

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	268063
Document Title:	Staff Memorandum on Record of Proceedings_Attachment 2
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/29/2025 2:55:36 PM
Docketed Date:	12/29/2025

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SMSP00594	SMSP00595	Re: Today's continuation for Cultural Resources discussion for Soda Mountain Solar Project (24-OPT-03)	10/2/2024 12:55
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SMSP00597	SMSP00598	CEQA Comment_CA Energy Commission_Notice of Application_Soda Mt Solar Project 24-OPT-03.pdf	10/7/2024 15:24
SMSP00599	SMSP00601	RE: Outside Environmental Review: CA Energy Commission_Notice of Application_Soda Mt Solar Project_ 24-OPT-03	10/8/2024 6:55
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SMSP00615	SMSP00617	RE: [EXTERNAL] RE: Soda Mountain Solar geodata	10/30/2024 18:09
SMSP00618	SMSP00619	Re: Soda Mt. Solar Submittal	10/29/2024 15:59

SMSP00620	SMSP00623	RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information	10/28/2024 10:38
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SMSP00626	SMSP00627	RE: Soda Mt. Solar Submittal	10/29/2024 15:52
SMSP00628	SMSP00663	TN254670_20240223T164337_CEC Data Request Response Set 1_Darden Clean Energy.pdf	2/26/2024 7:42
SMSP00664	SMSP00665	RE: Soda Mountain Solar Project (24-OPT-03) B:LM POD	10/29/2024 9:51
SMSP00666	SMSP00667	FW: Response requested: Soda Mountain Solar geodata	10/28/2024 15:37
SMSP00668	SMSP00668	RE: Soda Mountain SWCA Re-Survey	10/31/2024 7:44
SMSP00669	SMSP00673	RE: Soda Mountain Solar geodata	11/12/2024 17:06
SMSP00674	SMSP00677	RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information	11/12/2024 14:42
SMSP00678	SMSP00681	Re: Soda Mountain Bio Observations	11/20/2024 19:58
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Sent: 8/7/2024 7:47:31 PM
To: Pagaling, Reginald@NAHC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eba1ee892bf148ce8e3b5931b77eb256-Reginald.Pa]; Lakin, Matt (he/him/his) [Lakin.Matthew@epa.gov]; Sandy, Martha@OEHHA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=392c48a395a3413f8e97fcf715170a52-OEHHAMartha]; Graham, Courtney@ARB [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7b3ac0cafb8c4c4f99520768df9aa165-Courtney.Gr]; Fancher, Rebecca@ARB [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b762529fc82446dba72e85757aeedbf8-Rebecca.Fan]; Camarillo, James@DOT [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f9f6367c3b9f46cabf51aadb7e4a7373-s134878]; Brega, Liz@EPA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f10e263bf1c0422e95fa5105bc935a9e-epaebrega]; bradp@mdaqmd.ca.gov; CHP-835AMail [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9e12a09f321243eb87ca3312df0b17d8-835AMail]; DIR DOSHREG6SantaAna [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d92daa35c56a4b67a851324a74ca8a7e-DOSHREG6San]; Fulcher, David@CALFIRE [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2bea14286574d37b8a7d5f6a66ba02a-CALFIREdful]; plenys.thomas@epa.gov; Nemeth, Karla@DWR [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c8104f3ff2d4442da64e83a7bd26350c-DWRknemeth]; Katherine.kennedy@faa.gov; Crowfoot, Wade@CNRA [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=757a334aeb7b4e64a8e82747a9c3573f-CNRAwade.cr]; james.a.booth@usda.gov; peter_sanzenbacher@fws.gov; psamples@blm.gov; icordes@blm.gov; jdonnell@blm.gov; bganderson@blm.gov; jruesch@MojaveWater.org; Dennis.Lei@ladwp.com; Faranak.Sarbaz@ladwp.com; Sunaja.Lakshman@ladwp.com; Tin.Ha@ladwp.com
Subject: Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information
Attachments: Soda Mtn_All other agencies_Notice of Application Receipt.pdf

Hello,

This email serves as notification of receipt of an Opt-In Application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and the reasons under Assembly Bill 205 why we are contacting you.

If you have questions, please contact me.

I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov





August 7, 2024

Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /
Request for Comments and Information

This letter serves as notification that the California Energy Commission (CEC) has received an opt-in application for the Soda Mountain Solar Project (24-OPT-03). Soda Mountain Solar, LLC ("Applicant"), proposes to construct, operate, and maintain a utility-scale solar photovoltaic (PV) electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid. The Soda Mountain Solar Project (project) would generate up to 300 megawatts (MW) of renewable energy and include up to 300 MW of battery storage. The project also includes future decommissioning, which is anticipated to occur after 30 years of operation. The project is located on approximately 2,670 acres of land administered by the U.S. Department of Interior, Bureau of Land Management, California Desert District, within the jurisdiction of the Barstow Field Office in San Bernardino County.

The project components are as follows: 1) The solar plant site (i.e., all facilities that create a footprint in and around the field of solar panels, including the solar field consisting of solar power arrays), operation and maintenance buildings and structures, stormwater infrastructure, and related infrastructure and improvements. 2) A substation and switchyard for interconnection to the existing transmission system. 3) Approximately 300 MW of lithium-ion battery energy storage system across 18 acres.

The project would operate year-round and would generate electricity during daylight hours. The project would generate and deliver solar-generated power to the regional electrical grid through an interconnection with the existing Marketplace-Adelanto 500-kilovolt (kV) transmission line operated by the Los Angeles Department of Water and Power.

The Project Description (TN 257912) section of the application can be accessed directly at the following link:

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=257912&DocumentContentId=93845>.

In 2022, Assembly Bill 205 established a new Opt-In Certification Program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has the exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute,

ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report for any facility that elects to opt into the CEC's jurisdiction.

The CEC provides the following notice pursuant to Public Resources Code section 25545.8, which states that subsections (g) and (k) of Public Resources Code section 25519 apply to an opt-in application. The relevant language from Public Resources Code section 25519 is as follows:

(g) The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities and to the Attorney General.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

The CEC has set up a web page for the project at the following link:

<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>.

The documents which comprise the opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>.

Pursuant to Public Resources Code section 25519(k), the CEC invites the comments and recommendations of your agency, and requests that you send us any relevant laws, ordinances, or regulations that your agency has promulgated or administered that are applicable to the proposed project.

To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project docket.

Feel free to reach out to me directly via email if you have any questions about this notice. Thank you.

Lisa Worrall
Project Manager
California Energy Commission
lisa.worrall@energy.ca.gov

Enclosures: Figure 2-1 Project Site Vicinity (from application, TN 257912)
Figure 2-6 Project Overview Site Plan (from application TN 257912)

