers who is here to speak during the 12:00 hour? We will go online.

MR. FRESQUEZ: Chair Bustamante, we have three speakers online. Our first speaker is Barbara Chatterjee.

[Duly sworn, Barbara Chatterjee, testified as follows:]

BARBARA CHATTERJEE: I'm Barbara Chatterjee. I live at 228 Alta Vista Street in Santa Fe, New Mexico. And I'm under I understand I'm under oath.

I wish to add comments to some comments that I already filed with the

Commission prior to these hearings. And I want to raise about four or five points that came -- that I've developed since the testimony yesterday. Our first question is given the 24/7 monitoring of the units with the small units within the BESS module is it possible to identify a failing battery module within shut it down and even replace it. My second question pertains to the location of BEE units given both also that the owner of the property has indicated that more land is being put into conservation, what are the possibilities of distributing the BESS units into smaller clusters? Some redesign of the site might really be appropriate. With respect to reliable water, it seems like the site really does need a major water line. And there was some testimony yesterday indicating that such a line is being built. And I believe that this County Fire Chief actually indicated an interest in having such a line drawn to the site. I think that is another redesign that merits consideration. My last my next point is one that has been made by many. This project will not be built out for a few years and I would request that the County would find ways to incorporate, maintain flexibility and nimbleness for new technology that might be an improvement over what is being designed -- so what is being offered now so that we have the opportunity --

MR. FRESQUEZ: Chair Bustamante, the time has expired.

CHAIR BUSTAMANTE: Sorry your time is up.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Mary Lou Jackson.

[Duly sworn, Mary Lou Jackson, testified as follows:]

MARY LOU JACKSON: I'm Mary Lou Jackson. I live at 36 Alcalde Road in Eldorado and I understand I'm under oath.

I'm a retired nurse and I care deeply about everyone's health and safety. I moved to Santa Fe with my husband and small children in 1990, bought a lot in Eldorado, dug a well, built a house, and raised our children there. It is home. We have always felt safe, but now we feel threatened. If a worst case scenario were to happen, and we know that nothing is foolproof and the unimaginable can happen, toxic gases and toxic smoke would blow toward children, women, and men living nearby. I know five individuals with breathing issues and serious health conditions on my street alone. If AES were to have one fire sending toxic smoke into any Santa Fe County neighborhood and people must shelter in place with windows closed and ventilation turned off, they'd still be breathing smoke. Houses are not smoke proof. It would be a tragedy. Can you imagine sheltering in place on a 90° summer day? If it were to happen, would you want your children, your children and family to be living near a BESS? Evacuation is another story. It'd be a disaster. A very low risk of fire, we are told. It is still a risk.

I tested my well water for PFAS. I found that there are none. I want to keep it that way. Please don't allow. Yes. To potentially put toxic smoke in the air I breathe and contaminants in my water and soil. I'm looking toward safety for future generations and my children and my grandchildren and those of all in Santa Fe County. I'm counting on you as Commissioners to do the right thing and vote no to this project. We're counting on you to protect all residents of Santa Fe. I ask you to be brave, stand up for what is right, and for all of you to vote no. protect our clean air, clean water and clean soil. Thank you.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair, that will do it for all the pre-registrants online.

CHAIR BUSTAMANTE: The reason I was paused in that moment and did not look directly is I'm noticing that we have all people who signed up to speak today except about three who are had signed up for the noon hour and they are not present. I'm going to ask that we break but that we stay close to chambers to allow them. They knew that they should be here, but I would understand if someone, you know, said, Well, we'll just let everyone speak first and all come in right before 1. Because we want to be respectful of people's time, please feel free to break we stay close to the dais, but we will reconvene if by chance the people who are not here show up to speak, okay? Out of courtesy to those who have signed up. So feel free to wander away but not too far.

[The Commission paused the hearing until 1 p.m.]

**1:00: Public Comment**

[Celeste Garcia from the County Clerk's Office administered the oath and reminded the speakers to provide their name, address and confirm their oath at the podium.]

TOM REBSTOCK: Tom Rebstock, 62 Camerada Loop 87508.

Okay, let's talk about a fire in the BESS that gets out of control. AES says that the technology they're going to use is very new and improved. But you know according to the battery experts at the Fire Protection Research Foundation an independent nonprofit group, in 2025, said battery technology has changed so quickly that the safety community is far behind in figuring out how to mitigate their confounding array of complex threats. Not just behind but far behind. Regarding thermal runaway fires, the same institute says these gases can cause unpredictable explosions that shoot flaming debris like buckshot out of a barrel of a gun. The fires burn with extraordinary heat that can melt through metal storage containers. Melt through the container. How's the container going to work if it's been melted? We can add to these concerns that the fire suppression equipment doesn't always work. Fire Trace International, one of the leading manufacturers of this fire suppression equipment, says regarding BESS safety that there are many electrical components that can catch on fire and quickly spread to adjacent battery racks, rendering the extensive safety mechanisms designed to prevent thermal runaway ineffective. This is the people that make this stuff. So, we've got a fire now. It's got flaming debris coming out the top. It's got a toxic plume. It's got a melted container and a suppressant system that doesn't work. If that happens here on a dry and windy day, which you know we get frequently, flaming debris can easily get blown beyond the gravel perimeter and start a grass fire, which could spread to an adjacent neighborhood like mine in less than 3 minutes, maybe less. Drought and high winds are a deadly combination as we were reminded in Maui two years ago.

CHAIR BUSTAMANTE: Thank you.

NINA REBSTOCK: Nina Rebstock, 62 Camerada Loop 87508.

I'd like to address the notion that no BESS fire has ever escaped its containment perimeter. This is an incredibly naive statement considering BESS have only been around

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15 years or so. No one has ever tried to operate a BESS in such a dry, windy climate as ours. And just because something hasn't happened yet, doesn't mean it won't. Consider the case of NASA, which had never lost a manned space mission until that fateful morning in 1986 when the Challenger exploded 73 seconds after liftoff, killing all seven aboard. Or consider the good people of Asheville, North Carolina, who were just told last year not to worry. No hurricane had ever caused major flooding to a community 600 miles inland. Sadly, Hurricane Helene caused the death of over 200 people who believed there was no danger. Is it going to take a catastrophe like that for us to realize that this technology is not safe enough to be located next to three neighborhoods?

AES is trying to give Santa Fe a Trojan horse decorated with catchy stickers saying, Renewable energy fight climate change, but it's a trick. And if we let this horse through our gates, out from its belly will crawl fire, explosions, toxic fumes, groundwater contamination, reduced property values, and the potential to burn our neighborhoods to the ground. Baker risk sums it up this way. It is clear that the risks associated with Bess are here to stay and with the ever increasing number of installations, there will be more incidents. There is no solution or design that is inherently safe. Don't fall for this ruse. Please say no to AES. Thank you.

CHAIR BUSTAMANTE: Thank you.

GAIL KARR: My name is Gail Karr. I live at 11 Camino Demetrio in Santa Fe County, but I live in a subdivision 100 yards maybe from Eldorado and nobody is here representing my neighborhood. So, I think you should know there's another neighborhood in there, Dos Griegos and they just haven't organized against you guys yet.

But I do feel like I have to speak on this because I've been doing alternative energy since 1972 when we had to invent a lot of stuff and I ended up going back to school and to learn more and since in 1980 I had a solar panel company. It's solar energy for your house the whole system. So I know about -- I've been watching this solar stuff for a long time and I know what's coming down the pike because I'm looking at all the cutting edge stuff and I think we need to call a moratorium while we look at the stuff that's right around the corner for us. The thing that I need to tell you guys is I was at those meetings that Dennis Kurtz presented the charts of yesterday where we had worked probably over 20 years ago. We started on what we wanted the neighborhoods to look like, what was acceptable. We met with the County people. We met with everybody until we could reach consensus on the slightest little X or C that you saw on that chart yesterday. And so we knew what we wanted in that neighborhood, what would fit in that neighborhood, what was compatible. And so if you don't listen to what we came up with and did all that work on, it's a real insult to the citizens who act are active in the communities.

And I don't have much more time, but I think we really need to look at this better. I don't want it to look like LA. I mean, Las Vegas, not New Mexico, but Las Vegas, Nevada.

CHAIR BUSTAMANTE: Thank you.

TERI WALDRON: Hello. My name is Teri Waldron, W-a-l-d-r-o-n. I am a certified wildlife biologist, so I might have a different perspective than a lot of stuff that's been brought up.

As you probably know, the flood risk in Eldorado is at 70 percent. It's quite high. During the years of 2018, there was a flood in Eldorado. It was a river running through our town. 2022, there was a huge flood. You can Google it. 2022. There's videos about that flood and I have pictures about the flood in Eldorado. They say these are 500 150 year floods. Not anymore. That was four years between these two major floods. And so this area AES has been proposed to be built 0.7 miles away from the playground at Turquoise Trail School where I used to teach. Almost a half a mile away from children. It's .4 miles away from a house at Rancho San Marcos. It's .6 miles away from Eldorado. It's extremely close to all these facilities. People are in these houses everywhere. IAIA, Rancho Viejo, there's many developments within the area. If a flood occurs, as you know, water and electricity combined, it just doesn't work. You get short circuits by the electrical components. Lithium batteries, if they're submerged in the water, they undergo what's called thermal runaway, and that increases the temperature, as everybody probably knows, in the batteries, and that creates fires.

The most thing I'm concerned about is the water. Oh gosh, I only have 14 seconds. The water in our wells and also I have a list of animals if you'd like for me to type this out for you. Your list is not complete. This is a complete list of all the animals that live in the area and the entire ecosystem will be affected. Okay, thank you very much.

CHAIR BUSTAMANTE: Thank you.

NOREEN PERLMUTTER: My name is Noreen Perlmutter and I live at 1 Quedo Road in Eldorado. I understand that you are under oath.

There is nothing I can say in the next two minutes that you haven't already heard multiple times. But I am troubled that the concerns and voices of so many in our communities are either being ignored, attacked, or trivialized. You already know that Eldorado alone has 2,700 homes and only two main roads to escape. All of the County fire maps show either high or moderately high danger if there were a fire in this area. Add the crazy wild winds that blow each spring that will quickly whip up any fire into a major one. You know that this project sits upon the water table that many homes with shared wells rely on for their water. Meanwhile, AES has expressed the need for an initial 168 million gallons of water in their building plans. Our water is the most precious commodity and it needs to be protected.

You need to know that there are 392 students in our elementary and middle school, that many parents work outside of Eldorado, and that school buses only arrive at the end of the school day. How do we protect them if an evacuation is called for?

Lastly, lithium batteries, despite all precautions, have the potential to go on fire and have. Since their initial plans, AES has increased the number of BESS containers from 39 to 69 containers. But battery technology is rapidly changing and there are much safer forms in storage being developed that will not burn and will render the lithium batteries obsolete. It is not worth the risk to build a solar and BESS project that will cover 800 acres so close to these densely populated areas. Why gamble when we are already aware of the risk and a safer alternative is waiting in the wings? Thank you for your patience.

CHAIR BUSTAMANTE: Thank you.

JULIE PARCELLS: My name is Julie Parcells and I live at 134 Mejor

Lado, Santa Fe 87508. And I understand that I am under oath.

Firstly, I'd like to say that I'm pro- solar, that my home is 100 percent solar run and that I drive an EV and that I have a whole house water system in my house for pure water. But I'm here to speak against the AES BESS proposal to build a utility scale facility in close proximity to three neighborhoods comprised of approximately 25,000 residents. We are rural fringe zone. Do you regard our safety and health as a priority in making your decision? AES has a horrible environmental track record of violations and fines. There's also newer and safer technology available that is already in use. It makes no sense to approve the proposed plan. Thermal runaway is a real possibility as we saw what happened in Moss Landing, California last year when toxic gases spread 29 miles and contaminated everything. Our home values and insurance are already being affected by this proposal.

My husband and I visited and fell in love with Santa Fe in 1992 so much so that we bought a lot in Eldorado even though we knew that because of the special nature of our jobs, we would not be able to move here for 27 years. Moving here in 2019 was a dream come true. But now it's looking like a nightmare as we've been following this debate for two years now. I am a 37-year and three-time cancer survivor. We moved here for a peaceful life in a natural and clean environment. Our dream seems to be slipping away as we will not live under this threat. Please, our health, safety, and welfare are now in your hands. There are more rural areas available for this kind of project. Please vote no. And please don't make me have to move from my beloved Santa Fe. Thank you.

CHAIR BUSTAMANTE: Thank you.

KATHY PRIOLA: My name is Kathy Priola, 19 Alcalde Road and I understand I'm under oath.

So, we all love solar, but this is a battery energy storage system in the middle of neighborhoods and schools with tens of thousands of people with countywide health and safety impact. Made especially dangerous when you put it in a grasslands area with the infamous wind of winder-rado, which is Eldorado's longtime nickname. It's a formula that increases likelihood for a grasslands fire and thermal runaway and Eldorado is downwind from the proposed BESS location. And issues will occur. AES has a lengthy environmental violation history. There's a link that documents it. I hope you have that. It's pretty frightening. I know someone who strongly objects to this project just because it's AES.

You know, I've written several versions of what I'd like to say here, but what it comes down to is this. Too often I feel like I live in some sort of a sacrifice zone, an area that's somehow throwaway to large corporate interests or landowner interests that appear to have the county in their pocket. The rewards do not in any way outweigh the risks for this location of catastrophic failure and irrecoverable loss. It makes no sense. Thousands of voters are now counting on you to protect us. It's so obvious. Please, this deal must be rejected.

