

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	265023
Document Title:	Staff REV 2 Data Requests
Description:	Follow up data requests (REV 2) to applicant's responses to REV 1 Data Requests included in Second Incompleteness Letter with Request for Information For Soda Mountain Solar Project
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Organization:	California Energy Commission
Submitter Role:	Commission Staff
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Attachment B REV 2 Data Requests

BIOLOGICAL RESOURCES

The applicant has provided a revised Aquatic Resources Delineation (TN264860) to determine the location and extent of waters and wetlands within a defined Study Area, inclusive of the proposed project site, that are potentially subject to the jurisdiction of the USACE, Lahontan Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). According to the revised report, it appears that Rincon utilized a methodology that failed to identify potentially jurisdictional features throughout the project area. As described on page 5 of the Rincon report, a delineation was completed for the entirety of the 38.87-acre gen-tie corridor and approximately 123.55 acres sampled within 50 representative 100-square meter plots in and adjacent to the four proposed solar arrays. All potential jurisdictional features within each sample plot were mapped in the field using submeter GPS units and by walking the centerlines and/or boundaries of each feature. The total area of waters of the state and CDFW streambed, and the total number of linear feet of ephemeral streams were calculated for each sample plot. The Applicant utilized statistical analysis to then extrapolate the total acreage and linear footage within each solar array. Although this methodology could be used to adequately identify features meeting the jurisdiction of RWQCB and CDFW, results were limited to only 8 percent (Section 2.3) of the total area of each array leaving roughly 92 percent of each array that was unmapped and unverified in the field.

Staff, in coordination with CDFW, does not believe that this method adequately identifies potentially jurisdictional features within the project area as presented in the Rincon report. To develop a legally defensible impact analysis, an accurate and field verified accounting of all potentially jurisdictional features would be required. As the in-lieu permitting authority for the opt-in program, CEC would be required to develop an accurate impact analysis to issue any permits equivalent to a Lake and Streambed Agreement under Section 1600 et seq. of the California Fish and Game Code.

REV 2 DR BIO-1. As previously requested, please provide a revised delineation of state jurisdictional waters and CDFW streambed features. The revised delineation should cover the remaining 92 percent of the project area that was not included in the Rincon report.

The applicant did not provide the requested information identified in REV 1 DR BIO-2. The revised project description (TN264913) described the proposed access route for the area of the project located northwest of I-15 as including existing BLM roads CL8847 and CL7682 from Zzyzx Road. However, the figures provided in the revised project description also illustrate BLM roads CL8854, CL8835, CL381A, CL8837, and CL8845. It is assumed that CL8845 will be used to access the gen-tie alignment, but this road is not specifically mentioned in the revised project description. Staff also needs biological

and jurisdictional waters information that occur within a 50-foot buffer of any proposed access roads and describe any improvements that may need to occur, such as grading or repairs of drainages following large rain events for the CEQA analysis.

REV 2 DR BIO-2. Please confirm if CL8845 is proposed for use as part of the project to access the gen-tie alignment. Additionally, please confirm that BLM roads CL8854, CL8835, CL381A, and CL8837 are not being proposed for use and that these roads are included on the figures for reference purposes only. As previously requested, please also provide biological and jurisdictional waters information that occur within a 50-foot buffer of any proposed access roads and describe any improvements that may need to occur, such as grading or repairs of drainages following large rain events.

GREENHOUSE GASES

The proposed Tesla Megapack 2XL battery energy storage system (BESS) uses a thermal management system (TMS) that includes R-134a refrigerant for cooling. For a similar BESS project proposing to use Tesla Megapack 2XL, the California Air Resources Board (CARB) staff determined that the TMS qualifies as “chillers – industrial process refrigeration”, which is subject to a Global Warming Potential (GWP) limit of 750 for chillers where the chilled fluid temperature is above 2°C (or 35 degrees Fahrenheit), based on CARB regulation Prohibitions on Use of Certain Hydrofluorocarbons (HFCs) in Refrigeration, Stationary Air-Conditioning, and Other End-Uses (<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2020/hfc2020/frorevised.pdf>) (17 Cal. Code Regs., § 95371 et seq.). CARB staff also clarified that the 50-pound exemption does not apply to chillers, meaning the use of R-134a (with a GWP of 1,430) likely does not comply with the regulation.