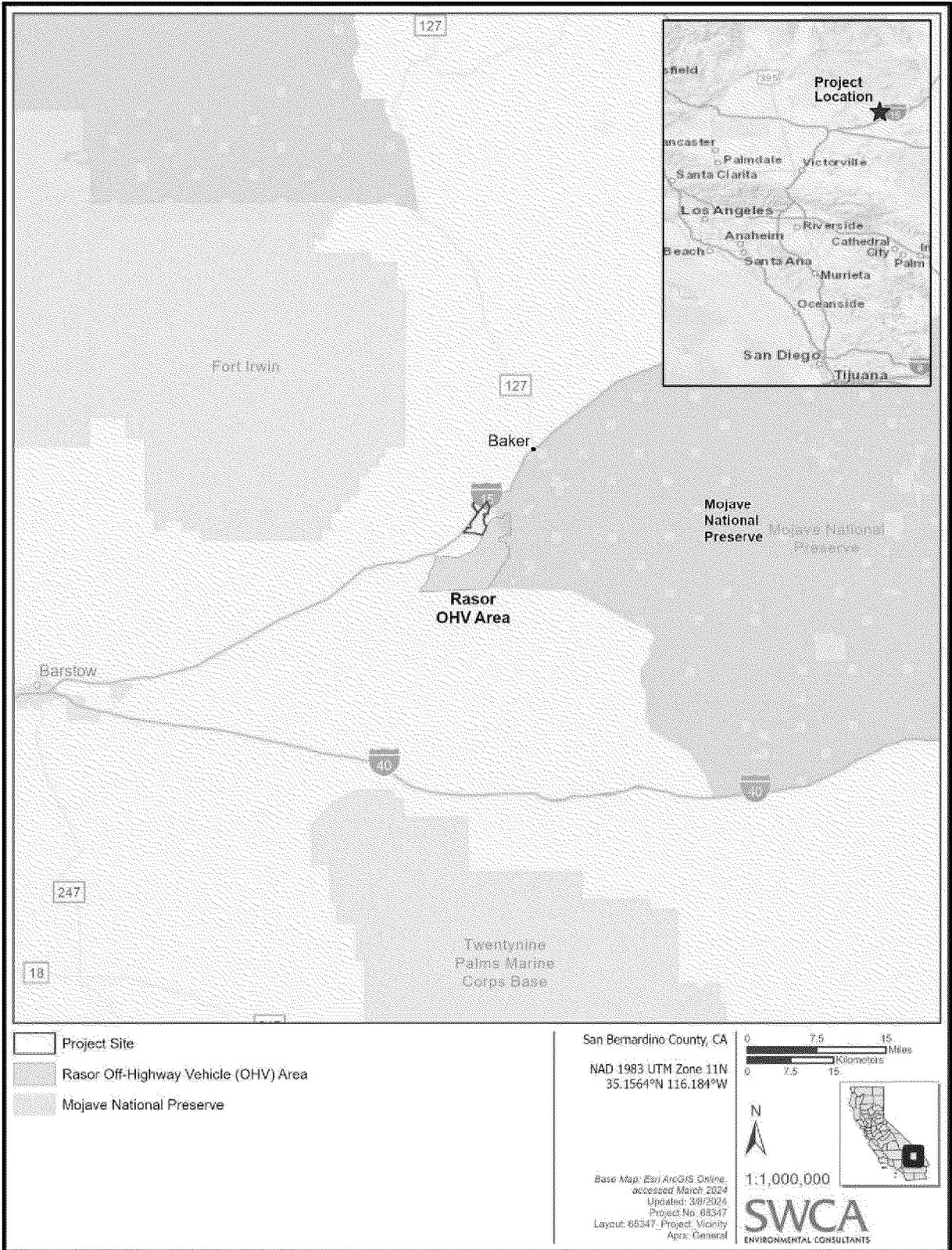


Figure 2-1. Project site vicinity.

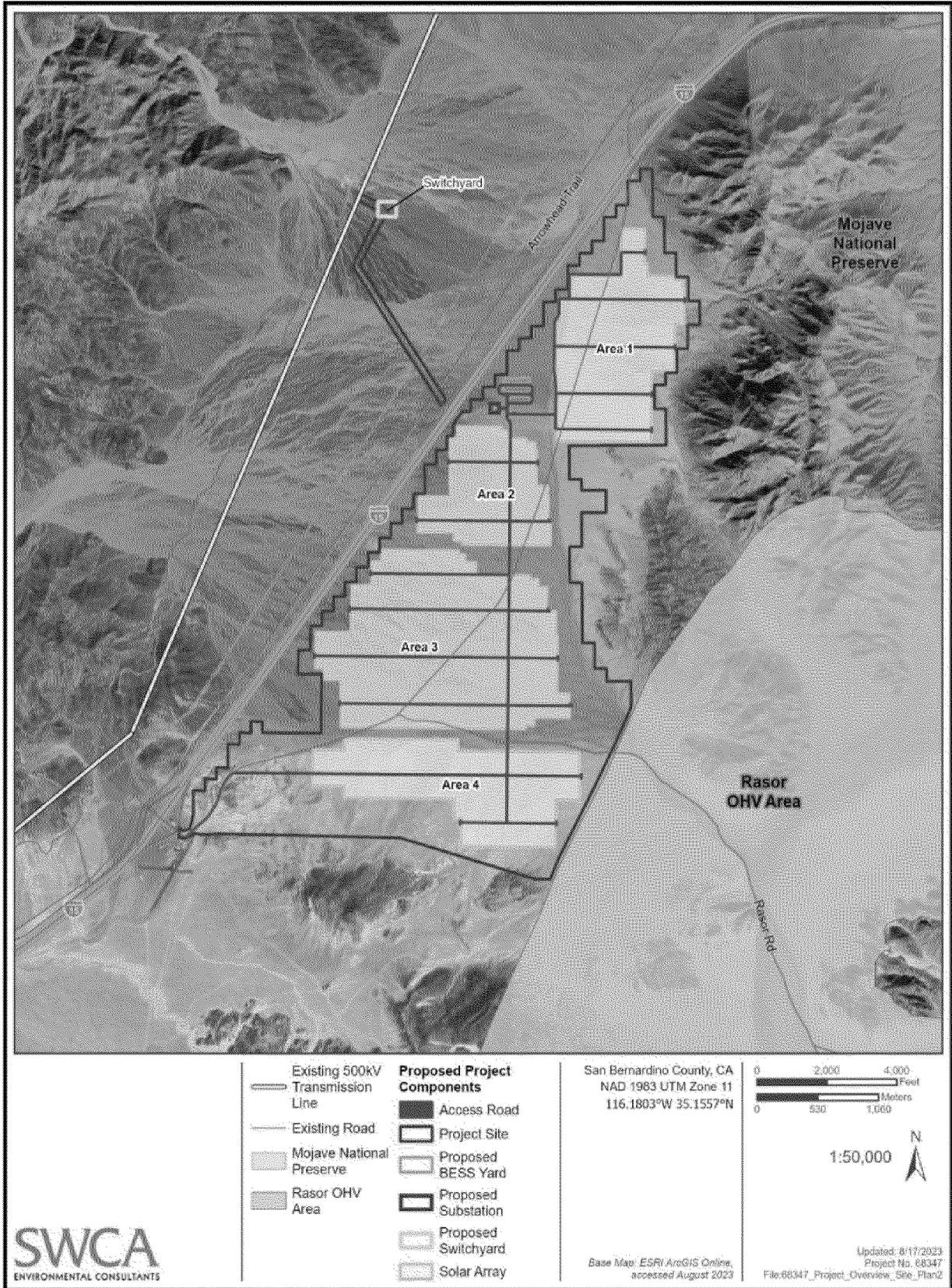


Figure 2-6. Project overview site plan.

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 8/7/2024 7:58:01 PM
To: Nancy.Sansonetti@dpw.sbcounty.gov; Manikhone.Cruz@dpw.sbcounty.gov; info@sbcfire.org; rornelas@sbcasd.org; planningcsu@lus.sbcounty.gov; ehs.customerservice@bph.sbcounty.gov
Subject: Local Agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information
Attachments: Soda Mtn_LocalJurisdiction_Notice of Application Receipt.pdf

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I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
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715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
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August 7, 2024

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The project components are as follows: 1) The solar plant site (i.e., all facilities that create a footprint in and around the field of solar panels, including the solar field consisting of solar power arrays), operation and maintenance buildings and structures, stormwater infrastructure, and related infrastructure and improvements. 2) A substation and switchyard for interconnection to the existing transmission system. 3) Approximately 300 MW of lithium-ion battery energy storage system across 18 acres.

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In 2022, Assembly Bill 205 established a new Opt-In Certification Program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has the exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency

to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report for any facility that elects to opt into the CEC's jurisdiction.

The CEC provides the following notice pursuant to Public Resources Code section 25545.8, which states that subsections (f) and (k) of Public Resources Code section 25519 apply to an opt-in application. The relevant language from Public Resources Code section 25519 is as follows:

(f) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Those local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

Pursuant to California Code of Regulations, title 20, section 1877, subsection (f), the CEC staff shall provide information to the local government for review and comment. The relevant language from California Code of Regulations, title 20, section 1877 is as follows:

(f) The opt-in application shall contain preliminary information demonstrating overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility, consistent with Public Resources Code section 25545.9. Staff shall provide the submitted information to the local government for review and comment.