CHAIR BUSTAMANTE: Thank you.

STACY FOILS: My name is Stacy Foils, 2522 Camino Cabestro and I understand that I am under oath.

I grew up in the 1950s in California. What an innovation everyone thought it was where when they started spraying the orchards and surrounding areas to prevent

infestations of fruit flies and mosquitoes. We had more crops and less disease, but we didn't have enough information to make the decision not to spray. That came years later. My current lung cancer may be the result of that innovative technology that was not thoroughly explored before putting it to use in neighborhoods around my home. The same is true for so many innovations that end that in the end cause more problems than they solve.

We have to learn from history and make sure that the solar arrays and their accompanying battery stations are not a hazard to our communities. At present, we know that solar batteries can cause spontaneous combustion. They are not safe. You can't put lithium batteries in a plane's cargo because of temperature changes and but you want to use them close to neighborhoods full of human beings. I think we need to explore alternatives pinging prior to creating yet another problem. We human beings are often creating new problems in attempts to solve our past problematic solutions. Let's make sure that everything we do is safe before we put it to mass use near vulnerable landscapes and neighborhoods. For once, let's think before we act. This is an important decision, not one that should be rushed.

CHAIR BUSTAMANTE: Thank you.

CHRISTINA HORNIG: Hi, my name is Christina Hornig, 24 Aster Way, Santa Fe, New Mexico 87508. And I understand that I am under oath.

Good afternoon, Madame Chair and honorable Commissioners. We've been discussing the detail of AES's application for a conditional use permit, including operational commitments related to safety. This assumes that AES will operate the facility as specified in the conditions associated with the conditional use permit. Unfortunately, if this CUP is approved, we cannot assume that AES will operate the facility as specified in the CUP conditions. AES has demonstrated a history of violating agreements and a willingness to pay fines to avoid compliance. They cannot be trusted. Some examples of this behavior include 57 violations and 40 million in fines since the year 2000. Over 26 million of those fines were for air pollution and environmental violations. They were also fined outside of the United States. A couple of examples are a \$6 million fine for illegally dumping industrial waste in the Dominican Republic. It destroyed beaches and sickened citizens. A \$10 million fine over air and noise pollution in Chile.

If this project is approved, we will be living in what is referred to as a sacrifice zone. Oxford academic defined sacrifice zone as a space where the physical and mental health and the quality of life of human beings are compromised in the name of economic development or progress but unfortunately for the sake of capitalistic interests. I thank you all for your time. Please vote to deny this.

CHAIR BUSTAMANTE: Thank you.

RICHARD HALL: Richard Hall, 5 Conestoga Trail, Santa Fe 87508.

I spent 30 years. Good afternoon. I spent 30 years of my working career in electronics design and manufacturing in a company in Boulder, Colorado, especially the design of control circuitry. One thing I learned during that time was that there are always things that can go wrong in electronic circuitry and the more complex the system is, the more likely it is that something will malfunction. One overlooked issue in design or one small mistake in manufacturing could be very dangerous in this situation. Fortunately,

we've had a great monsoon season this year out where I live in Rancho Viejo. Lots of grasses and weeds, tall and abundant, but later on this fall and in the winter, that's all going to turn to potential fuel for fire. It is not -- it is common for us to have strong winds in that area, even as high as 40 or 50 miles an hour. That kind of wind can spread fire very quickly, faster often than any fire department can respond. And the proposed battery storage facility will be in the middle of three housing developments into a school. We in northern New Mexico are well aware of what can happen when well-meaning people introduce fire risk into this arid climate. Just ask anyone in the Las Vegas area. I am very supportive of alternative energy sources, but this type of solar installation needs to be further away from populated areas. If this project is approved, I believe it shows a lack, a profound lack of concern for the well-being of the constituents in Santa Fe County. Thank you.

CHAIR BUSTAMANTE: Thank you.

ROBERT BARNEY: My name is Robert Barney, 134 Mejor Lado, Santa Fe, and I'm under oath.

Hello. I'm speaking against the AES project. I have tried to distill my comments down to five major points which I believe are facts. Points one and two relate to the risk, the fire risk. Number one, in case of a BESS fire, the proposed location has to be about the worst possible with proximity to thousands of people, dry grassland climate with high winds, and very strained emergency responses. Therefore, to even consider this location, we would have to believe that the risk of fire is practically non-existent. Number two, since lithium ion batteries are inherently unstable and age unpredictably, no one can say what the risk of fire is in a 35-year project. AES had their last fire 11 months ago, but now have new designs which prompt advocates to act as if this is now a mature industry. No one knows how this will hold up over time. The reality of increasing heat from climate change adds even more risk to aging batteries. Number three, AES has a depressing record of environmental and safety violations, apparently cutting corners to enhance profits as a way of doing business. Where are the county and state regulations and oversight to enforce acceptable operations? Number four, most of the concerns that residents express about this project stem from the fact that this is a utility scale power plant being called commercial solar which violates the requirements for being granted a conditional use permit. Number five, there are better and safer options already available. The application from Linea Energy should be on the County's website, for example.

If these five points are factual, as I know, as I believe, and many others believe they are, the only responsible action is to deny this application. Thank you.

CHAIR BUSTAMANTE: Thank you.

OWEN HENKEL: Hi my name is Owen Henkel. I live at 218 Calle Roble and I am under oath.

I'm a native Santa Fe and just moved back. Thanks guys. I know this is a long day for you. I couldn't imagine listening to us, but it's the first time I've been at a comment period, so it's cool like seeing democracy in action. Grew up in Eldorado. a proud graduate of Eldorado Elementary. Go Dust Devils. I spent time walking through these basins as a kid. I have a deep emotional attachment and as much as it pains me to think about a big electric factory there, I think it's absolutely essential if we're going to take climate change seriously.

I think that a lot of the opponents out here, they have justifiable concerns about fire, but that's just the reality of where we live down power lines. And you need to look at the science of this. The incremental probability of extra fire is low. You've probably heard about this from a lot of experts in the panel. And so what we're doing essentially is we're letting perfect be the enemy of the good. If we have any chance at beating back climate change if we can't approve solar in Santa Fe County, we're stuffed. You know, we know that permitting is the major blocker to a lot of this. And so I just ask you to think about that. Unfortunately sometimes we have to make imperfect compromises to tackle big problems.

And I guess the last thing I'd say is like I'm fortunate enough to have a flexible job so I could take off an hour. But as I'm sure you know there's lots of folks who unfortunately can't come and spend an hour talking and so just kind of think about a decision for the entire county who's at play rather than just the folks like myself who can show up. So thanks for your time and have a great day.

CHAIR BUSTAMANTE: Thank you.

ANN WHITE: Hi. My name is Ann White and I'm a resident of Eldorado and a homeowner.

Let's see. I'm going to talk about compatibility. And I'm wondering what was whatever he was thinking because *Travel and Leisure* just named Santa Fe the top travel destination of the 2025 world's best awards, ending Charleston, North Carolina's 12-year reign at holding that title. Santa Fe is also known as the top third in the top three art destinations in the country. And we have the oldest capital city in the US. We have the oldest historic house, the oldest church. People come here to have weddings. And we have a burgeoning film industry in Santa Fe County. And we have a wealth of movie locations with wide open undeveloped land as filming locations. People travel here for ecotourism to be in our enchanting open country and big skies.

And people do not come here to see industrial scale power plants. The AES project is not green. It will destroy an intact ecosystem. A true green is the range land and grasslands that sequester carbon for centuries. The promise of green energy is just a promise a slight of hand. By approving a huge dangerous industrial scale power plant and calling it green, it has been approved. The manufacturing of all the parts of this project, the mining, the resources used, the manufacturing it destroys wildlife and habitats and they use child labor and slave labor. Recycled, it's not recyclable once not needed.

Your job is to protect your constituency and you shouldn't be just selling off land to the highest bidder. This is an industrial power plant.

CHAIR BUSTAMANTE: Thank you.

BETTY JEAN SHINAS: My name is Betty Jean Shinas. I live at 32 Domingo Road in Eldorado. And I do understand that I'm under oath.

I've been a social worker most of my life. So I have provided services for the community with my whole heart and soul. And I think all of you do the same or you wouldn't be in the positions that you're in today.

I didn't sleep last night and the reason I didn't sleep is I kept worrying about this. I kept thinking what is happening to our beautiful Santa Fe and we are I live in Eldorado. I've lived there for 30 years. I was raised in Santa Fe, sixth generation. I love my community, but as a small child, I didn't have to worry about fires or flooding or the

stuff that's happening here in the community. And it really scares me. This facility is so big and how much thought and care is taken in building this facility so close to my home. And I am doing this not for myself, but I'm doing it for each and every one of you who is sitting behind these tables. It's important that we're careful with our community.

I'm going to tell you a little personal story. I lost my father when I was in my early 30s. My children lost their grandfather. He worked in Los Alamos. And every day as a child, I worried about Los Alamos because it was up in the hill and I worried that someday we could have an explosion. That was my childhood. Well, guess what? You remember the fire in Los Alamos? Oh my god, I was a social worker. I would just prayed. Oh my god, I hope it doesn't spread. We have fires, we have flooding, we have everything that can affect our community.

And the only thing I wrote today, and thank you for having me here, is that this project could poison the air we all breathe and not just Eldorado, our community as a whole. And thank you for your time and thank you for the hard work that you all do.

CHAIR BUSTAMANTE: Thank you.

SKYE RIVERS: Madam Chair, esteemed Commissioners of Santa Fe County, my name is Skye Rivers. Do you need anything else? 4 Dimas Road, Santa Fe 87508.

CHAIR BUSTAMANTE: Have you been sworn in?

MS. RIVERS: Yeah. I'm not here to rehash everything that's been shared or shame you for considering a facility that would not only forever change the landscape of a beloved land of enchantment, but the lives of all of us that live here. However, I do have questions. What motivates you to consider passing a monstrosity that poses such significant risk to our community? The proximity of this facility to Eldorado is a recipe for a disaster. I urge you to consider the long-term effects on the community's safety, well-being, and quality of life. We knew what we signed up for when we moved here, but we certainly didn't sign up for this. Would you be willing to put your own family at risk? I suspect the answer is no. And yet, you're willing to impose this risk on us. I demand to know what drives this decision and what benefits you're hoping to achieve at our expense. While you Commissioners sleep soundly in your beds at night, your constituents will be sleeping with one eye open, worried about the risk this facility poses. If there's a fire, it's not just flames you need to worry about. It's a toxic plume which has no boundaries that can travel and seep into your bodies. Do you realize the devastating impact? A half a million lithium batteries can do to a community if one malfunctions, not to mention the significant risk of a catastrophic event.

I implore you to think critically about your decision you're about to make. You took an oath to protect your constituents. You are our voice. What if you get it wrong? Knowing the risk, you have the lives of over 25,000 people in your hands and it's clear the potential consequences. This facility is being grossly underestimated. Who will take responsibility and be there for us if things take a turn? I urge you to prioritize the safety and go against the special interest of AES, Warren Thompson, and the County who have something to gain.

CHAIR BUSTAMANTE: Thank you. Do we have anyone else in the chamber who is signed to speak at 1:00 hour? We have five virtual signed up who we have them online?

MR. FRESQUEZ: Chair Bustamante, yes, we have five virtual speakers. Our first one is Kim Sorvig.

CHAIR BUSTAMANTE: For those of you who are online, you will be sworn in and then the clock will start. At the time you are sworn in, please state your name, your address, and that you understand that you are on under oath. Thank you.

[Duly sworn, Kim Sorvig testified as follows:]

KIM SORVIG: My name is Kim Sorvig. I'm under oath. I'm not representing anyone other than myself and my address is 103 Camino Los Abuelos in Santa Fe.

Madame Chair, Commissioners, my career has been devoted to research on land use and sustainability, a topic I've taught at UNM, other US universities, and ones in Latin America and Europe. I want to respectfully suggest that we're just about to miss the root issue of utility scale energy, and that is that it's centralized and dependent on the electrical grid. A single giant generating station sending energy to distant users is an outdated model borrowed from fossil fuel plants. Long-distance delivery of electricity is wasteful and we've also seen grid caused wildfires, outages caused by a single point of failure and so on. We should not and don't need to repeat these weaknesses in developing renewable energy facilities. Only a utility trying to protect its investment would tell you otherwise.

If we're serious about transitioning to renewables, we have to rethink the farm and grid concept, meaning a centralized generation and the web of cables and wires that distribute the energy. By contrast with the disadvantages of that system, consider what distributed on-site energy offers. Equal service for both rural and urban users, exceptional reliability, manageable rather than huge fire risk, repair access via existing roads, reduced visual ass impact, and less effect therefore on property values and cultural resources.

Thus, I strongly urge that we reject the concept of a mega facility and create a system of distributed energy for all Santa Fe County via creative public private partnership. We need to refocus off the needs and wants of PNM. Thank you.

CHAIR BUSTAMANTE: Thank you,

MR. FRESQUEZ: Chair Bustamante, our next speaker is Laura Rosenfeld.

[Duly sworn, Laura, Rosenfeld, testified as follows:]

LAURA ROSENFELD: Laura Rosenfeld. I live at 144 Nine Miles Road in Santa Fe, 87508. And I understand I'm under oath.