DR REV 2 GHG-1. Please clarify how the project would comply with the CARB HFC regulation.

LAND USE

The application makes multiple statements (subsection 2.3.1.2, TN 264913; subsection 3.11.2.4, TN 264863) that “...neither the BLM process for project review under the DRECP nor the CMAs outlined in the DRECP are applicable to the project” due to the issuance of the BLM’s ROD for the project six months prior to the adoption of the DRECP LUPA. To support this argument, the application further states that the current project would be consistent with the project that was approved by the BLM in a 2016 Record of Decision (subsection 3.11.1.4, TN 264863). However, staff have reviewed the BLM’s National NEPA Register (eplanning.blm.gov), which includes an update from April 7, 2025, regarding submittal of the applicant’s Standard Form-299 (SF-299) to amend the right-of-way (ROW) grant for the Soda Mountain Solar Project (<https://eplanning.blm.gov/eplanning-ui/project/2034061/510>). The NEPA Register webpage for the Soda Mountain Solar Project Amendment explains that the purpose of the ROW grant amendment is to: (1) permit the 300 MW BESS; (2) increase the

generation capacity from 287 MW to 300 MW; and (3) extend the ROW grant from a 30-year term to a 35-year term. The BLM's NEPA Register webpage also states, "...[d]ue to substantial changes to a filed application by Soda Mountain Solar, LLC, the Bureau of Land Management will be analyzing the proposed impacts to the human environment in compliance with [NEPA]. An environmental assessment is being planned and will be listed under a different ePlanning NEPA number" (please see the following link for latest status: <https://eplanning.blm.gov/eplanning-ui/project/2034061/510>). Per the BLM's decision to conduct a new environmental review process (i.e., the initiation and preparation of an environmental assessment [EA]) under NEPA for the Soda Mountain Solar Project Amendment, staff assume that the project is subject to BLM's current planning process under the CDCA as amended by the DRECP LUPA.

REV 2 DR LAND-1. To help support staff's Land Use analysis of the project's conformity with applicable federal plans, leases, and permits accurately addresses BLM's procedures and requirements, please provide the following information:

- a. Provide any correspondence with the BLM regarding the agency's decision to conduct a new environmental review process of the project as currently proposed under NEPA. Confirm that an EA will be prepared by the BLM and that the DRECP LUPA is applicable to the project.
- b. Identify any requirements for additional studies (e.g., amendments to the Plan of Development and supporting appendices), surveys, etc. that must be provided to the BLM to support the EA analysis for the project.

Staff explained in DR LAND-3 (TN 258996) and in REV 1 DR LAND-1 (TN 264349) that an Opt-In Application must include: (1) a discussion of the proposed project's conformity with any long-range land use plans and policies adopted by any federal planning agencies; and (2) tables that identify laws, regulations, ordinances, standards, that include adopted federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each (per CEC Siting Regulations Appendix B, section (g)(3)(B) and section (i)(1)(A)).

Staff acknowledge that the applicant's July 2025 revisions to application section 3-11 Land Use and Planning (TN 264863) include a list of applicable Conservation and Management Actions (CMAs) from the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) (Table 3.11-1) and a list of applicable Interagency Operating Procedures (IOPs) from the West-Wide Energy Corridor ROD (Table 3.11-2), which was requested by staff in DR LAND-3 (TN 258996) and in REV 1 DR LAND-1 (TN 264349). However, the applicant's consistency determinations provided in Table 3.11-1 and Table 3.11-2 merely state that the project would comply with each applicable CMA or IOP, and do not say how compliance would be achieved or provide further explanation as to the measures that would be implemented to ensure conformance with the CMA or IOP. For example, Table 3.11-1 identifies CMA LUPA-CTTM-1 as applicable to the project, which requires the applicant to "...[m]aintain and manage adequate Road, Primitive Road, and Trail Access to and within SRMAs, ERMAs,