The CEC has set up a web page for the project at the following link:

<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>.

The documents which comprise the opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>.

The applicant has provided information to demonstrate that the project would provide a net positive economic benefit to the local government that would have had permitting authority in Appendix S Community Benefit Agreement Strategy (TN 257940). We look forward to receiving the County of San Bernardino's comments pursuant to Public Resources Code sections 25519(f) and 25519(k), and California Code of Regulations, title 20, section 1877(f) at your earliest convenience.

The CEC also wishes to make the County of San Bernardino aware that Public Resources Code section 25538 applies to an opt-in application. The language from Public Resources Code section 25538 is as follows:

Upon receiving the commission's request for review under subdivision (f) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of this review by the local agency. The commission shall reimburse the local agency for the added costs that shall be actually incurred by the local agency in complying with the commission's request.

To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project docket.

Feel free to reach out to me directly via email if you have any questions about this notice. Thank you.

Lisa Worrall
Project Manager
California Energy Commission
lisa.worrall@energy.ca.gov

Enclosures: Figure 2-1 Project Site Vicinity (from application, TN 257912)
Figure 2-6 Project Overview Site Plan (from application TN 257912)

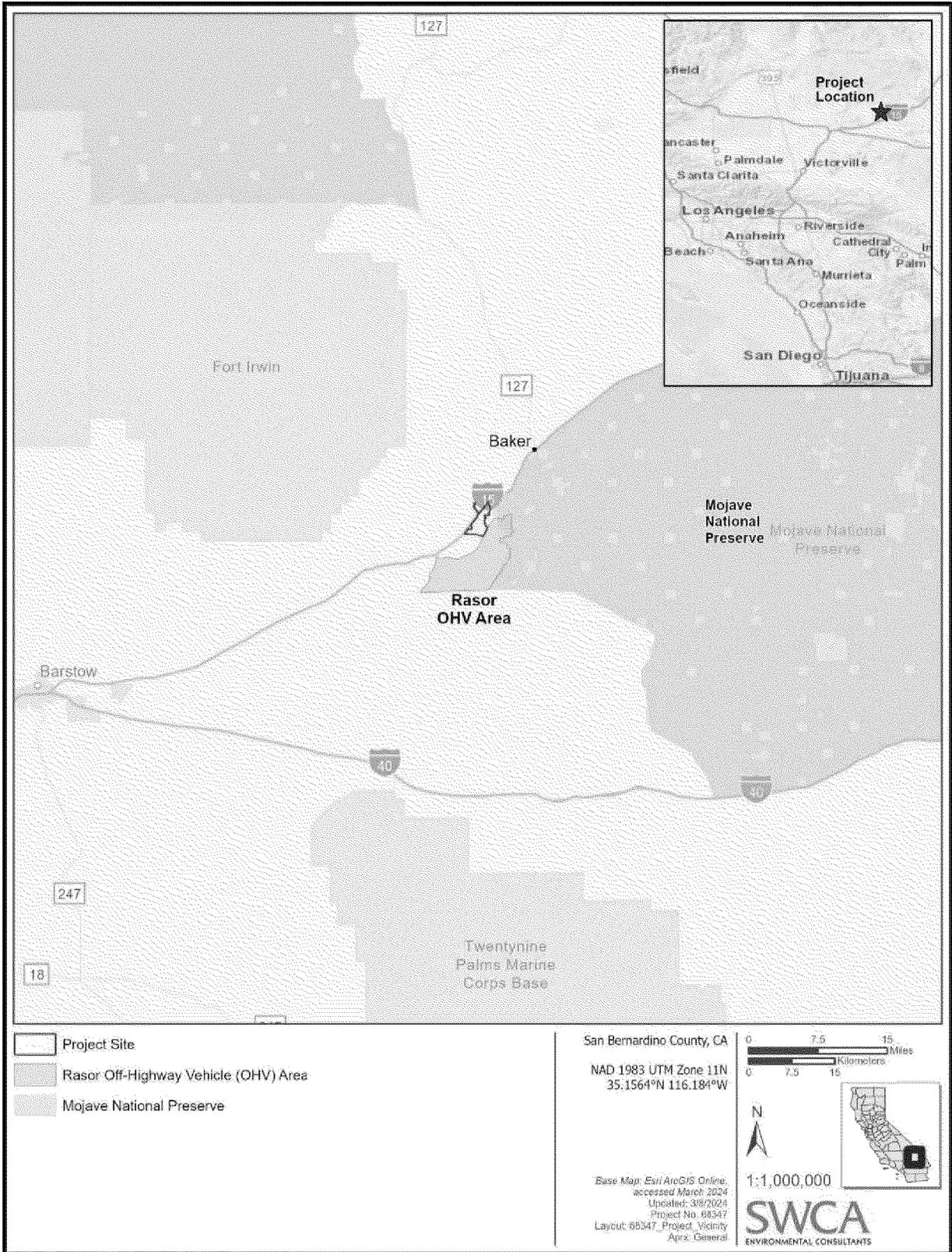


Figure 2-1. Project site vicinity.