I live not far from where the proposed AES project would be built, and I am very much in favor of this project. Our home is dependent on old-fashioned environmentally toxic sources of energy for our house. Currently, we use propane and a wood stove for heat. We cannot afford to install equipment for solar panels at our home. However, this project would allow us as PNM customers to use solar power as our source of electricity. My understanding is that currently most of the electricity supplied to Santa Fe County from PNM comes from burning coal. A smaller percentage is from nuclear power and even still smaller percentages from natural gas. The long-term and immediate danger of all three of these sources are obvious and unsustainable.

This project would create zero emissions of CO<sub>2</sub>, methane, sulfur, mercury, or radioactivity and would use much less water. The fears about fire that I've heard

expressed on facilities are older, outdated equipment and technology.

I am strongly in favor of this project because it is renewable, sustainable, dependable, and the cheapest source of energy currently available. And it is something that we can do to deal with climate change and to protect this beautiful county that we all care so much about. Thank you.

CHAIR BUSTAMANTE: Thank you,

MR. FRESQUEZ: Chair Bustamante. Our next speaker is Dale Lyons.

[Duly sworn, Dale Lyons, testified as follows:]

DALE LYONS: My name is Dale Lyons, and I acknowledge that I'm under oath. Good afternoon. I live at 1209 Calle Luna 87501 in Santa Fe, New Mexico.

I was born and raised in Santa Fe. One of the features of calling a place home for over 50 years is being able to witness lots of change. None of the changes are more striking and how different Santa Fe's climate is now compared to what I observed in the 70s and 80s. I understand that climate change is real because I've witnessed firsthand how milder our winters are, how much faster our snowpack melts, how much earlier spring runoff occurs, and how much longer our hot dry spells are. Observing these trends and understanding what it means for our collective future makes it clear to me that climate change is an existential crisis that we cannot ignore. Mitigating the impacts of climate change requires immediate action and to transition as quickly as possible from fossil fuels to clean energy sources like wind and solar. I strongly support AES's Rancho Viejo's project because it's a small but critical step in the right direction to address climate. [Mr. Lyon's screen froze and the next speaker was introduced.]

MR. FRESQUEZ: Our next speaker is Maxine Paul.

[Duly sworn, Maxine Paul, testified as follows:]

MAXINE PAUL: Yes. I'm Maxine Paul, 21103 Los Luceros in Albuquerque and 1606 Upper Canyon in Santa Fe. And I understand that I'm under oath Madam Chair, Commissioners. My name is Maxine Paul. I'm here in my capacity as a county taxpayer to enthusiastically support the Rancho Viejo solar and storage project for three reasons. First, we need the benefits this project brings. 200 and more jobs, \$10 million in tax revenue, plus that fire resilience. With local clean energy, we could keep power on while PNM shuts off transmission lines that go through forests on red flag days to actually decrease wildfire risk. Second, just this hour, I'm hearing a lot of fear and hypotheticals but what I've seen in the docket about due diligence for this project is solid and extensive. The Planning Commission supported this project with a 6 to 1 vote. They found the application compliant with design, safety, fire standards, and that it will not be detrimental to health, the general welfare, or create the potential for danger or interfere with other needs. They included conditions and requirements to satisfy concerns like visual impact, additional defensible space, extra water. Both the fire consultant and Santa Fe County Fire Department validated the issuance of a permit. So this project is thoroughly vetted. Third, these technologies are demonstrably safe and more and more so and far safer than the alternative traditional forms of energy. You know, battery cell failure rates are extremely low and the designs incorporate features that avoid the propagation of any cell failure.

A statistic I saw even a decade ago, we were talking about a 1 in 10 million to one in 40 million risk. For reference, a person has a 10 times higher chance of getting struck

by lightning. So, please support this thoroughly vetted project. Bring Santa Fe a local and prosperous source of energy and jobs. Thank you so much.

CHAIR BUSTAMANTE: Thank you,

MR. FRESQUEZ: Chair Bustamante our next speaker is Daniel Pritchard.

[Duly sworn, Daniel Pritchard, testified as follows:]

DANIEL PRITCHARD: My name is Daniel Pritchard and I understand that I am under oath.

Good afternoon. I speak in favor of the project based on successful experiences here in Taos County. I live in Taos, New Mexico. I am on the executive board of Renewable Taos, a nonprofit organization promoting energy efficiency, distributed solar generation, and battery storage. Our organization serves as a watchdog for our rural electric cooperative, Kit Carson Electric. We convinced Kit Carson to install solar arrays beginning about 15 years ago, and the investment was made for economic reasons. Today, Kit Carson serves 30,000 customers, including two pueblos and is 100 percent daytime solar. In the last few years, Kit Carson has added battery storage to our local grid for many reasons, and it has proven to be safe and reliable. It provides sustained power during clouds and other outages. It provides clean, on-demand power when the sun is setting and the load is peaking. It provides micro grid backup power to communities and villages that may have to be taken offline due to forest fires or high wind events. Today, there are about 20 solar arrays across the Kit Carson service area, providing over 40 megawatts of power. Three new solar arrays are being built for another 14 megawatt. For battery storage, there are 32 megawatt hours today with 75 megawatts in progress for a total of over 100 megawatt hours of safe, reliable battery storage. Electricity cost to co-op members is down from 10 years ago, locked in place for the next 25 years because of fixed price power purchase agreements.

There's not been a single incident causing concern for reduced property values, wildfire initiation, toxic releases, or any other hazards. We have high winds and dry conditions in Taos too. The sky is not falling. This is working for Kit Carson members. It will work for Santa Fe as well. Thank you.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, we do have one more online, Alex Stavrides.

[Duly sworn, Alex Stavrides, testified as follows:]

ALEX STAVRIDES: My name is Alex Stavrides and I understand that I'm under oath. My address is 11600 Academy Road, Albuquerque, New Mexico. And I'm speaking today in support of the Rancho Viejo project.

As I indicated, I'm a resident of Albuquerque. I'm also a frequent visitor to Santa Fe and a PNM customer. AES's presentation yesterday indicated that the power would mostly be sent to Santa Fe and Albuquerque. And as an Albuquerque resident, I'm would be very happy to be increasing the percentage of renewable energy in my personal energy consumption. I'm also a retired engineer and I worked on solar photovoltaics throughout my career. I've studied and I followed AES's plans at Rancho Viejo and I believe it will be an effective, reliable and safe project and energy source for the Santa Fe area for the next 35 years.

Solar plus storage is one of the cheapest ways to generate electricity. It also has

low life cycle carbon emission, low water usage, and it avoids air pollution from fossil fuel combustion. The latter is responsible for multiple health issues and literally millions of deaths worldwide every year. So, I would be excited to see Santa Fe County approve this solar plus storage project and many others like it in the future. Thank you.

CHAIR BUSTAMANTE: Thank you. There any further testimony from the Chambers? Hearing and seeing none, we don't have anyone else online, we will have a break until 2 o'clock.

[The hearing paused from 1:45 to 2:00 p.m.]

## **2:00 – Public Comments**

The Clerk's Office administered the oath and requested speakers provide their name, address and confirm they are under oath for their testimony to be considered valid.

ANNE LINDEN WELLER: Hello, my name is Anne Linden Weller and I understand that I am under oath.

I live here in Santa Fe. I'm in District 2 and I'm here to speak in enthusiastic support of the Ranch Viejo solar and storage project. So, I work for Western Resource Advocates, which happens to be a clean energy and environmental advocacy group. I'm not here for them. I'm here for me. But my work involves being an expert witness at the Public Regulation Commission on clean energy. And I've also testified before the legislature on decarbonization, affordable electric rates, and other similar topics. So, the reasons I support this project specifically is because it is solar plus storage. Solar plus storage right now is the most efficient, cost effective way to get clean energy built quickly and integrated into our electric grid.

Right now in Texas and in California, solar plus storage are preventing blackouts and reducing the cost of energy price spikes when companies have to buy extra electricity to deal with the load of summer heat. PNM is the likely customer for this project. PNM needs to meet its energy transition act goals. It's making a very concerted effort to do so. All of us should have the opportunity to take advantage of the energy that the Rio Viejo project will supply and its clean inexpensive availability for us.

Thank you very much.

CHAIR BUSTAMANTE: Thank you. State your name and your address.

BRIAN GROSS: Brian Gross, 8 Moro Place, Santa Fe.

I'm an Eldorado resident. I am 100 percent in favor of renewable energy, including solar power, but it needs to be safe. It was shocking that the CPC approved the project so quickly with complete disregard of the legitimate questions of safety or the judgment of the Hearing Officer. The County staff seemed to be advocating for the project and the CPC chair was clearly biased.

We expect that the County will protect its residents no matter what. As has been demonstrated time and again, lithium ion batteries are known to burn in thermal runaway. And the odds are that more than -- that with more than half a million lithium ion batteries, fires are inevitable. As to fire abatement, neither AES nor the County are prepared to handle fires of this type. There are already safer alternatives like safer

batteries. What contamination will this project leave when as AES closes it down? Location of a project like this needs to be away from populations. There are over 400 children and staff at Eldorado Community School. There are safer, less populated areas in the state that would make far more sense. What will be the inevitable fires do to our home values and insurance? The big list of AES fires, safety violations, and massive fines does not engender confidence. They are looking to sell. Who knows who we might end up in partnership with. How much power will actually go to residents as opposed to the rush to sell energy to tech companies working in AI? Power will be sold to the highest bidder. PNM does not need this facility. They are already satisfying the goals. Batteries hate heat. The risks of an installation of over half a million batteries in our hot, dry, windy environment and close to 25,000 people simply makes no sense at all. It's and it's not a risk that the County should be taking for us.

CHAIR BUSTAMANTE: Thank you.

PAT ZETO: Hi, my name is Pat Zeto. I live in Eldorado and I am aware that I'm under oath.

Good afternoon, Commissioners. AES recent noise study was addressed yesterday and concerns were expressed that the project will exceed the maximum sound limits. Energy storage creates noise. Residents near other facilities have complained that the noise, quite frankly, is driving me nuts. It's not really a decibel thing. It's more a frequency. The longer it runs, the more irritating it is. So imagine living with this noise day in and day out. Let's try it. [Plays recorded noise]

I can't imagine living with this high pitched buzzing every day.

CHAIR BUSTAMANTE: I have to actually ask that you don't talk over the audio because the people online can't hear.

MS. ZETO: Well, I want you to hear me.

CHAIR BUSTAMANTE: So, then you have to turn your audio off because people who are -- thank you. Your time is up. Thank you.

CRAIG CHEATHAM: I understand I'm under oath. My name is Craig Cheatham. I live at 8 Calle Agua Clara in Rancho Viejo.

I'm here to speak against this project. I've been an advocate of solar and wind for over 45 years. I think it's critical to have a facility have this kind of technology to help mitigate against climate change. I even think that we may need some mix of nuclear in order to transition and save the planet. But I object to this plant. I don't want an industrial facility not in my backyard. Yes, a NIMBY. But there are better places to site this. I also my major complaint is not the solar itself, it's the storage system. This is a rapidly evolving technology. To buy into this at this point and to lock us in, I think is a really bad plan. I think it puts our community at risk both for health and also massive litigation that is likely to happen if this project goes through. Are you prepared to cover that? Because we will sue. You're being informed about the dangers of this technology.

Utility scale lithium-ion battery storage systems pose significant fire risks that you've heard about. The fires can't be easily controlled. In fact, in most cases, they can't be controlled at all. Multiple major fires demonstrate the technologies' inherent dangers. I'm going to list some of these. California, Moss Landing; Escondido, California, Gateway, Otay Mesa, Chandler, Arizona. Moss Landing again, Elkhorn, California. Valley Center, California.

CHAIR BUSTAMANTE: Thank you. Thank you very much. Appreciate it. And next. Sorry, sir. You're done. Your time is up. Your time is up. Thank you.

MR. FRESQUEZ: Next speaker, please.

PAUL BIDERMAN: My name is Paul Biderman. I'm at 829 Allendale Street in Santa Fe. And I understand that I'm under oath and –

CHAIR BUSTAMANTE: Thank you.

MR. BIDERMAN: Okay. Thank you. When in 1983 when Governor Toney Anaya took office, I was privileged to be named his secretary of Energy and Minerals and served a term doing that. I only think one commissioner is old enough to remember this -- amazing. But that was a privilege I was quite happy to accept. But within a few months, I'd received an envelope from the Department of Energy of the United States, and the DOE was settling claims against oil companies for their overcharging of consumers for the price of gasoline. And that money was being distributed to the states. Well, I opened up this envelope and to my surprise, the check was for \$1,020,000. But even more surprising was how the payee was named, Paul L. Biderman. That's it, just my name. So I figured, well, maybe DOE is sending out tax refunds or, you know, whatever. But as it turned out, it was money that I had a lot of flexibility in spending. So I used that time and that flexibility to start looking to make solar projects and renewable projects and geothermal projects available in New Mexico on a pilot basis and got no interest. Nobody wanted to take the money. It was a grant. Nobody would take it. And so that was in 1983.

And I spent a lot of time after that thinking if I had done that more aggressively, if I'd worked with people in other states, would we be in the situation we're in now or would we have, you know, cumulatively been able to demonstrate the need for renewable energy? And it didn't happen. We don't have another 40 years. And I'm asking you to make the right choice now and do the aggressive thing that I didn't do. Thank you.