OHV Open Areas, and Level 1, 2, and 3 Recreation Facilities.” While Table 3.11-1 states that the project would comply with CMA LUPA-CTTM-1, there is no discussion or explanation of the project design measures that would be implemented to ensure compliance with this CMA. Further detail regarding project compliance with each applicable CMA or IOP is needed to support the analysis of project consistency with land use plans, policies, and regulations adopted for the purpose of mitigating an environmental effect in the CEC staff assessment.

Staff explained in DR LAND-3 (TN 258996) and in REV 1 DR LAND-1 (TN 264349) that the BLM has proposed an amendment to the West-Wide Energy Corridor that includes adjustments to energy corridor designations and revisions to IOPs, which would affect energy corridors within the CDCA planning area wherein the proposed project is located (Energy Policy Act of 2005 Section 368 Energy Corridor Review Final Report: Regions 1-6). According to the Section 368 Energy Corridor Final Report, the recommended new or revised IOPs “...could be adopted as best management practices in local land use plans or at the project level to minimize potential impacts.” Therefore, the BLM may choose to incorporate the proposed IOP revisions, where applicable, into the permit conditions for the proposed project’s ROW grant authorization because IOPs are intended to have mitigative effects. In DR LAND-3 and in REV 1 DR LAND-1, staff requested the applicant to identify any new or revised IOPs from the Section 368 Energy Corridor Final Report that could be incorporated into the BLM’s permit conditions for the project’s ROW grant authorization. The applicant has not responded to staff’s repeated requests to identify any new/revised IOPs from the Section 368 Energy Corridor Final Report that could be incorporated into the BLM’s permit conditions.

REV 2 DR LAND-2. Please provide the following information to support the required analysis of project consistency with land use plans, policies, and regulations adopted for the purpose of mitigating an environmental effect:

- a. For each of the applicable CMAs from the DRECP LUPA and applicable IOPs from the West-Wide Energy Corridor ROD that are listed in Table 3.11-1 and Table 3.11-2 (TN 264863), explain clearly the specifics of project design measures or mitigation measures that would be implemented to ensure compliance with the requirements of the applicable CMA or IOP.
- b. Identify any new or revised IOPs from the Section 368 Energy Corridor Final Report that could be incorporated into the BLM’s permit conditions for the project’s ROW grant authorization.

PUBLIC HEALTH

The applicant provided the UL 9540A test report and thermal runaway modeling analysis as requested in **REV 1 DR WS-2** and **REV 1 DR PH-1** to **REV 1 DR PH-4** for the Tesla Megapack 2XL BESS.

DR REV 2 PH-1. Please provide the UL 9540A test report for the CATL EnerC Plus BESS alternative as requested in **REV 1 DR WS-2** and **REV 1 DR PH-1**. Please

also provide the total number of cells and modules per container for the CATL EnerC Plus BESS alternative.

WATER RESOURCES

The latest water supply assessment (TN264970, July 2025) states in Section 4.3.4, Page 16, that “*The only existing producer in the Subbasin is the groundwater well installed at the Rasor Road Service Station near the southwest corner of the project site*”. However, according to the DWR Groundwater Basin Boundary Assessment Tool website, (<https://gis.water.ca.gov/app/bbat/>) this well is not located in the Soda Mountain subbasin of the Soda Lake Valley groundwater basin (6-033), but in the Cronise Valley groundwater basin (6-035). Review of the DWR Well Completion Report website

(<https://www.arcgis.com/apps/webappviewer/index.html?id=181078580a214c0986e2da28f8623b37>) indicates no wells within the Soda Mountain subbasin. Also, there does not appear to be any wells or data points in the subbasin.

REV 2 DR WATER-1. Please explain if any of the impact analysis of the Soda Mountain subbasin groundwater resource is based on the data from the subbasin? If so, please submit this data to the project docket.