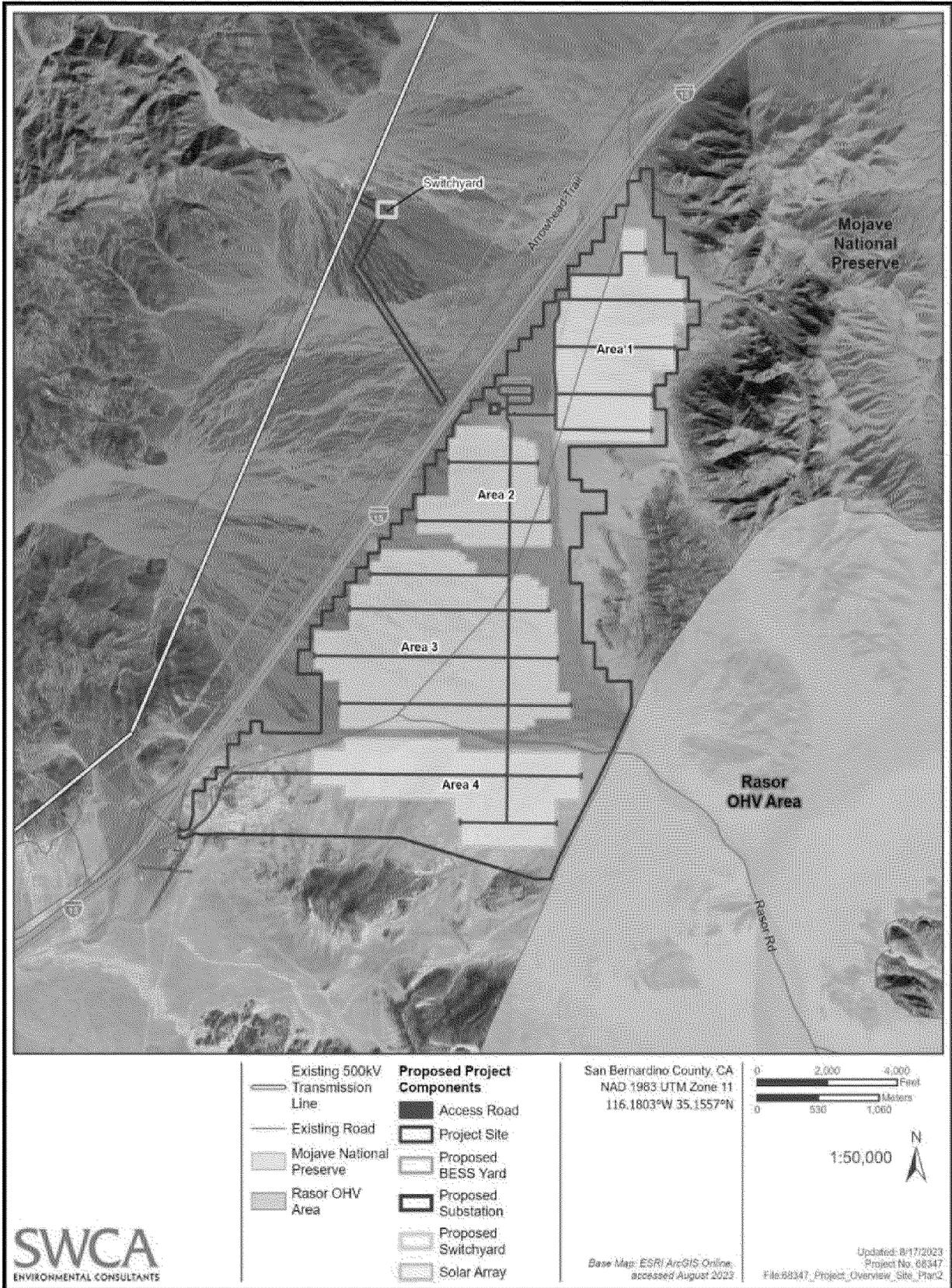


Figure 2-6. Project overview site plan.

From: Kerr, Steven@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D0D5A66BED2249FCA830918F58B3B921-KERR, STEVE]
Sent: 8/9/2024 6:52:11 PM
To: Guerra, Christina@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c08929c117e4da5bfb45f48fa749c0a-Waterboards]; Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Steinert, Tiffany@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdbc9163bf404f4d84f0a53c6ed84ab0-Waterboards]
Subject: Kerr, Steven@Energy shared the folder "5. Soda Mountain Solar (24-OPT-03)" with you

-->



Kerr, Steven@Energy invited you to edit a folder

-->

Hi, this is Steve Kerr at CEC on behalf of Project Manager, Lisa Worrall, I'm granting direct access to your group to our Soda Mountain Solar shared project folder so that Christine and Tiffany have access for work on the project.



5. Soda Mountain Solar (24-OPT-03)



This invite will only work for you and people with existing access.

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[Privacy Statement](#)

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From: NAHC@NAHC [NAHC@nahc.ca.gov]
Sent: 8/8/2024 2:46:44 PM
To: Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
CC: Campagne, Cody@NAHC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1516e33308642a99768a8645a5fbc5b-NAHCCody.Ca]
Subject: RE: Soda Mountain Solar Project Request for Sacred Lands File & Contact List
Attachments: 20240807SodaMtnSolarNAHCRequestCEC.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Thank you for your message. We're in receipt of your project. Our turn-around time is approximately 4 weeks, and we don't anticipate responding sooner than that timeframe. Our response will be delivered by email. Please let us know if you have any questions.

Kind Regards,

Native American Heritage Commission

1550 Harbor Blvd Suite 100
West Sacramento, CA 95691
Phone: 916-373-3710

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Wednesday, August 7, 2024 4:56 PM
To: NAHC@NAHC <NAHC@nahc.ca.gov>
Subject: Soda Mountain Solar Project Request for Sacred Lands File & Contact List

Good afternoon,

Attached please find a request form for a Sacred Lands File search and list of California Native American tribal representatives. Please advise if you need additional information.

Thank you,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Cultural Resources Unit
Safety & Reliability Branch
Siting, Transmission, and Environmental Protection Division
1-916-237-2544

California Energy Commission

Website: www.energy.ca.gov



Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Soda Mountain Solar Project _____

County: San Bernardino _____

USGS Quadrangle Name: West of Soda Lake, CA _____

Township: _____ **Range:** _____ **Section(s):** _____

Company/Firm/Agency: California Energy Commission _____

Street Address: 715 P Street, MS-40 _____

City: Sacramento _____ **Zip:** 95814 _____

Phone: (916) 237-2544 _____

Fax: _____

Email: Gabriel.Roark@energy.ca.gov _____

Project Description:

PLSS locational data: T 13 N, R 7 E, Section 36; T 12 N, R 7 E, unsectioned; T 13 N, R 8 E, unsectioned; T 12 N, R 8 E, unsectioned; S.B.B.M.
Soda Mountain Solar, LLC, proposes to construct, operate, and maintain a utility-scale solar photovoltaic electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid. The project would generate up to 300 megawatts of electricity.

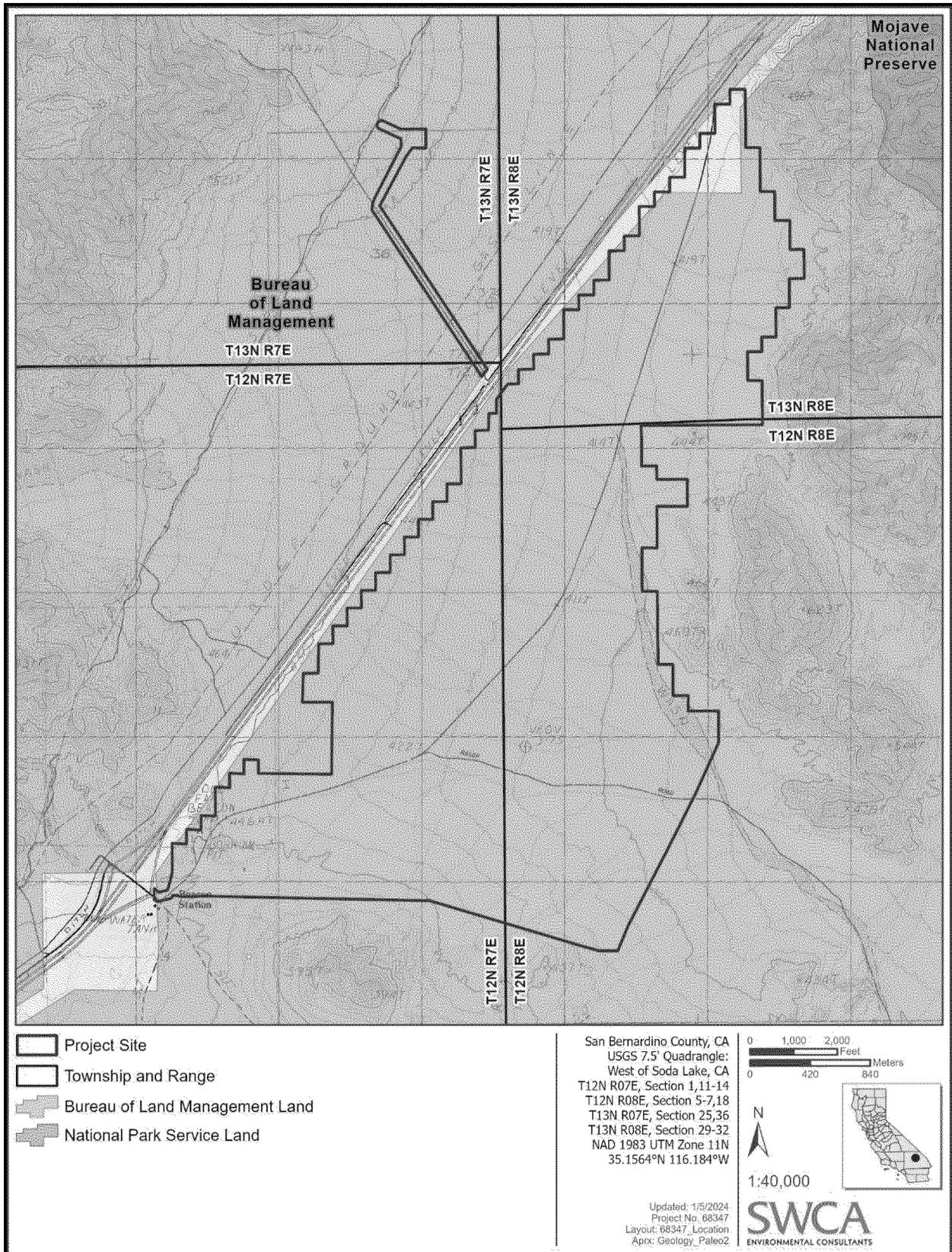


Figure 2-3. Public Land Survey location.