CHAIR BUSTAMANTE: Thank you, sir.

DAVID BOMSE: Good afternoon. My name is David Bomse, B-o-m-s-e, 59 Sonrisa Trail. I understand that I'm under oath.

I'm a longtime resident of Santa Fe. My wife and I raised our two daughters here and I'm in favor of the project. I hear many of the project opponents expressing concerns about the safety of storage batteries. Yet in these neighborhoods, Eldorado, San Marcos, Rancho Viejo, many people are driving electric vehicles. Those vehicles have lithium ion batteries. Those vehicles get parked in driveways and in garages. They do not have the batteries there do not have the containment. They don't have the sensors and they don't have the fire suppression that's proposed for the utility scale project. The same issue is true with people who do rooftop solar with battery backup. Those batteries are inside garages. Typically, CEC, which is an organization opposed to the project, has on their website a drawing showing their advocacy of micro grid systems. That drawing shows batteries outside next to a multi-story building and what look like a couple of homes a block or so away and a school bus route three blocks away. That doesn't make sense to me.

And there are also issues associated with not going through with the project. There's going to be development. My best estimate with current zoning is that we're going to look at 40 million gallons of water per year needed at current zoning levels. If I

conservatively assume one and a half cars per house and guest house under zoning, that's 800 cars driving 4.5 million miles and most importantly dumping 1,700 tons of carbon dioxide into the air. Thank you.

CHAIR BUSTAMANTE: Thank you.

EMILY LEVEILLE: Hi, good afternoon. My name is Emily Leveille. I live in Santa Fe at 130 West W. Coronado Road, 87505. And I understand that I am under oath.

My name is Emily. I am the chief investment officer of the New Mexico Climate Investment Center. And I am a mom of two. I'm here as a citizen of Santa Fe. I want to thank the Commission for considering these projects and for seeking to find ways that we as a state, county, and a city can be leaders in clean energy development.

There are three reasons why I support this project and why I would urge the Commission to support it. The first is energy costs. Our state has one of the highest energy burdens in the country. Many people spend more than 10 percent of their monthly income on utility bills. We need as many cheap, clean electrons on the grid as possible, as soon as possible. Utility scale solar plus storage is now cost competitive with gas in many instances. Preventing these electrons from getting onto our grid locks in energy poverty and burdens for our most vulnerable communities. Second reason is climate. My son was born here during the Calf Creek Canyon fire that continues to devastate the impact of communities in the surrounding area. We are not doing anywhere near close to what we need to be doing to ensure that our children live in a livable future on this planet. We all have our part to play in this and I want to be proud to live in a state that actually works to deliver on that promise. The third reason is economic development. We are one of the poorest states in the country and one of the hardest states in which to do business. I want my children to be able to get an education and come back to New Mexico and contribute to a vibrant clean energy economy and this is an important step in that direction. Thank you very much.

CHAIR BUSTAMANTE: Thank you.

LESLIE BISCHOFF: My name is Leslie Bischoff and I live at 9 Duende Road. And I understand that I'm under oath.

So today my comment concerns the permissible land uses for the AES facility. Clearly there's a difference between a solar farm and a BESS. I looked at the land use matrix of the SLDC and was unable to find any reference to anything like a BESS. So the instructions go on to say that if use is not found to look in the material for a materially similar use in the land based classification standards of the American Planning Association. It further states a proposed use shall be treated in the same manner as the listed use to which it is materially similar. So the LBCS code title gas or electric power generation facility contains both solar and power generation. And a note for the power generation plant states because these structures are of special concern for emergency management they appear in a separate category with subcategories useful for emergency planners. So furthermore the power generation plans are further subdivided into less than or greater than 100 megawatts of generating power. So they are specifying a category for a relatively small generation power generation. Solar however is in a separate subcategory still under power generation defined as including quote windmills and solar panel farms. There's no mention of battery farms or energy storage under the

solar category.

So mapping these two uses back to the SLDC. Solar farms require a CUP, whereas power generation, even in a relatively small level, is a prohibited use in the rural fringe area. It seems that if one follows the instructions in the SLDC, the BESS component as a prohibited use unless it is removed invalidates the AES CUP application. Thank you.

CHAIR BUSTAMANTE: Thank you.

ALLISON SMITH: My name is Allison Smith. I live at 3397 La Avenida de San Marcos in Santa Fe and I understand that I am under oath and I'm super nervous.

So I wrote you a letter, Commissioner Hughes, and thank you so much for all that you do. Thank you for being our commissioner and thank you for reading and posting the letter, it was a while ago.

So, you guys don't have to believe me. Google it. There is a an enormous solar project that was developed by AES, thank you AES, in 2019 in Kauai, Google it. Now there are two more projects and I don't know if they're completed yet or not in Kauai, but they are now in Kauai, the island of Kauai in Hawaii at 80 percent renewables. Their governor is really pro-renewables. Just saying no problems in these projects. No problems. No fires. And I did visit it and when I turned 70, four years ago and so we drove around, we visited the project and I looked at – we saw all the all the battery storage. I heard no noise at all. No humming, no there was no noise pollution at all. It was a gorgeous facility. And at the end of the tour, my son who works for AES, Woody, anybody know Woody? Anybody know Woody? Well, Woody grew up here. I'll get back to the AES thing real quick. Woody grew up here. Santa Fe kid, went through preschool, elementary, middle school, graduated Santa Fe High. We were in a nothing fancy household. He went on to CU Boulder for 5 years. Then he went on to well, he went to Guatemala to study Spanish. Then he went on to law school. Then he worked for basically in the renewable field for 20 plus years, AES for 12 plus years. So, he is a renewables nerd. He would never ever put his professional or personal integrity behind a project that wasn't safe. I live here. I'm his mom. I know this kid. He is very, very grounded in science and reality. Anyway –

CHAIR BUSTAMANTE: Thank you, Thank you very much. Appreciate it. Say hi to Woody.

PETER KERWICK: Good afternoon. My name is Peter Kerwick. My address is 49 Encantado Loop in Santa Fe located in Eldorado. I understand I'm under oath.

I'm here today in opposition to the proposed project. The project is currently not allowed under zoning. In order to be allowed, the County Commission must grant AES a conditional use permit. I know that's the purpose of the hearing today. In order to approve this request, I also understand that the Commissioners must find that the project does not pose a threat to public safety. One of the many criteria that you all consider when making this decision. In my view and that of hundreds of nearby homeowners, the AES project certainly does pose such a threat. And how? Really two primary reasons. First, the size and scale. It's a massive utility scale project. It's not a community solar project. The other, of course, you've heard many times is that the battery technology that's being used has proven to be unstable and dangerous as evidenced by thermal runaway fires in four AES

facilities and in numerous other facilities around the United States, including the recent tragedy at Moss Landing in California. A runaway battery fire in close proximity to homes and families threatens their health and welfare due to toxic fumes and resulting contamination of the water table. Add to that the risk that a runaway battery fire could also spark a wildfire which would cause horrific damage to life and property.

Please deny this request for a conditional use permit. This huge utility needs instead to be located in a place that doesn't threaten so many people in their homes and the environment around. Please protect our neighborhoods and schools from this clear threat. This utility scale project is just too large and too close to be safe. Thank you.

CHAIR BUSTAMANTE: Thank you.

JOAN MITCHELL: My name is Joan Mitchell. I live at 32 Camerada Road in Eldorado, a little over a mile and a half from the project. I understand that I'm under oath.

When I moved to Eldorado, I assumed that I could rely on the zoning of the nearby land. Now I find myself here opposing a permit that will create a de facto industrial zone more than a square mile in extent where there will be a fire risk that affects safety, peace of mind, property values and insurability. My home is my largest financial asset. Proponents say we desperately need clean energy now, now, now. But the bad news is clean energy now is not clean. Because of its low energy density solar development requires vast amounts of land and an exceptional amount of materials. Some of these materials are common. Concrete, steel, fiberglass. They are all energy intensive. There are also less common materials that are needed for the batteries in particular things like lithium, cobalt, nickel that are mostly mined in developing world countries without our environmental standards and labor standards. This has had massive environmental impacts in those countries as well as child labor, labor, slavery, injury, and death. I don't call that clean. Then also in the manufacturing process -- oh this went fast -- the Chinese make solar panels about 80 percent of the world's supply. Those panels are made with coal generated energy. The good news is there's an extraordinary effort worldwide to create real clean energy future, a great river of innovation. If you vote yes, you pull us out of that river and stick us for decades with an outdated technology. Thank you.

CHAIR BUSTAMANTE: Thank you.

MARGARET KEIL: My name is Margaret Lacy Keil. I live at 57 Camerada Loop at the very west end of Eldorado. I understand I'm under oath.

I raised my daughter here from the time she was five, 31 years ago. I chose to live here because of the peace it brings. I suspect that's true of many of the west enders. I am honored to see the great horned owl to hear the coyotes and every time the bobcats visit, ravens would teach their young to fly from my roof. Pinon jays, a declining population, over winter in my yard. It brings a smile to know that antelopes roam just over the fence. Will they still be here if AES sets up shop? I relish seeing the earth -- seeing the Milky Way most nights. Any extra light will diminish those stars. Eldorado is a designated dark sky community. My wide view is to the northwest. New power line towers would impede that view. The shape of the terrain oddly enhances sound. I hear neighbors in the drainage easement down below me. Occasionally, I catch words and even a whole sentence. If the AES goes forward, the refrigerator sound they spoke of will likely be a lot more than AES portrays. Will it be louder than the Taos hum? Airplanes fly by regularly.

Apparently, if headed east from Albuquerque by air, commercial planes fly to Santa Fe and then take a right, right over my house. Helicopters are frequent, mostly military. The ancient stream we know is a drainage easement.

Oh my goodness, I'm short now. Okay, I'll just say that I wonder if surely there aren't many other options in New Mexico that do not hazard establish communities.

CHAIR BUSTAMANTE: Thank you. Okay, we have two people signed up for online.

CHAIR BUSTAMANTE: Chair Bustamante, we have one person online, James Wernicke.

[Duly sworn, James Wernicke, testified as follows:]

JAMES WERNICKE: My name is James Wernicke and I live in Los Alamos. I understand I'm under oath.

I'm here because projects like Rancho Viejo affect every community in New Mexico, not just Santa Fe. We all share the same electric grid, the same air, and the same climate future. When Santa Fe adds clean, reliable power, it strengthens grid stability for all of us, reduces the fossil fuels we collectively burn, and moves the entire state towards its renewable energy goals.

I strongly support the Rancho Viejo solar project and urge Santa Fe County to approve it. Some opponents raise safety concerns about battery storage. And while there have been rare incidents in this industry, let's be clear, modern systems like this are engineered to the highest standards: NFPA 855 UL940 954A. It has automatic fire suppression and 24-7 monitoring. The risk is small, well-managed, and far less than the hazards we already live with from gas lines or fuel stations or continuing to burn fossil fuels, worsening climate change, and straining an already vulnerable grid. Others claim it will destroy property values, consume too much water, or create noise. In fact, studies show properly designed solar farms have little to no long-term effect on nearby home prices. Operational water use is just 2 to 3 acre-feet per year, which is less than many single landscaping projects. As for the noise, solar panels are silent. The inverters and battery systems produce a low hum, but well below typical residential noise, and AES is including setbacks and sound dampening designs to ensure it's not disruptive. As far as dark skies, solar farms do not require night bright nighttime lighting. Any safety lighting is shielded, motion activated, and directed downward to prevent light pollution. In line with New Mexico's Night Sky Protection Act, this project will generate enough clean energy to replace over 119,000 tons of CO<sub>2</sub> emissions.

If we reject every renewable project because it's too close or too loud, we will never break our dependence on fossil fuels. Approve it and let Santa Fe lead by example for the benefit of all New Mexico communities.

CHAIR BUSTAMANTE: Thank you. That's it. And we have no one else in the chambers for comment. We will reconvene at 3:00. Do we want to break for executive session?

COMMISSIONER HUGHES: I'll make a motion that we break for executive session to discuss just to discuss AES.

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: We have a motion from Commissioner Hughes to break for executive session during the half hour lunch. We have a second from

Commissioner Johnson. May we have a roll call vote, please?

The motion to meet in executive session pursuant to NMSA 1978, Section 10-15-1(1) (H) passed by unanimous [5-0] roll call vote as follows:

Commissioner Adam Johnson	Yes
Commissioner Justin Greene	Yes
Commissioner Hank Hughes	Yes
Commissioner Lisa Cacari Stone	Yes
Chair Camilla Bustamante	Yes

[The Commission met in closed session from 2:33 to 3:05]

Commissioner Greene moved to return to open session noting the only item discussed was that as listed on the agenda. Commissioner Hughes seconded and the motion passed by unanimous [5-0] voice vote.

### 3:00 Public Comment

Deputy County Clerk Wilson administered the oath and requested speakers provide their name, address and confirm they are under oath for their testimony to be considered valid.

JOE GRIFFITH: Good afternoon. My name is Joe Griffith. I live at 1656 Cerro Gordo Road. I understand that I'm under oath. Thank you for giving the public a voice today.

CHAIR BUSTAMANTE: Thank you.

MR. GRIFFITH: Listening to some of the testimony earlier today, you might think that after this project is built, when they flip the switch and commission the plant, all of Eldorado is going to burn to the ground and PFAS will be in everyone's drinking water. Rather than cherry pick extremely unlikely scenarios, I'd like to focus on what will actually happen. The facility will operate uneventfully, just like the more than 575 other battery storage facilities currently in operation across the US. It will be quiet. It will be clean. It will be safe. It will be more environmentally friendly than the energy sources it is displacing. And 35,000 homes across New Mexico will be powered by clean sunlight captured right here in Santa Fe.

The cost of inaction here is too high. We can't say I support solar, but just, you know, not here, not in my backyard. If every community says that, nothing will get built. We will all pay the price. Battery storage systems do carry some risk, but compare that to coal power plants and fracking where the harm is guaranteed. Air and water pollution, huge groundwater depletion issues that the government is dealing with right now. If we're weighing the risks, I'll take the extremely rare unlikelihood of a contained battery incident over the 100 percent likelihood of continued everyday damage from fossil fuels. The trade-offs in my mind, I mean, it's not even it's very clear.

Today is my 5-year-old son's first day of kindergarten. I'd like to go home tonight and tell him that we live in a county that didn't just pass the burden to somebody else. We did our part. Rancho Viejo is that chance. Please approve it.

CHAIR BUSTAMANTE: Thank you, sir. Next.

SEC CLERK RECORDED 09/11/2025

MARY DUDLEY THOMPSON: Mary Dudley Thompson, 27 Chusco Road, Santa Fe, Eldorado.

What could possibly go wrong? Children, the children. What can harm the children most? A toxic cloud vaporized heavy metals that they are forced to breathe in. That is what could happen if this lithium battery facility AES is proposing to the County Commissioners is approved. My son teaches at an elementary school 5 miles east of Moss Landing, California. When that facility burned, a toxic cloud released threatened the school. He tried to get the school superintendent to close the school and send the children home. Instead, he was told to just close the windows and doors for the whole entire duration of the day. All the children complained of the metallic taste. That's the first sign of exposure and absorption of toxic materials.

According to reports from the Moss Landing lithium battery fire as a result of the fire, many children ended up in the ER and one child died. These toxins reside in the tissues of those who have breathed them in. No one knows when the effects of these toxic materials will show up and manifest in each child's life. Even if the children were evacuated, which wouldn't happen very time in a very timely way since neither of the schools, the Turquoise Charter School and the Eldorado School do not have buses on site and the children, they still live in the nearby communities. As will argue that it could never happen, yet Moss Landing was not the only lithium battery facility to catch fire. The danger is inevitable. The safety of our children. If you are a parent or a grandparent, would you put your own in such a risk? Thank you.

CHAIR BUSTAMANTE: Thank you.

BERNARD MCGRATH: Okay. Thank you. My name is Bernard McGrath. I go by Barney and I live in the northwest corner of Eldorado, Encantado Loop, 19 Encantado Loop.

Number one, I appreciate your process. Your email that said to register here works very well. That got me here. Thank you for setting that up. It made it easy to sign up.

Well, I've done two three I've done three things really. I've spoke to the Planning Commission in this room. I have written to the County Commissioners with an email and I asked my wife. So those are the three important things. I testified in this room to the Planning Commission. I emphasized that the project was wildlife unfriendly. Well, that idea was shot down in flames because, you know, the vote was six to one. No one seemed to care about that. But I hope that you care a little bit more about the wildlife with a herd of antelope that's out there. The bobcats, coyotes, occasional bear. 600 acres enclosed by a chain link fence is very wildlife unfriendly.

Another thing I did was I emailed the Commissioners and emphasized that I did not want AES to be my neighbor. I just don't want the noise, the lights, the dust, everything that comes with the construction. Another thing I did was ask my wife about the real estate issues because she's a real estate broker and has been a real estate broker in town for 10 years. And I asked her if the property values would be affected by this project and she said, Oh, they already have. It's already happening. Prices have gone down. Houses are staying on the market longer and people are moving. These are all just anecdotal. I can't provide you with any figures, but these are my neighbors that I talked to.

And last of all, this project built itself was enlighten capitalism.

CHAIR BUSTAMANTE: Thank you. Thank you, sir. Okay. Anyone else in the chambers? Okay, we will move online.

MR. FRESQUEZ: Chair Bustamante, our first speaker online is Millicent McFarland.

[Duly sworn, Millicent McFarland, testified as follows:]

MILLICENT MCFARLAND: Okay. Millie McFarland, Millicent is my official name, 23 Estambre Road, Santa Fe, Eldorado. I'm about a mile and a half away from the proposed site.

So, I'm opposed of the AES development and ask our county representatives to reject this plan as this area includes two schools which will be very difficult to evacuate in an emergency as there are no buses kept there, as far as I know. Turquoise Trail Charter School is right on the doorstep to the proposed commercial battery site. Eldorado Community School is a mile or two away, very close. There are almost 700 students and staff at Turquoise Trail Charter and about 400 at Eldorado, I believe. Both schools are K through 8. We are talking little kids here with undeveloped lungs and immune systems possibly being exposed to toxic gases and god forbid fire. Over a thousand souls to relocate and protect and yet I have yet to see any evacuation plans for the schools and have come to believe there are none. The children's safety is not being addressed as far as I can see. I would love to be proven wrong on this issue and ask yet again for a copy of the evacuation plan for both schools. How will the students be removed to a safer site? If there is an evacuation plan for removal of the students to a safer site in case of gas release or fire or other emergency, I would like to see it. I am simply asking how you plan on keeping these little kids safe. We cannot sacrifice 1,100 souls on the altar of AES greed.

And I'll respond to a couple other people since I have a few minutes. Yes, the houses are selling on our road here on a Estambre Road. We have seen two houses right now. They're selling within a week and they've been -- people have already moved in. All over Eldorado houses are selling at the moment, but I believe I'm hearing that insurances are being denied especially when you talk to the insurance company about the AES, this development coming in. People's prices for insurance are going up or they are losing their insurance.

But the main thing I'm concerned about ore the kids. You guys really need to get your act together. And I know that there are teachers in the group because I've worked with them. --

CHAIR BUSTAMANTE: Thank you. Full disclosure, that was my junior high teacher.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Elizabeth Broyles.

[Duly sworn, Elizabeth Broyles, testified as follows:]

ELIZABETH BROYLES: Elizabeth Broyles, 1 Gavilan Court. I understand I'm under oath.

Thank you for the opportunity to speak, for your service to the residents of Santa Fe County, and for all you've done to ensure there are ample opportunities for public participation. My thanks to our County staff for your service and professionalism in shepherding this process forward.

As I said, my name is Dr. Elizabeth Broyles. I'm a resident of Eldorado and a retired educator. I'm privileged to have several firefighters in my family, including my son, a structural firefighter, and my husband, a retired wildland firefighter of 40 years. Over the course of his career, I've had a bird's eye view of his leadership in both firefighter health and safety, as well as developing several NFPA standards while working with members of the Underwriters Laboratory. As such, I have developed a high level of confidence in the safety standards that any new solar project must meet. I support this project and I encourage you to do the same. From its many economic benefits to the opportunity it provides Santa Fe to be a leader in meeting New Mexico's renewable energy goals, the positive impacts of the Rancho Viejo solar project are numerous and have been articulated well by many.

More broadly, this project allows us to take necessary steps toward addressing the impacts of climate change and reducing our reliance on fossil fuels, both of which disproportionately affect many of our most vulnerable New Mexicans. As we think about our future, our children's future, and the future of our planet, it's time for us to take action to do our part and say yes to renewable energy project right here where it can have immediate positive impacts on our community. Thank you.

CHAIR BUSTAMANTE: Thank you,

MR. FRESQUEZ: Chair Bustamante. Our next speaker is Christian Casillas.

[Duly sworn, Christian Casillas, testified as follows:]

CHRISTAIN CASILLAS: My name is Christian Casillas. I understand I'm under oath and I live at 330 Sanchez Street, 87505.

I'm the executive director of the Coalition of Sustainable Communities New Mexico. Our organization works with seven cities and counties across the state to support equity focused climate and sustainability programs and projects.

I'm here today to speak in support of the Rancho Viejo AES solar storage facility project. The fear of a fire or an accident in any type of facility near your home is understandable. I want to acknowledge the concerns voiced by the many Eldorado neighbors about the safety of their homes, families, and environment. However, the question before you is not if we build this infrastructure, but where and how soon. To pose this project here in a community with the resources and motivation to ensure it is built to the highest possible standards is to implicitly say it should be built elsewhere. Which historically is meant in a less affluent, less politically connected community that doesn't have the time or resources to oppose it, much less monitor its construction and operation.

The climate crisis is real and at a time when progress is being hindered, moving fast is of the essence. Millions of dollars in gross receipts tax and land payments from this project can support numerous needed programs in our county, such as Santa Fe County's Home Rehabilitation and Energy Efficiency program, which is dedicated to home retrofits for high-need households. And that program is funded by GRT money.

This is an opportunity for Santa Fe County and its more than 150,000 residents to demonstrate that we are willing to step forward and be leaders in a just, clean, safe, and responsible energy transition. Thank you.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, Our next speaker is Molly Day Forgaard.

MOLLY DAY FORGAARD: Yes. My legal name is Molly Forgaard. I go by the name Day. I live at 27 West San Marcos Road in Santa Fe County. I'm here to speak in support of the Rancho Viejo project.

I love Santa Fe and I love the people here and I think that the people here deserve to have access to cheaper, clean electricity. I have in my time here seen so many wildfires as a result of climate change, seen so many heat wave, droughts, and I want to be living in a city that is working to be part of the solution. And I know that we're seeing cost of living rise every year and locals be pushed out by not being able to afford to live here. whatever we can do to make the city more affordable and that includes making choices that allow people to have access to cheaper electricity. I want to be here to support that.

I understand that this is a project that a lot of people are having fear about, but I have looked at the research and I just don't think that a lot of these fears are justified. And I understand that this project is really in keeping with the city's strategic plan and I just wanted to be here to put my voice in support of this project. Thank you so much for your time.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Our next speaker is Veronica Toledo.

[Duly sworn, Veronica Toledo, testified as follows:]

VERONICA TOLEDO: Veronica Toledo, 1 Horse Peak, Santa Fe 87508. And I understand I'm under oath.

So, my name is Veronica Toledo and I live in Rancho Viejo. I also serve as the director of policy and advocacy at Home Wise. I'm here today to express my personal and our organizational support for this project. At Homewise, our mission is to create successful homeowners and strengthen neighborhoods, helping individuals and families build long-term financial stability and improve their quality of life. Our nonprofit is also committed to helping homeowners lower their carbon emissions and reduce utility costs which is why we run the energy wise program which supports low to moderate income individuals access solar energy and energy efficient home improvements. I share this because as an organization we truly believe in sustainable power sources like the solar farm AES is proposing.

As a Rancho Viejo resident, I believe the benefits to our city far outweigh the potential risks and urge the commission to continue supporting this. Thank you so much.

CHAIR BUSTAMANTE: Thank you. Okay, anyone left in the chambers for this hour?

Okay, we are done with the 3:00. We have a half hour until our 4:00. Is Jordan Young signed up to speak. Okay, let's do it.

JORDAN YOUNG: My name is Jordan Young. I live at 652 Galisteo in Santa Fe. I know that I am under oath.

A two-year delay for a solar project is absolutely absurd. Community input for hours, excuse me, days, I mean years on end is also absurd. Does anyone on the Commission understand the data behind these hearings? People who are opposed are the ones who show up. People who have complaints are the noisiest. There is data to support this. Any city that isn't swiftly and efficiently supporting cleaner energy projects, infill

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housing with density and new building is the problem. Liberal cities across the United States are plagued with homelessness and lack of progress. Our city and county's processes, which privilege the voices of the few over the benefits of the many, are the problem. Our city and county's processes which are slow, expensive, and inefficient are the problem. Solar is not the problem.

All of our elected officials who continue to support endless ridiculous entitlements process processes that have no timelines or deadlines end up costing all of us money and quality of life.

Build the solar project. Build affordable housing. Hell, build anything. Thank you.

CHAIR BUSTAMANTE: Thank you. That concludes the 3:00 hour testimonies or public comment. We will break until 4 o'clock.

[The hearing paused from 3:35 to 4:00]

#### **4:00 Public Comments**

CHAIR BUSTAMANTE: The 4:00 hour is before us. We have eight people who have signed up for public comment. Will those who are in the chambers please stand to be sworn in together?

[Deputy Clerk Wilson administered the oath.]

SAM HITT: Yes, my name is Sam Hitt and I reside at 48 Old Galisteo Way, in Santa Fe County.

I am the chair of the public lands working group of the Santa Fe Chapter of the Democratic Socialists of America. On May 25<sup>th</sup>, the chapter hosted a well-attended debate between those in favor of granting AES a conditional use permit for its utility scale solar development and those opposed. Each side spoke for 10 minutes and there were 10 minutes allowed for questions. Back sheets and promotional materials from both sides were made available. Proponents argued the development was necessary to address the climate emergency. Opponents in the surrounding communities were concerned about the dangers of escape fire and the lack of analysis of alternative sites. As a result, we asked members to carefully examine the issue and vote, ranking their choice either in favor, opposed, or neutral. The results were over 50 percent of the 24 members who participated in the vote ranked approval of the project as their first choice. The neutral position was a second choice.