From: Francois, Alexis N [afrancois@blm.gov]
Sent: 8/8/2024 3:16:14 PM
To: Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]; Lauren DeOliveira [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59b95046bca34d92ac4e6f09cfc85b02-e4a00264-59]
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you so much for the clarification, I knew I was missing a link somewhere!

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Thursday, August 8, 2024 8:07 AM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <Ideoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning, Alexis,

The applicant had to submit revised groundwater well permit applications to the County of San Bernardino. After review of the well permit applications, the County declined to certify the project EIR, leaving the applicant without clearance under the California Environmental Quality Act (CEQA). The advent of the CEC's Opt-in Program provided the applicant with a potential avenue to CEQA compliance.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Thursday, August 8, 2024 7:57 AM
To: Lauren DeOliveira <Ideoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am preparing some talking points ahead of our meeting today and also drafting a narrative for myself for the scoping of this project, can either of you provide me with the why or the benefit for the proponent to pursue with the Opt-in program? My team is a little confused as to why they would pursue a program that is to aid in the application and deployment of permits, when they've already received a ROW grant from the BLM.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, August 6, 2024 1:26 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem at all!

Below are some agenda items for the meeting on Thursday so we can take full advantage of the time we have. I also updated the meeting invite to include these items as well.

Meeting Agenda Items:

1. How would the request for a new survey of the APE affect BLM?
2. Discussion of alternative targeted surveys with the existing ROW.
 1. Potentially leading to an amendment or update to the existing 2024 report
3. Discussion of a CEC site visit to assess existing conditions.

Thanks so much for your assistance with this, Alexis!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 1:08 PM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you, I appreciate your flexibility.

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, August 6, 2024 12:53:35 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Of course! I'll reschedule the meeting for Thursday afternoon.

Thank you!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager

Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, August 6, 2024 12:34 PM
To: 'Francois, Alexis N' <afrancois@blm.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi, Alexis and Lauren,

Thursday after 2 pm works for me.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 12:27 PM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Lauren,

Can we push our call to Thursday after 2pm? I have calls scheduled internally with my IDT as well as with Hannah Robinson alongside Tiffany Arend later this week. I think having those conversations first will lend to us having a more productive conversation with some actual direction.

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 31, 2024 12:43:21 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for the update, Alexis!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 31, 2024 12:39 PM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This is the response I got regarding the report and data from the 2023 survey

SMSP00360

The report associated with the 2023 FWA FA-680-23-0009 is technically the first draft of this current one. We're using the same BLM Report number as you had requested back then (FA-680-23-0009).

Basically, in 2023 we only did a reconnaissance survey of the areas where the solar arrays would be. I'll upload the 2023 report in that same sharepoint folder so you can compare. We didn't provide you with the GIS data and I believe it probably was because we didn't do a Class III, but rather a reconnaissance survey.

This current 2024 report and GIS data contains everything that was reported in 2023 from the recon. survey plus the additional Class III work that we did under the 2024 FWA.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, July 29, 2024 9:55 AM
To: Lauren DeOliveira <Ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Sounds great, thank you!

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From: Lauren DeOliveira <Ldeoliveira@aspenerg.com>
Sent: Monday, July 29, 2024 9:54:38 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem, Gabriel.

Alexis, I'll send out a meeting invite for Wednesday.

Thanks!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Monday, July 29, 2024 8:44 AM
To: Lauren DeOliveira <Ldeoliveira@aspenerg.com>; Francois, Alexis N <afrancois@blm.gov>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

I suggest that you two meet without me. I have a public workshop on Wednesday and am out of the office on Thursday as well. Lauren has my full confidence.

Cheers,

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Monday, July 29, 2024 8:32 AM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you, Alexis!

Gabriel, does Wednesday work for you?

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 6:39 AM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Lauren,

I am available Wednesday after 9am through noon and after 2pm. Let me know if any of those times work or if I need to propose more.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Friday, July 26, 2024 2:11 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Do you have some time next week to meet with me and Gabriel again about Soda Mountain? We'd like explain our initial thoughts about the Class III and get your take as well.

Also, did SWCA submit a Class I to BLM?

Thank you, and happy Friday!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 9:34 AM
To: Lauren DeOliveira <ldeoliveira@aspeneq.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

They just sent me over the GIS data but I can definitely send over the draft report to the docket. And yes I'm available this afternoon, feel free to send an invite!

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From: Lauren DeOliveira <ldeoliveira@aspeneq.com>
Sent: Wednesday, July 24, 2024 9:31:55 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Thank you so much for the call this morning. I just spoke with Gabriel and certainly, copies of the 2009 and 2013 reports will be helpful. We also talked about the situation with the 2024 cultural data, and we think it would be beneficial for us to get eyes on the draft document just to be sure the applicant's consultant has met all of CEC's survey requirements. We want to ensure we are being mindful of your time and not requiring the consultant to conduct additional survey work later down the road (and needing new FAs) because they didn't meet CEC requirements initially.

We can certainly jump on a call and explain a bit more if you have 30 mins to spare either this afternoon or anytime between 11 am-2:00 pm tomorrow. Just let me know what time works best for you and I'll schedule a Teams meeting with the three of us.

Thanks so much!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 8:16 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you Gabriel!

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Wednesday, July 24, 2024 8:14 AM
To: Francois, Alexis N <afrancois@blm.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

Attached, you will find filing instructions for uploading documents to our project dockets, including filing confidential cultural resources documents. By filing confidential documents in this manner, other parties to the proposed Soda Mountain project and the public will be aware that confidential cultural resource documents exist, while being unable to access them. The Docket Number for Soda Mountain is 24-OPT-03. Once filed, I will be able to arrange for Lauren's access to the confidential files.

Feel free to reach out with any questions.

Best regards,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Alexis,

Yes, absolutely. Whatever time works best for you tomorrow is fine with me.

Thank you!

SMSP00364

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Tuesday, July 23, 2024 2:09 PM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hello Gabriel,

Thank you for the notification. I will work with Lauren and provide the necessary data the BLM Barstow Field Office is in possession of to complete these obligations. Lauren, do you have availability tomorrow afternoon to discuss?

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Tuesday, July 23, 2024 1:36 PM

To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon,

I supervise the CEC's Cultural Resources Unit and we have contracted with Aspen Environmental Group (Aspen) to prepare the cultural and tribal cultural resources analysis under the California Environmental Quality Act and our Opt-in Program. Aspen archaeologist and Cultural Resources Group Leader, Lauren DeOliveira, is the lead analyst for this work. If the Bureau of Land Management needs additional information from Aspen or the CEC to share the Soda Mountain cultural resources documents, please let us know. Otherwise, please coordinate directly with Lauren. Her email address is in the "To" field of this email.

Note that the Opt-in data requirements for cultural and tribal cultural resources documentation is very specific, representing the bare-minimum information that the CEC and its contractors need to review the application for completeness and analyze the proposed Soda Mountain project. Our data completeness requirements extend to the records search data, as codified in Title 20, California Code of Regulations, Section 1704, Appendix B(g)(2)(B):

“The results of a literature search to identify cultural resources and tribal cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources and tribal cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior’s Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms (Title 14 CCR section 4853) shall be provided for all cultural resources and tribal cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 75-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area.”

Many thanks,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Cultural Resources Unit
Safety & Reliability Branch
Siting, Transmission, and Environmental Protection Division
1-916-237-2544

California Energy Commission
Website: www.energy.ca.gov



From: Roark, Gabriel@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ED87FF1E22CD49F3AAFF644C82538D46-ROARK, GABR]
Sent: 8/7/2024 11:55:58 PM
To: NAHC@NAHC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c041746dfb0d4d86bbc9b2609b34a06c-NAHC]
Subject: Soda Mountain Solar Project Request for Sacred Lands File & Contact List
Attachments: 20240807SodaMtnSolarNAHCRequestCEC.pdf

Good afternoon,

Attached please find a request form for a Sacred Lands File search and list of California Native American tribal representatives. Please advise if you need additional information.