The National Democratic Socialist of America platform calls for a green new deal to ensure a rapid shift to 100 percent renewable energy. It would democratize control over major energy systems and resources by establishing public ownership of energy utilities. The chapter is currently developing a renewable power policy for Santa Fe that is consistent with this policy. Thank you.

CHAIR BUSTAMANTE: Thank you. Next,

MILES STANDISH: My name is Miles Standish. My address is 65 Camerada Loop. And I do understand that I'm under oath.

My home, of 33 years, is on the far west side of Eldorado. Like many others, I am at ground zero should a thermal runaway event occur. It is an acknowledged risk.

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Otherwise, we would not be hearing about all the internal fire control measures to deal with that acknowledged possibility.

A simple risk reward analysis indicates the reward is not commensurate with the risk. The risk here is the possibility of toxic heavy metals being vaporized and released across three communities with lifelong health damage to the residents and wildfire, groundwater contamination, and private wells ruined and property values destroyed. These risks are largely because of the misguided location that was chosen by AES. The reward is helping to fight climate change and cheaper electricity.

Will this project by itself reduce climate change even a little bit? No, it will not. Not as long as China and India and many other countries continue to increase and expand the burning of fossil fuels. China alone brings a coal fired plant online nearly every day. We do not live in a bubble. What happens there affects us here. We all know that. As well-meaning as it may be, and I doubt that is even a factor with AES, the approval of this particular project at proposed location will have a completely negligible effect on the existential threat, existential threat of climate change, but has great potential to cause massive harm to the environment and people right here at home, your constituents. Should a safer location be chosen away from communities that risk reward analysis –

CHAIR BUSTAMANTE: Thank you.

JOEL YELICH: Joel Yelich, 71 San Marcos Loop, Santa Fe, New Mexico 87508. I understand that I'm under oath.

I appreciate the opportunity to speak. Thank you all for your patience through all these proceedings.

I was neutral on this project when I first heard about it. Solar project seemed you know somewhat beneficial. I received correspondence from some of the parties in the matter. One of them I took particular interest in. It said that your assumed support. I was well what what's going on here? So then I looked more deeply into it. Looked at the size and scale of this and it screamed industrial to me. So I started looking into the SLDC, started looking into everything related to it and it still screamed industrial. Well, then I said saw this commercial solar. Okay, so you got a big box store with solar panels on it. That wasn't consistent and there are so many inconsistencies here that it was bizarre in my opinion to get this far. Then the Hearing Officer recommended denial and I was like okay that's good, follows my logic and thinking on this. And then suddenly it was different, another inconsistency.

So many inconsistencies in my mind. When I just go back to the original size and scale of what I consider an industrial energy project. It just seemed bizarre. So with that, the inconsistencies with what I think are inconsistent with the SLDC and other planning arrangements that the County has made over the years, I recommend that you that you deny this and follow the recommendations of the Hearing Officer. I appreciate it.

CHAIR BUSTAMANTE: Thank you.

GREGORY LEWIS: Hi, my name is Gregory Lewis and my address is 7 Seton Plaza in Santa Fe 87508. I understand I'm under oath.

And I'm also here to express my support for the project and I'm a 40-year resident of Seton Village which is quite nearby the project, My career as a hydrologist I've had firsthand access to data that really spell out the climate change crisis that we're facing here in Santa Fe County, New Mexico, and the world at large. It's easy to highlight the

potential risks of a given project and lose sight of the bigger goal of reducing greenhouse gas emissions. And we're facing a potentially existential climate crisis and the most important thing we can do is reduce our greenhouse gas emissions. I have a six weeks old grandson, my first, and I do deeply worry about what we're the future that we're leaving for him. And I believe it's imperative we move expeditiously to renewable energy sources. And this is a good opportunity to do so with 96 megawatts of generating capacity and what is it 48 megawatts of battery storage. It'll provide much of the power required for the city of Santa Fe. And of course, utility scale solar projects such as this are much more efficient than rooftop. And those of us that live in areas that can no longer do rooftop, we don't have that option anymore anyway. And given the hostility of the federal administration towards renewable energy, who knows when the next opportunity may arise. This project will also help Son County's economy with well-paying jobs during construction, a few during operation. Admittedly, not that many, but still. And it will increase our tax base substantially. And it's not risk-free. I realize that there's fire risks that goes with it. However, we've harp on some of these fires that have happened in the past and mostly they're obsolete battery systems and if we're in compliance with NFPA standard 855, I think the risk is much lower. And it also falls squarely this project within the County's charter of promoting renewable energy in the 2015 Santa Fe Sustainable Growth Management Plan and specifically chapter 7 and goals 23 and 24 in particular. I'd prefer this to another subdivision there and I urge your approval. Thank you.

CHAIR BUSTAMANTE: Thank you.

JOHN BUCHSER: Hello, my name is John Buchser. I live at 606 Alto Street and I affirm that I am under oath.

In the last 5 years, no BESS container fires have escaped their enclosure. As a result, no public damage has occurred. The Moss Landing fire does not apply as an example of risk as this was not a container fire. The statement yesterday from Mr. Schannauer that we do not need energy from this system to meet the energy transition act goals is misleading and probably incorrect. We need electricity 24/7, not just when the sun shines. We need to continue our path of reducing CO<sub>2</sub> emissions.

I agree with the concept of spacing the containers 10 feet apart so that in the unlikely event of a container fire, the fire department can effectively spray water on the adjacent containers. I appreciate that AES concurs with this design change. The updated codes from last year affect the battery design, the facility construction, and the fire code. Over the last 5 years, using the prior version of the fire code, container fires have a 0.3 percent per year likelihood of occurrence, which is comparable to a house fire likelihood. Six levels of thermal runaway protection with the initial focus at early detection of cell failure is likely to result in fire rates and fire spread rates even lower. I appreciate that the Rancho Viejo partnership has offered us the opportunity to meet our 24/7 goals locally. Thank you, Councilor Bustamante and other Councilors for the opportunity to speak about this much needed project.

CHAIR BUSTAMANTE: Thank you. Anyone else in the chambers who have signed up to speak? Hey, we'll go online.

MR. FRESQUEZ: Chair Bustamante, our first speaker is George Broyles.

[Duly sworn, George Broyles, testified as follows:]

GEORGE BROYLES: My name is George Broyles. I live at 1 Gavilan Court, Santa Fe County. That's in Eldorado. And I do understand that I am under oath.

I do want to thank you for giving me this opportunity to speak. I also want to thank you for all your service to the residents of Santa Fe County.

I am a retired US Forest Service wildland firefighter, fire manager, and a hazard researcher with 40 years of experience in the field. Among other things, I was chair of two NFPA wildland fire committees. So I know well the rigorous process these standards go through. NFPA standards are the gold standard and adopted throughout our country and countries around the world.

Therefore, I am confident in the safety of this proposed facility since it will be designed and built to the appropriate NFPA standards as well as other codes and regulations. During my career, I have witnessed firsthand the destruction from wildland firefighters to loss of homes and lives. I've been deployed to three major hurricanes in Florida and the Gulf Coast, and I have seen the devastation that these bring to entire communities. Of course, around the course of my career, I've seen how the changing climate has impacted these natural disasters. More larger wildland firefighters fires, more intense hurricanes, and of course the recent devastating floods in our own state, Texas and in North Carolina. We have here an opportunity to do our part to protect our community, county, state, and our planet by approving this facility.

Most importantly, we have an obligation to our children to do our part to mitigate global warming. Everything we do has risks. So we must do our best to mitigate them. And I believe the established standards and County oversight will effectively mitigate these risks associated with the facility. These are speculative risks. The risk to our warming planet are real and far outweigh any perceived risk with this facility. I fully support it and I hope you do too. Thank you for your thoughtful consideration.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is John Kadlecsek.

[Duly sworn, John Kadlecsek, testified as follows:]

JOHN KADLECEK: Hi, I'm John Kadlecsek, and I live at 87 Rio en Medio, and I understand that I'm under oath.

I'm really excited about Santa Fe getting a progressive project like Rancho Viejo. And Commissioners, I strongly hope that you'll approve it. We need to do everything we can to reduce the threats from climate change. Using solar energy is an important step in that direction and storing the power and batteries is great insurance against the growing unpredictability of the grid.

This summer at my home in Rio en Medio, we've already had six debilitating outages. While opponents are concerned it will affect home sales, they forget that for many people who understand the climate crisis that we're in, a project like Rancho Viejo will attract home buyers. Not just because they want to be part of the solution, but also because of the increased reliability. And those who are afraid of a possible wildfire being sparked from the facility, the reality is that risk is low. So low in fact that the wildfire that is feared has literally never happened in the history of battery storage.

Not to go ahead with the project will do more to increase the risk of wildfire in

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the in the long run by continuing to pump carbon into the atmosphere. We have to start somewhere. We can't control what they do in China, but we can control what we do at home. What I worry about is that if Santa Fe rejects this project, it will -- won't just deprive us of green energy. It will become a case that others who like to spread misinformation will use to go against other renewable energy projects. Let's not provide fodder for those propagandists who come up with untruths to scare people into believing that clean energy is dangerous. I don't want to see Santa Fe being a community that the Trump administration can thank for slowing down the clean energy transition. For the good of Santa Fe, New Mexico, and the future of the planet, please approve the Rancho Viejo project. Thank you.

CHAIR BUSTAMANTE: Thank you,

MR. FRESQUEZ: Chair Bustamante, our next speaker is Linda Buchser.

[Duly sworn, Linda Dutcher Buchser, testified as follows:]

LINDA DUTCHER BUCHSER: Good afternoon. My name is Linda Dutcher Buchser and I have lived at 606 Alto Street for over 50 years and I understand that I'm under oath.

We have already been paying PNM for wind generated energy. Adding solar provides a resource for when the wind isn't blowing and moves us closer to freedom from fossil fuels. And along with that addition, we must have safe battery storage. I appreciate that folks opposing this operation would be concerned about fire safety. The reality is that their concerns derive from information about fires and facilities that did not compare with the proposed AES construction which will have updated standards for construction and monitoring.

My concern is that we would be well advised to have some way of determining that AES is appropriately monitoring the facility. AES has said they will monitor 24/7. Can the County require this and oversee it? I might add that in Europe, solar facilities are designed to allow thriving ecosystems under and among the panels. I would hope that we can do something similar adapted to our soil conditions and climate.

We need to approve the proposed AES solar project and we need to do it quickly so that we can take advantage of materials and financing options before the current federal administration makes things more expensive. Delays will mean we pay more for electricity and we will have lost an opportunity to make our electrical supply more resilient while at the same time helping reduce the carbon dioxide in our atmosphere that is driving climate change. Thank you. I appreciate your work on this and thank you for letting me speak.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Marlena Durry. I apologize; it seems that she has left the meeting. Our next speaker is Diane Reese. [She was unable to unmute her microphone.] That is all of our online speakers for this hour slot.

CHAIR BUSTAMANTE: Thank you. Anyone else in the chamber who was signed up for the 4 o'clock hour.

COMMISSIONER CACARI STONE: Chair, I'd like to make a motion to go into executive session to discuss the AES case, please.

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CHAIR BUSTAMANTE: Do we have a second?

COMMISSIONER GREENE: I'll second that.

CHAIR BUSTAMANTE: We have a motion by Commissioner Cacari Stone and a second from Commissioner Greene.  
We will have a roll call vote, please.

The motion to meet in executive session pursuant to NMSA 1978, Section 10-15-1(1) (H) passed by unanimous [5-0] roll call vote as follows:

Commissioner Adam Johnson	Yes
Commissioner Justin Greene	Yes
Commissioner Hank Hughes	Yes
Commissioner Lisa Cacari Stone	Yes
Chair Camilla Bustamante	Yes

[The Commission met in closed session from 4:23 to 5:03]

#### **5:00 – Public Comment**

CHAIR BUSTAMANTE: Back to order at 5:03 p.m.

COMMISSIONER HUGHES: I move that we come out of executive session.

COMMISSIONER GREENE: And I'll second.

ATTORNEY BOYD: Chair, I'm sorry to interrupt, but just to clarify the record here, you all entered into executive session pursuant to the open meetings act which allows you all to deliberate in administrative adjudicatory matters. I just wanted to make sure that that authority was clearly stated on the record.

CHAIR BUSTAMANTE: Yes, that was our intention in going exec. --

The motion passed by unanimous [4-0] voice vote. Commissioner Cacari Stone joined immediately following the vote.

[Deputy Clerk Wilson administered the oath.]

CYNTHIA BROSHI: Cynthia Broshi, B-r-o-s-h-i, 26 Red Raven Road, Santa Fe, and I do understand that I'm under oath.

Thank you for this opportunity, Commissioners. I often listen to you on the radio and this is my first time to attend a meeting, so it's kind of exciting.

I live in the San Marcos community, which is a little bit south of where the facility is planned. I will be really proud to have the AES facility in my neighborhood. I understand the fears of opponents and I have really done a lot of research in the science and I understand that their fears are primarily almost entirely based on misinformation. I want to refer you to a letter written by Nicholas Lenssen. I want to make sure you do read that, L-e-n-s-s-e-n. He grew up in Nambe and he has been working as a consultant in sustainable energy for many decades including with EPRI and he is my brother. So I asked him to review the information about AES the facility and he has written he believes

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that  
the project is sound the science and technology are excellent and he highly recommends its approval. Yes, there have been fires in commercial solar arrays. However, in the United States, not a single fatality has occurred from any of these fires. And in a BESS facility, not a single fire has ever escaped the facility itself.

I believe there's been a lot of comparison to California's Moss Landing facility. And this is basically comparing a stumbling brontosaurus with a hummingbird. The AES facility being the hummingbird. Yes, they are descended from the same route. There's been a lot of evolution in between. I hope that you're really studying that.

CHAIR BUSTAMANTE: Time is up. I'm sorry. Your time is up.

UZI BROSHI: My name is Uzi Broshi. My address is 26 Red Raven Road, Santa Fe, 87508.

I'm a doctor and I deal a lot with chronic pain with of patient and one of the best techniques that I have or teaching patient is what called decatastrophizing. Decatastrophizing an emotional -- when we are facing with serious illness and I think what happened here also we need to decatastrophy. I think what we're facing here is the decatastrophization manufactured catastrophe. None of us when we are, each of us when we are about to get into a car and drive from point A to point B don't really look into pictures of blown up car and car in accident and dead people and the same you know so driving a car, exposing us to much worse catastrophe or chance of catastrophe than what we are facing with this facility. They presented a lot of this technology now for safety and I believe it's true. The same is even walking down the street we don't really constantly question our self should I cross the street or not yet we are facing risk of some kind of accident or cat catastrophe by far more than fire that could happen from that facility.

So I think that this kind of decatastrophizing it's an very, very important element in order to introduce here to put things in perspective. I think that reducing climate change and all that is by far more important than the risk that maybe might have a little risk. The risk is anything we take in life. Thank you.

CHAIR BUSTAMANTE: Thank you. Have you been sworn in?

[Deputy Clerk administered the oath.]

ANDREW HOLLIS: Hi, my name is Andrew Hollis. I live at 1000 Hillcrest Drive in Santa Fe. I understand that I am under oath and thank you all for giving the public a chance to provide input, much appreciated.

We have been watching the devastating effects of climate change all around the world for many years now. We are fortunate to live here in New Mexico where we have the ideal situation to harvest renewable alternative energy sources at scale. My children and my grandchildren, I have five grandchildren, will look back at our generation and look at us as to how we're processing important decisions that will affect them in their lives and wonder if we did what's best to help them better the world.

Voting against the solar proposal here would be a huge mistake. There are 575 safe, clean, efficient solar installations around the country, very much like the operations being proposed here. These facilities are far cleaner, safer, and better for the environment than any of the various fossil fuel options that that they're replacing.

Please don't allow yourselves to be influenced by the few unsubstantiated fear-

mongering points delivered by some of my fellow citizens. The facts don't support their fears and arguments. Change is very difficult sometimes to accept. Facts should win. Please vote to support this project and to help my children and grandchildren's future and show them that our generation was wise enough to change for the good of the future generations. Thank you.

CHAIR BUSTAMANTE: Thank you. Seeing that there are no other speakers from the dais, we have four registered online..

MR. FRESQUEZ: We've received a couple more registrants since lunch. Our first speaker is Charles Goodmacher.

CHARLES GOODMACHER: Thank you very much for the opportunity, Commissioners, and thank you for sitting in those very hot seats today.

[Duly sworn, Charles Goodmacher, testified as follows:]

MR. GOODMACHER: I am Charles Goodmacher. I understand I'm under oath. I live at North Pole Loop, NE in the Santa Fe suburb known as Rio Rancho. Thank you.

So again, I'm speaking here today on behalf of Healthy Climate New Mexico, a nonprofit that has over 300 medical and public health professionals as members, many in Santa Fe. Healthy Climate, thanks you for the opportunity to speak in favor of the proposal before you today.

Climate change has already increased the frequency and intensity of natural disasters such as flooding, wildfires, extreme heat events, and severe storms. Along with the direct threats to human health from these extreme events, these disasters may cause power outages that often have very serious consequences for people who cannot relocate or who rely on electrical medical devices and mobility equipment. Solar plus storage can help reduce stress on the grid during extreme heat events and can reliably provide backup power during an outage caused by a natural disaster. Even if the backup generators fail as they sometimes do like in major events, local governments across the country are therefore actually incorporating solar plus storage into their resilience and sustainability planning.

As you've heard from others, solar farms and energy systems, Rancho Viejo included, are safe, clean, and built with a public health in mind. Designed to strict standards, non-flammable materials, low fire risk, and developers work with emergency responders, some of whom are members of our group, to ensure communities are prepared to handle rare safety issues, making solar farms and energy storage and energy solutions contribute to a healthier New Mexico.

So, on behalf of Healthy Climate New Mexico, I thank you very much.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Kim Nitschke.

[Duly sworn, Kim Nitschke, testified as follows:]

KIM NITSCHKE: My name is Kim Nitschke. I live at 710 Siringo Road and I acknowledge I am under oath.

Santa Fe County Board of County Commissioners. I respectfully submit this testimony in opposition to the AES Rancho Viejo solar project. I've conducted climate change research for the entirety of my career. I have worked for the Australian government, the US Department of Energy, the National Science Foundation in monitoring, developing, and advocating for the reduction of fossil fuels. As such, I'm

dedicated advocate for alternate energy solutions. I kindly request that we all refrain from being distracted by the argument for solar. That is not the scope of this hearing and proponents of this project should listen carefully to what the objections are and not be blindsided by the emotional desire to do what seems right in the context of advancing renewable energy solutions.

I've closely followed the progress of the AES conditional use permit application progress and I'm deeply disturbed by the lack of consideration and respect shown towards the concerns of local residents. On multiple occasions, planning commissioner officials failed to address or respond to fundamental issues and requirements that have been raised. While the applicant has frequently changed designs and stated specifications, important questions regarding noise safety and facility designation, whether it's commercial versus electrical power generation facility, have not been adequately considered by the County's planning department. It is apparent that the County is working with an insufficiently developed plan and processes for handling facilities of this scale and lacks the necessary tools and guidance to make fully informed decisions.

Solar development is clearly outpacing local government regulatory oversight and the urgent need to establish a state level systematic design strategy is needed. While the benefits of ultimate power are clear, they can only be fully realized when pursued as part of a comprehensive well-considered plan. For these reasons, I along with my other concerned stakeholders oppose this CUP application.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Richard Lindahl.

[Duly sworn, Richard Lindahl, testified as follows:]

RICHARD LINDAHL: My name is Richard Lindahl, 9 Duende Road in Santa Fe, New Mexico. And I understand that I'm under oath.

And I'm also all for solar and wind power, but I oppose the AES Rancho Viejo solar and battery project as currently presented because it's much more than just a solar farm. According to the Sustainable Land Development Code that the County has adopted, AES's environmental impact report is required to address alternative locations for the project. AES addresses moving the solar panels around to different locations within the project parcel but does not address the BESS. So the AES project has not met the requirement of this code and there is no mention of moving the project to a lightly populated area within the county or even outside of the county. This is a major shortcoming. One of the primary objections to the project is the location close to highly populated residential communities including Eldorado, Rancho Viejo Galisteo and the southern part of the city of Santa Fe as well as the Eldorado public school and the good old Santa Fe Community College.

There's no technical need for the project to be very in very close proximity to these populated areas. And remember, the purpose of the code is to protect and promote the health, safety, and general welfare of present and future residents of the county. So, the application fails to conform to the requirements in the code and it poses a risk to residents and the environment. Thank you very much, Madame Chair and Commissioners for the opportunity to comment.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Eve Searls.

[Duly sworn, Eve Searls, testified as follows:]

EVE SEARLS: My name is Eve Searls. I live at 3 Azul Drive in Eldorado, and I understand I'm under oath. And thank you for the opportunity to speak.

Today, I stand before you as someone who was downwind an hour away from Chernobyl and have since had lifelong health journey. I will not compare radiation to heavy metals. And I will not compare our local government to a foreign government that silenced reports of toxic exposure, preventing families like mine from evacuating for over a week after the explosion. I will simply share what my medical journey has taught me about exposure to a combination of some radiation with some toxic metals for those not having to heal from Chernobyl. We assume that we can detox from both. But that assumption does not always hold up. New Mexico is blessed with extraordinary natural resources, and part of this is naturally occurring radiation levels in our soil and water that far exceed the national levels. Not only is radon mediation common, but as my nine-year-old daughter's medical tests have revealed, the uranium content in her system has quite literally exceeded the chart perimeter and has remained steadily high. I learned this is not uncommon, but her body is constantly though slowly detoxing and as we work to keep out heavy metals like aluminum add heavy metals exposure and she may not stand a chance.

The point I really want to make is the following. We rely on an endocrine system for many essential functions. One of which is to detox from both heavy metals and radiation. However, this very system is greatly disrupted by exposure to heavy metal and to radiation. So, what may seem as a brief exposure to toxic plumes may begin a vicious cycle of deteriorating health, a body that cannot detox from the heavy metal exposure and continues to spiral downward. Since radiation exposure is our constant and natural reality here in Santa Fe, we are not only vulnerable because of dry, windy climate. Our radiation levels mean we cannot afford heavy metal exposure.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, our next speaker is Gerald Geary.

[Duly sworn, Gerald Geary, testified as follows:]

GERALD GEARY: My name is Gerald Geary. My address is 3 Hornado Court, Santa Fe, New Mexico. And I definitely understand that I am under oath.

Good afternoon. I know it's been a long day for you all. I am speaking today about the scale and location of the AES Rancho Viejo solar and BESS facility and the many others that will no doubt be proposed and installed in New Mexico. I'm starting my brief statement with a quote by Joe Rowely, former VP of project development for Simpra US Gas and Power, who led the development of large-scale energy storage projects in Southern California and the US for 24 years. Quote, We rely on technology and we assume that it won't hurt us. At the right location, a large-scale battery installation can fulfill that expectation. But large-scale installations are industrial in nature in terms of both physical appearance and especially their attendant risks. Large installations should be located exclusively in industrial or unpopulated areas.

Based on his statement and reams of data, why are we entertaining a commercial conditional use permit for this project that is by all definitions a utility scale endeavor?

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To be clear, commercial is reserved for companies that supplement their energy needs by installing a small solar array and BESS system that doesn't connect to the grid. A large utility scale facility ties into the grid and works with energy providers like PNM which in the case of the AES Rancho Viejo facility will have complete discretion on its distribution. It is not safe and we ask that you use your influence to decline the CUP request.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, we have one call-in user, I believe, that goes by the name Diane, and I am sending a request to unmute right now.

[Duly sworn, Diane Reese, testified as follows:]

DIAN REESE: I do, and I understand that I am under oath. My name is Diane Reese. I live at 1620 Bernard Thomas Ave Southwest in Albuquerque.

I'm here to speak in support of the Rancho Viejo project. I want to thank the Commissioners for their service and I do want to acknowledge that some residents are against this project. However, I believe the massive amount of misinformation out there has clouded the situation. I want to say climate change is real and a safe and steady transition to clean renewable energy is at the utmost importance and will benefit us all. Even me in Albuquerque. We must cut the greenhouse gases. I feel the technology is good and the risk of fires is low. Many speakers have referenced the scientific data that shows this. I feel strongly this project can be completed safely and that the entire state of New Mexico will benefit from it. Clean energy, cheaper energy costs, a more inviting place to live because our air is clean and we have lower prices. All this leads to a better economy.

Another reason why I'm here today is that I am a retired military officer. I trained on scenarios of wars over scarce resources and control of livable land. Wars have been fought and lives lost due to fights over oil. And we have a responsibility to honor our military members and work towards self-sufficiency and a healthy environment that protects us all. The sun is available to all of us and even more generously here in New Mexico. We have an opportunity. We must take advantage of it. Federal funds of up to 30 percent are now available, but any delays puts that opportunity at risk.

Commissioners, please do not delay. Approve the AES project. We owe this to our children, our fellow New Mexicans, and our military members. Do you want to thank me for my service? Please approve Rancho Viejo. Thank you.

CHAIR BUSTAMANTE: Thank you. We just had someone come in as citizen.

The hearing paused at 5:30 until 6:00 p.m.

#### **6:00 Public Comment**

MR. FRESQUEZ: Chair Bustamante, we did have a total of six people signed up for this hour. Unfortunately, I do not see any of them online. It appears that Bran Mayhall is raising his hand.

[Duly sworn, Brian Mayhall, testified as follows:]

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BRIAN MAYHALL: My name is Brian Mayhall. My address is 1036 Camino de Chelly, and I understand that I'm under oath.

Thank you so much for the opportunity to speak and thanks for opening this up to the community. I know it's been a lot. I would like to speak in favor of this project.

I believe that we should be deploying as many climate change mitigation strategies as possible and as frequently and as quickly as possible and let it begin with us here in Santa Fe County.

I think the so-called Clean Energy Coalition has been doing a campaign of misinformation and disinformation and fear-mongering and a lot of people have fallen victim to that. And I think since everybody's been speaking under oath in these hearings that people who have been using misinformation, whether it's skewed statistics or speaking about the wrong type of battery chemistries, that their testimony should be omitted from the record. Imagine just the intellectual dishonesty it takes to call yourself the Clean Energy Coalition and then try to shut down a clean energy project. It's like calling yourself the wolf conservation coalition and then trying to kill the first wolf that you see.

I say let's deploy these clean energy strategies. Yes, in our county, yes, in our state, yes, in our country. Thank you so much for your time. That's all.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante. Our next speaker is Glenn Wikle.