Thank you,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Cultural Resources Unit
Safety & Reliability Branch
Siting, Transmission, and Environmental Protection Division
1-916-237-2544

California Energy Commission
Website: www.energy.ca.gov



Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Soda Mountain Solar Project _____

County: San Bernardino _____

USGS Quadrangle Name: West of Soda Lake, CA _____

Township: _____ **Range:** _____ **Section(s):** _____

Company/Firm/Agency: California Energy Commission _____

Street Address: 715 P Street, MS-40 _____

City: Sacramento _____ **Zip:** 95814 _____

Phone: (916) 237-2544 _____

Fax: _____

Email: Gabriel.Roark@energy.ca.gov _____

Project Description:

PLSS locational data: T 13 N, R 7 E, Section 36; T 12 N, R 7 E, unsectioned; T 13 N, R 8 E, unsectioned; T 12 N, R 8 E, unsectioned; S.B.B.M.
Soda Mountain Solar, LLC, proposes to construct, operate, and maintain a utility-scale solar photovoltaic electrical generating and storage facility and associated infrastructure to generate and deliver renewable electricity to the statewide electricity transmission grid. The project would generate up to 300 megawatts of electricity.

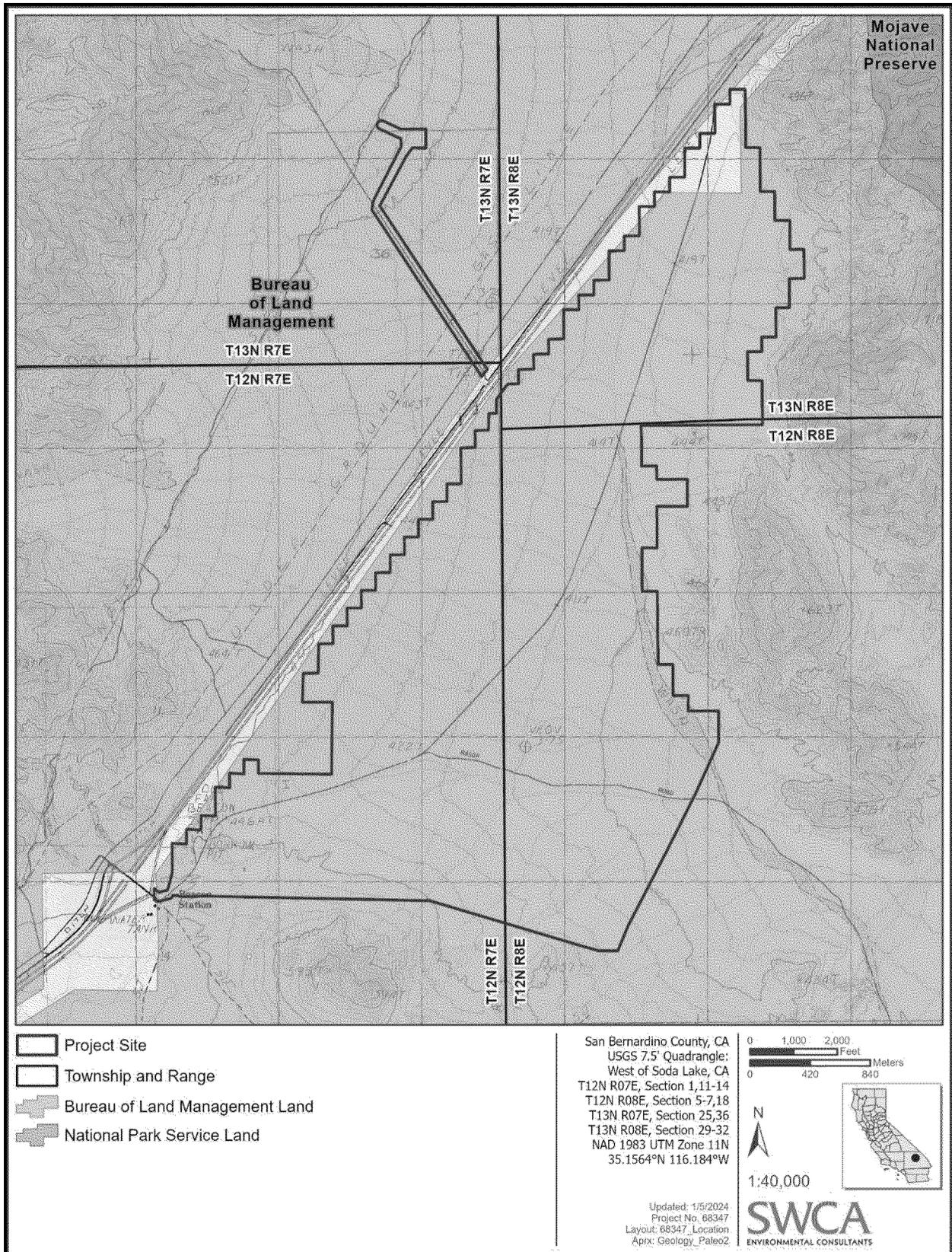


Figure 2-3. Public Land Survey location.

From: Francois, Alexis N [afrancois@blm.gov]
Sent: 8/8/2024 4:58:52 PM
To: Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]; Lauren DeOliveira [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59b95046bca34d92ac4e6f09cfc85b02-e4a00264-59]
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Myself and our realty specialist are creating a timeline of events for this project. It appears that the current project would no longer need groundwater wells. Not sure if this at all matters, but I wanted to pass along the info we have on our end.

Soda Mountain Solar, LLC, also filed revised groundwater well permit applications with the County on May 12, 2016. The County held a hearing on adoption of the EIR and approval of the groundwater permits on August 23, 2016. Despite the County Planning Staff's recommendation to approve the Project, the County Board of Supervisors declined to certify the EIR by a vote of 2-3. As the County did not certify the EIR, no decision was made regarding the groundwater permits.

The current Project described below is similar to the revised project selected in the BLM's ROD; however, groundwater wells would no longer be required for water supply. Therefore, a groundwater permit from the County is no longer necessary. In addition, the County will no longer act as the CEQA Lead Agency as they do not have discretionary responsibility for the Project. The Project is currently seeking an Incidental Take Permit (ITP) and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), along with possible a Title 27 Waste Discharge Permit and Clean Water Act (CWA) Section 401 Permit from the Lahontan Regional Water Quality Control Board

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Thursday, August 8, 2024 8:07 AM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspenerg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning, Alexis,

The applicant had to submit revised groundwater well permit applications to the County of San Bernardino. After review of the well permit applications, the County declined to certify the project EIR, leaving the applicant without clearance under the California Environmental Quality Act (CEQA). The advent of the CEC's Opt-in Program provided the applicant with a potential avenue to CEQA compliance.

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Thursday, August 8, 2024 7:57 AM

To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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I am preparing some talking points ahead of our meeting today and also drafting a narrative for myself for the scoping of this project, can either of you provide me with the why or the benefit for the proponent to pursue with the Opt-in program? My team is a little confused as to why they would pursue a program that is to aid in the application and deployment of permits, when they've already received a ROW grant from the BLM.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>

Sent: Tuesday, August 6, 2024 1:26 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem at all!

Below are some agenda items for the meeting on Thursday so we can take full advantage of the time we have. I also updated the meeting invite to include these items as well.

Meeting Agenda Items:

1. How would the request for a new survey of the APE affect BLM?
2. Discussion of alternative targeted surveys with the existing ROW.
 1. Potentially leading to an amendment or update to the existing 2024 report
3. Discussion of a CEC site visit to assess existing conditions.