[Duly sworn, Glenn Wikle testified as follows:]

GLENN WIKLE: I understand I'm under oath. My name is Glenn Wikle. I'm at 2006 Conejo Drive in Santa Fe and I guess I'll go ahead and start my comment.

So of course I'm in favor of the project and I have every bit of confidence that the Commission is going to approve the project which is why I wanted to comment on a couple suggestions that I saw in yesterday's hearing which I think would be wonderful safety enhancements.

The first one was the 10 foot container spacing which really sounded like good common sense. I don't necessarily believe all the testimony that we heard yesterday, but perhaps one insurance company was requiring 10-foot spacing and it certainly would reduce the chances of propagation of an event from one container to another. The second one, which I really thought was a good idea, which is hooking up to the actual water system out on Route 14 and bringing a line in so that there can be hydrants safely placed far enough away from the facility so that our firefighters could safely connect to them and establish those streams to cool adjacent containers as was described by one of the people testifying yesterday.

And that was pretty much all I wanted to say. We need clean energy. The planet needs this renewable project. It needs many, many renewable projects in New Mexico to meet the Energy Transition Act requirements. So, we need to approve this and I believe the County Commission will do so. Thank you very much.

CHAIR BUSTAMANTE: Thank you.

MR. FRESQUEZ: Chair Bustamante, it appears we have a call-in user that is unmuted. I'm not sure if they are signifying that they'd like to speak.

[Duly sworn, Deborah Anderson testified as follows:]

DEBORAH ANDERSON: My name is Deborah Anderson. My address

is 69B Shenandoah Trail, Santa Fe. And I understand I'm under oath. So, would you like me to just start?

Hello, I'm a documentary filmmaker and environmentalist whose focus is on energy and health. I live off Highway 14. Please protect your constituents and do not succumb to the tactics of the energy industry. BESS systems are not clean or safe. Accidents are not rare. There is an extensive EPRI database base of BESS accidents available online. Please do not put Santa Fe citizens in harm's way.

Our planet is well past a toxicity tipping point. Yet, we continue to unnecessarily deploy technologies that poison and destroy the places where we live. During BESS accidents, residents are evacuated to protect them from a plume of deadly toxins that travels for miles. Highway, schools, and businesses are closed. Residents and their animals become ill. It is a story eerily similar to that of communities where the energy industry fracks for gas, causing residents to become sick and disabled from chemical exposure. If you have been convinced by the company's assurances that they have better technology, you should know that this is what the energy industry always says. Oh, we've learned from our mistakes. Our technology is better. And then they cause a major accident. This is a coal company selling batteries. They will not be responsible for our safety. Not long ago, our community saved the Galisteo Basin from fracking, which had begun along the historic Turquoise Trail with its quiet beauty and ancient sites. We want to continue to protect this scenic byway. When one energy company gets its foot in the door, many usually follow.

Please don't open the floodgates to other developers or AES with additional BESS projects, as is happening in so many other communities. Southeast Santa Fe residents simply do not want to be evacuated from our homes, forced to shelter in place, or be poisoned. Not in anyone's backyard. No one should be taking one for the team.

CHAIR BUSTAMANTE: Thank you. Do we have additional?

MR. FRESQUEZ: Chair Bustamante, there are no more online users that would like that have registered, but we do have a in-person attendee that registered for a 7:00. I'm not sure if we want to invite him up to the podium.

CHAIR BUSTAMANTE: Okay, we have anyone in the chambers who registered either for now or at 7. Please come to the podium and be sworn in.

[Deputy Clerk Wilson administered the oath.]

JORGE BRACER: My name is Jorge Bracer. I lived at 4 Orilla Dorado Place in Eldorado, and I understand that I am under oath.

We just moved here six weeks ago with my wife and two young kids. We are renting in Eldorado and hoping to learn the area and buy a property in the next year or two. I have an electrical engineering degree from MIT. My wife has a degree in environmental resource management from Berkeley, has worked in climate change all her life. I built lithium batteries in my garage for fun. We know about these technologies. We love these technologies. We had never heard of this project until six weeks ago when we moved here. And it became apparent very quickly unfortunately that if this project were to pass, we could not look at the areas around this plant as places to buy home because we don't want to spend the next 30 years wondering whether this is going to be the day. As a person with field knowledge, I was wondering what can I say in two minutes at this stage in the game and so I started looking at the presentations yesterday and I realized the

difficult position you're in when I was hearing the testimony and the one thing that stuck in my mind is why don't I bring a picture of water and it's like what a picture of water and yes to remind all of us to learn from the hearings of the Challenger shuttle disaster not because it was a disaster. But because of why it was a disaster, under pressure to believe, NASA allowed itself to believe that lots of technical jargon made technology safe when in fact they were not. It took Richard Feynman, the great physicist with a picture of ice water to in one moment show that all of that days of testimony, technical confusing testimony, which is not true.

And so as a newly -- new person to the area, I encourage you to look at that for a lesson. Realize that Santa Fe has time and under a 30-year horizon, there are soon to be coming safer battery technologies that will make these batteries outdated. Thank you.

CHAIR BUSTAMANTE: Thank you. Is there anyone else in the chambers or online speaking at the six o'clock hour or 7 o'clock hour if you're here early? Seeing none. Would you like to go into executive session or shall we just have a 45 minute break? We're going to go ahead and we're going to break for 45 minutes. Thank you. We'll be back at 7 o'clock.

The hearing paused from 6:15 to 7:00

#### **7:00: Public Comment**

CHAIR BUSTAMANTE: So, we have our final hour for public comment for the AES hearing. Thank you to everyone who has stuck it out for the day. We're grateful for your attention and your contribution in assisting the Commission in making a decision, an informed decision um regarding this matter. We have four people signed up and one online/one virtual. We learned in the last hour that that changed a little and we may have people who signed up prior and are here for this meeting, which I understand that there are. So, if we can have everyone who has signed up to speak at 7 o'clock, even if you're not signed up and you'd like to speak at in the 7 o'clock hour, please stand up so that you can be sworn in together as a group.

[Deputy Clerk Wilson administered the oath.]

DAVID HESSLY: My name is David Hessly. I live at 1543 Escondido Court in Santa Fe. [microphone turned on] I live in Santa Fe and I understand that I'm under oath. Thank you.

Good evening, Commissioners. My name is David Hessly. I am a certified registered nurse anesthetist with a doctorate in nursing practice with over a decade of healthcare experience. And I live here in Santa Fe County. Every day in my work, I see the damage that fossil fuel pollution does to human health. More asthma, more heart disease, more respiratory illness. Climate change is already driving heat strokes, spreading disease, and making extreme weather deadlier. It's not abstract. It's happening now. The Rancho Viejo Solar Project is part of the solution. It's clean, it's quiet, and it doesn't poison our air and water. It will improve grid reliability and keep the lights on during the PNM blackouts.

I have listened to the opposition. Their talking points are recycled myths, fear-

mongering, and misinformation, been debunked by science and by the County's own experts. Let's be blunt. Saying you believe in climate change while blocking clean energy is not environmentalism. It's environmental obstruction. It protects the problem, not the planet. You cannot claim to believe in climate change while blocking clean energy and still relying on fossil fueled electricity. Solar and battery storage are among the safest energy systems in existence. The same battery technology that keeps pacemakers running in people's chests will power this project. Solar conserves water. It creates local jobs, generates tax revenue, and builds energy independence. All with the public health -- all without the public health costs of oil, gas, and coal.

From a healthcare perspective, approving this project is preventative medicine. Let's stop the harm before it gets worse. You can choose health over illness, action over delay. I urge you to approve the solar project for our health, for our environment, and for

CHAIR BUSTAMANTE: Thank you.

JUSTIN GAROUTTE: Yes. Hi, my name is Justin Garoutte. My address is 1543 Escondido Court, Santa Fe, and I understand that I'm under oath.

Good evening, Commissioners. My name is Justin Garoutte and I'm a public health professional and a resident of Santa Fe County. I first want to thank you for your public service yesterday, today, and ongoing, taking the time to hear from our community today. As someone who has spent my career focused on health, equity, environmental justice, and community well-being, I'm here to express my strong support for the Rancho Viejo Solar Project. This is not just an energy project. It's a public health intervention. Fossil fuel pollution is one of the leading contributors to respiratory illness, heart disease, and premature death. Clean, combustion-free solar energy, and battery storage help us reduce that burden, especially for children, elders, and vulnerable residents in our region.

Yesterday and today, opponents used fear tactics and hypotheticals to make you skeptical of your own staff, experts, and current scientific evidence. But solar and battery storage are among the safest and most community-friendly land uses that we can adopt. They use far less water than fossil fuel facilities or natural gas plants, generate no harmful emissions, and bring reliable tax revenue, jobs, and infrastructure resilience without straining our public resources.

I've lived and worked in Santa Fe long enough to know that this community values both environmental stewardship and equity. The Rancho Viejo project offers both better grid reliability to prevent blackouts from extreme weather, lower carbon emissions, and a more resilient energy future that supports working families, rural residents, and everyone who depends on a safe and stable climate. We cannot delay action. Climate change is here, and projects like this one are how we protect the safety and health of our people, our land, and our future. Thank you very much.

CHAIR BUSTAMANTE: Thank you. Please go ahead.

TOM HORNIG: I'm Tim Hornig, 24 Aster Way, Santa Fe 87508, and I understand I'm under oath.

My comments today are about deficiencies in the environmental impact report associated with this application. For background I'm not opposed to the solar component of this project at all and even to the battery system in concept but it's proposed to be in close proximity to residential area and that danger I think is unacceptable. People have

talked a lot about the risk of wildfires from a facility fire and how that is unlikely to happen or how it might be mitigated. What we haven't talked about as much as the potential for toxic gases including vaporized metals to be spread through the air. These are not addressed in the environmental impact report or the hazard mitigation analysis associated with it. The hazard mitigation analysis specifically addresses mitigations for the immediate site including making looking at the safety of facility operators, personnel in the vicinity of the enclosure and first responders does not address any mitigations related to me. We live about six miles I think from the proposed BESS location. In looking at the hazard mitigation analysis and what it talks about in terms of first responders and folks at the sites, it's very clear that there is a chance they address a chance for thermal runaway and associated fires. From the first responder mitigation guidelines, it explicitly says thermal runaway can result in ejection of gas, shrapnel, and/or particulate, parentheses violent cell venting and extremely high temperatures. I'll note that I've come to understand –

CHAIR BUSTAMANTE: Thank you. Thank you very much. Is there anyone else in the chambers who has would like to speak for public comment tonight. Okay. Online.

MR. FRESQUEZ: Chair Bustamante, the individual that signed up that registered to speak during the 7:00 hour is not online.

CHAIR BUSTAMANTE: Is there anyone else who is online who would like to speak? Seeing none. It looks like this hour was shorter than any other hour we've ever had. All right. Did you want to say something?

### 3. Concluding Business

COMMISSIONER GREENE: Madam Chair, I just want to say thank you to all of us and all of you and all of you and all of you and all of you like and people out there in the internet. This has been informative and tiring and thank you for sticking with us and providing us with a lot of work. You've done months and months of work to get us to here from every side of this conversation, you know, opponents, proponents, staff, and we've gotten off easy with 20 something hours of this. You've put in hundreds of hours. So, this has been tiring for us. I can only imagine for you all. So, thank you very much. Thanks, guys.

CHAIR BUSTAMANTE: Thank you. Are there any other Commissions who'd like to make another statement?

What I'd like to say for tomorrow morning, we will be continuing yesterday's hearing. We'll have questions of staff and the applicant. There may be questions for any of the parties of with standing. You've heard the questions and the concerns that have been brought up to us the last two days. I hope that everyone will be prepared to answer questions regarding some of the statements that were made and the concerns that have been brought up and we look forward to seeing everyone in the morning at 9:00. We'll be prepared for a two-hour meeting. Okay. Anything further? We will have a motion to adjourn. A motion to recess, please.

COMMISSIONER GREENE: Motion to recess.

ATTORNEY BOYD: It can be either. I think you're adjourning this

meeting. It's my job to play the technicalities here.

COMMISSIONER GREENE: Motion to adjourn then. Sounds more final

COMMISSIONER JOHNSON: Second.

The motion passed by unanimous [5-0] voice vote and this meeting was adjourned at 7:10 p.m.

Approved by:



Camilla Bustamante, Chair  
Board of County Commissioners

ATTEST TO:



KATHARINE E. CLARK  
SANTA FE COUNTY CLERK


Respectfully submitted:  
Karen Farrell, Wordswork  
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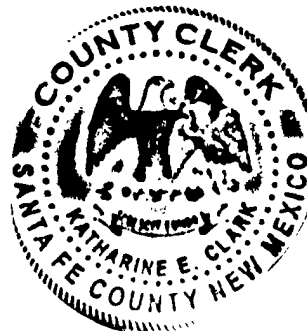
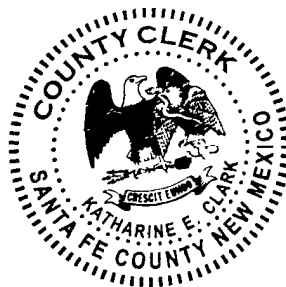
COUNTY OF SANTA FE           )  
STATE OF NEW MEXICO       ) ss

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I Hereby Certify That This Instrument Was Filed for  
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Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy  County Clerk, Santa Fe, NM  
Katharine E. Clark



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