Thanks so much for your assistance with this, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Tuesday, August 6, 2024 1:08 PM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you, I appreciate your flexibility.

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, August 6, 2024 12:53:35 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Of course! I'll reschedule the meeting for Thursday afternoon.

Thank you!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, August 6, 2024 12:34 PM
To: 'Francois, Alexis N' <afrancois@blm.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi, Alexis and Lauren,

Thursday after 2 pm works for me.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 12:27 PM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Lauren,
Can we push our call to Thursday after 2pm? I have calls scheduled internally with my IDT as well as with Hannah Robinson alongside Tiffany Arend later this week. I think having those conversations first will lend to us having a more productive conversation with some actual direction.

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 31, 2024 12:43:21 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for the update, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Wednesday, July 31, 2024 12:39 PM

To: Lauren DeOliveira <ldeoliveira@aspeneq.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This is the response I got regarding the report and data from the 2023 survey

The report associated with the 2023 FWA FA-680-23-0009 is technically the first draft of this current one. We're using the same BLM Report number as you had requested back then (FA-680-23-0009).

Basically, in 2023 we only did a reconnaissance survey of the areas where the solar arrays would be. I'll upload the 2023 report in that same sharepoint folder so you can compare. We didn't provide you with the GIS data and I believe it probably was because we didn't do a Class III, but rather a reconnaissance survey.

This current 2024 report and GIS data contains everything that was reported in 2023 from the recon. survey plus the additional Class III work that we did under the 2024 FWA.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 9:55 AM

To: Lauren DeOliveira <ldeoliveira@aspeneq.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Sounds great, thank you!

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From: Lauren DeOliveira <ldeoliveira@aspeneq.com>

Sent: Monday, July 29, 2024 9:54:38 AM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem, Gabriel.

Alexis, I'll send out a meeting invite for Wednesday.

Thanks!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Monday, July 29, 2024 8:44 AM

To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Francois, Alexis N <afrancois@blm.gov>

Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

I suggest that you two meet without me. I have a public workshop on Wednesday and am out of the office on Thursday as well. Lauren has my full confidence.

Cheers,

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>

Sent: Monday, July 29, 2024 8:32 AM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you, Alexis!

Gabriel, does Wednesday work for you?

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 6:39 AM

To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Lauren,

I am available Wednesday after 9am through noon and after 2pm. Let me know if any of those times work or if I need to propose more.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Friday, July 26, 2024 2:11 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Do you have some time next week to meet with me and Gabriel again about Soda Mountain? We'd like explain our initial thoughts about the Class III and get your take as well.

Also, did SWCA submit a Class I to BLM?

Thank you, and happy Friday!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 9:34 AM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

They just sent me over the GIS data but I can definitely send over the draft report to the docket. And yes I'm available this afternoon, feel free to send an invite!

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 24, 2024 9:31:55 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Thank you so much for the call this morning. I just spoke with Gabriel and certainly, copies of the 2009 and 2013 reports will be helpful. We also talked about the situation with the 2024 cultural data, and we think it would be beneficial for us to get eyes on the draft document just to be sure the applicant's consultant has met all of CEC's survey requirements. We want to ensure we are being mindful of your time and not requiring the consultant to conduct additional survey work later down the road (and needing new FAs) because they didn't meet CEC requirements initially.

We can certainly jump on a call and explain a bit more if you have 30 mins to spare either this afternoon or anytime between 11 am-2:00 pm tomorrow. Just let me know what time works best for you and I'll schedule a Teams meeting with the three of us.

Thanks so much!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 8:16 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you Gabriel!

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Wednesday, July 24, 2024 8:14 AM
To: Francois, Alexis N <afrancois@blm.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

Attached, you will find filing instructions for uploading documents to our project docket, including filing confidential cultural resources documents. By filing confidential documents in this manner, other parties to the proposed Soda Mountain project and the public will be aware that confidential cultural resource documents exist, while being unable to access them. The Docket Number for Soda Mountain is 24-OPT-03. Once filed, I will be able to arrange for Lauren's access to the confidential files.

Feel free to reach out with any questions.

Best regards,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Alexis,

Yes, absolutely. Whatever time works best for you tomorrow is fine with me.

Thank you!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, July 23, 2024 2:09 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hello Gabriel,

Thank you for the notification. I will work with Lauren and provide the necessary data the BLM Barstow Field Office is in possession of to complete these obligations. Lauren, do you have availability tomorrow afternoon to discuss?

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, July 23, 2024 1:36 PM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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SMSP00377

Good afternoon,

I supervise the CEC's Cultural Resources Unit and we have contracted with Aspen Environmental Group (Aspen) to prepare the cultural and tribal cultural resources analysis under the California Environmental Quality Act and our Opt-in Program. Aspen archaeologist and Cultural Resources Group Leader, Lauren DeOliveira, is the lead analyst for this work. If the Bureau of Land Management needs additional information from Aspen or the CEC to share the Soda Mountain cultural resources documents, please let us know. Otherwise, please coordinate directly with Lauren. Her email address is in the "To" field of this email.

Note that the Opt-in data requirements for cultural and tribal cultural resources documentation is very specific, representing the bare-minimum information that the CEC and its contractors need to review the application for completeness and analyze the proposed Soda Mountain project. Our data completeness requirements extend to the records search data, as codified in Title 20, California Code of Regulations, Section 1704, Appendix B(g)(2)(B):

"The results of a literature search to identify cultural resources and tribal cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources and tribal cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms (Title 14 CCR section 4853) shall be provided for all cultural resources and tribal cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 75-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area."

Many thanks,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Cultural Resources Unit
Safety & Reliability Branch
Siting, Transmission, and Environmental Protection Division
1-916-237-2544

California Energy Commission
Website: www.energy.ca.gov



From: Patrovsky, Joan E [jpatrovs@blm.gov]
Sent: 8/12/2024 5:49:39 PM
To: Kaufman, Zoe (Caroline) [zkaufman@blm.gov]; Samples, Portia J [psamples@blm.gov]; Donnell, Julie A [jdonnell@blm.gov]; Otahal, Christopher D [cotahal@blm.gov]; Francois, Alexis N [afrancois@blm.gov]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Shahab.koshmashrab@energy.ca.gov; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
CC: Stamer, Marc R [mstamer@blm.gov]; Edwards, Arthur J [ajedwards@blm.gov]; Cordes, Isabeau J [icordes@blm.gov]
Subject: California Energy Commission and BLM Intro - Soda Mtn Solar Project
Location: Microsoft Teams Meeting
Start: 9/9/2024 8:00:00 PM
End: 9/9/2024 9:00:00 PM
Show Time As: Tentative
Recurrence: (none)

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Introduction Meeting

The CEC is processing a filing by Soda Mountain Solar under CA AB205. CEC is the state lead agency.

The BLM, the federal lead agency is processing an application to amend the existing authorization issued in 2022.

Separate CEQA and NEPA will be conducted with coordination between state & federal lead agency.

Soda Mtn Solar is located off the I-15 Razor Road.

Applicant has filed with BLM to redesign the project wholly within the boundary of the right of way, increase MW to 300 and to add Battery Energy Storage System.

Agenda pending.

Microsoft Teams [Need help?](#)

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Meeting ID: 219 783 742 325

Passcode: 7X94u5

For organizers: [Meeting options](#)

From: White, Adam@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D64512C47C48429DBDCF6845422B6BD1-74F7464F-8C]
Sent: 8/15/2024 8:41:59 PM
To: Liang, Aron [Aron.Liang@lus.sbcounty.gov]
CC: Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction
Importance: Low

Aron- The Water Supply Assessment for the Soda Mountain Solar Project, San Bernardino County, California (found on the CEC Docket -search for TN257930) states: The project is located approximately 40 miles northeast of the associated water supply source (Figures 1 and 3). Water will be trucked to the project site from the water supply source.

To confirm the information provided, it appears that water hauling to supply water for the project for new development may be inconsistent with 83.09.050 Infrastructure Improvement Standards listed in the San Bernardino County Code of Ordinances.

We will include a request from the applicant to discuss and clarify how the project complies with County ordinance related to infrastructure improvement standards for new development water supply. Please let me know if you have any other comments related to the project. If you don't have time to provide them in writing by tomorrow, please call me to discuss.

Thank you

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Liang, Aron <Aron.Liang@lus.sbcounty.gov>
Sent: Thursday, August 15, 2024 9:58 AM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>; Alaniz, David <David.Alaniz@dph.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Hi Adam, It was great talking to you this morning. In summary, hauling water to the site may not be consistent with SBDC Table 83-11—Infrastructure Improvement Standard for the Desert Region.

Please let me know if you have questions.

Aron Liang

Planning Manager
Land Use Services Department
Phone: 909-387-0235
Cell: 909.601.4672
Fax: 909-387-3223
385 N. Arrowhead Ave
San Bernardino, CA, 92415-0187



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www.SBCounty.gov

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From: Guerra, Christina@Waterboards [Christina.Guerra@waterboards.ca.gov]
Sent: 8/16/2024 6:31:47 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; McCann, Lisa@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a7d5473ae9c748d69e0d530034014f87-Waterboards]; White, Adam@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d64512c47c48429dbdcf6845422b6bd1-74f7464f-8c]; Crader, Phillip@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7210c7994d3941d4a5501541b6a379f1-Waterboards]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
CC: Zimmerman, Jan@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6a535479ac2448c29afb308a1cd6fede-Waterboards]; Steinert, Tiffany@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdbc9163bf404f4d84f0a53c6ed84ab0-Waterboards]
Subject: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments
Attachments: SodaMountain_MOU Agencies Notice of Application Receipt.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CEC team, in response to email notification of receipt of an Opt-in application for Soda Mountain Solar Project, dated August 2, 2024, I am your primary point of contact for coordination with the Regional Board for this project.

Lahontan Regional Board staff have reviewed relevant portions of the Opt-in application for Soda Mountain Solar Project. Based on the MOA between the Regional Board and CEC, we are providing our initial comments on the project with respect to water quality, what permitting requirements might be applicable, and the additional information we need to complete our evaluation. Once the additional information we outline below has been provided, we respectfully request 30 days to complete our review and evaluation.

1. We request the Applicant provide specific end use/disposal for all liquid and solid waste streams, including but not limited to excavated soil, solar panel waste, battery energy storage system waste, sanitary waste, process water, panel wash water, waste oil, solvents, and fuels. Additionally, we request the Applicant provide a full characterization (chemical composition) of all liquid waste streams. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
2. The Opt-in application states an onsite wastewater treatment system (OWTS) septic system is proposed to support employee sanitary needs. Information is not provided on the OWTS. We request the Applicant provide information on the OWTS including but not limited to project description, flow sources, average, daily, and annual volumes and, system type. The Opt-in application also states any wastewater that cannot be treated by the septic system would be collected and treated or disposed of off-site. We request the Applicant provide information on how this wastewater would be identified and the determination made that the OWTS cannot treat it. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
3. In order for the Lahontan Water Board to be able to issue our permits in line with the CEC we will need the applicant to complete a 401 Water Quality Certification/Dredge and Fill application which can be

found here -

https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/as.

4. Please provide a copy of construction plans that are at least 90% complete. This ensures that we've evaluated the final design and identified all significant permitting requirements with respect to water quality, including any additional impacts to surface waters.
5. The Water Boards preliminary mitigation ratio for this project is 3 to 1. This ratio assumes no temporal loss, in-kind mitigation, and loss of waters. We request the Applicant provide the compensatory mitigation plan. Additionally, we will need a restoration plan for temporary impacts.
6. The Jurisdictional Delineation report does not include maps of sufficient scale to identify waters of the state onsite or in the vicinity. We request the Applicant update this report to include appropriately scaled maps and supporting documentation. This information is necessary to determine whether waters of the state that may be present on site are included in the delineation as the Lahontan Water Board asserts jurisdiction over all channelized flow.
7. We request the Applicant provide a draft Storm Water Pollution Prevention Plan. This plan will help us better understand stormwater flow paths and capture for reuse and/or percolation, and aid in our determination of whether a National Pollutant Discharge Elimination System (NPDES) permit or an individual stormwater permit would be appropriate for this project.
8. Will the project include stormwater infiltration ponds? If so, please include those design plans that and ensure they show the capacity and where the pond would discharge should they overflow.
9. We request the Applicant provide a full characterization (chemical composition) of the process water and panel wash water. We request the Applicant provide a process water flow diagram and panel wash water management plan, to include wash frequencies and estimated volumes of water generation. This information is necessary to determine whether sufficient mitigations are in place and whether we would request the Applicant submit a Report of Waste Discharge.
10. The Opt-in application states the disposal method for process water and panel wash water is evaporation. Information is not provided as to how process water and panel wash water will be evaporated (e.g., evaporation pond). We request the Applicant provide information on how process water and panel wash water will be evaporated. This information is necessary to determine whether a waste management unit (pond) is needed, which would require the Applicant submit a Report of Waste Discharge for an evaporation pond. This pond must be constructed, maintained, monitored, and closed in accordance with California Code of Regulations, title 27.

Please pass this information request to the Applicant. And please, let me know if you have any questions. Thank you.

Christina Guerra, P.G. 9475
Senior Engineering Geologist (Supervisor)

Land Disposal/401/Stormwater Unit
15095 Amargosa Road Bldg. 2, Ste 210
Victorville, CA 92394
Direct - (760) 241-7333, Cell - (760) 713-1380
christina.guerra@waterboards.ca.gov



Lahontan Regional Water Quality Control Board

SMSP00385

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, August 2, 2024 8:39 AM

To: Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>; McCann, Lisa@Waterboards <Lisa.McCann@waterboards.ca.gov>

Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Waterboards Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hello,

This email serves as notification of receipt of an Opt-in application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and your responsibilities under Assembly Bill 205.

Adam White will be your technical staff contact for Water Resources. He will reach out to you to discuss the data completeness worksheet and data request format. We will include any data requests you have of the applicant in our Data Completeness Letter that will be posted to the proceeding's docket. Abdel-Karim (Karim) Abulaban is the unit supervisor.

If you have any technical questions, please contact Adam and Karim. If you have questions about the project in general or about the Opt-in process, please contact me.

This information should be provided within 15-days per the MOU, which falls on Friday August 16, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov





August 2, 2024

Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03)/
Request for Comments and Information

This letter serves as notice pursuant to the California Energy Commission (CEC) Memorandums of Understanding (MOUs) with California Department of Fish and Wildlife (CDFW), Department of Toxic Substances Control (DTSC), and California State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, the Water Boards) that Soda Mountain Solar, LLC ("Applicant"), has requested that the CEC staff commence data completeness review of the Soda Mountain Solar Project (project) (24-OPT-03) opt-in application. Files associated with the application were uploaded to the project docket (24-OPT-03) from July 23 through August 1, 2024. The associated fee for processing the application has been received by CEC. Based on the record present in the project docket, the effective filing date is confirmed as August 1, 2024. Pursuant to Public Resources Code, section 25545.4(a), CEC staff will review the application and the CEC's Executive Director will make a determination of completeness within 30 days of the filing of the application. The Executive Director will respond to the request for a completeness determination on or before September 3, 2024.

The project webpage can be accessed at the following link:
<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>. To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project's docket.

The entire application can be accessed at the following link:
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>. Given the number of individual documents involved, sharing this link to the docket constitutes sharing the application files. Please contact us if you have trouble accessing any documents.

The CEC staff is now conducting a "Data Completeness" review of the application using data completeness worksheets that track information required under California Code of Regulations, title 20, section 1877 and data requests for any areas that are incomplete or require additional information, or a clarification of information is required.

Pursuant to the MOUs, your agency is obligated to provide information supporting the CEC staff's application completeness determination. This critical period is the opportunity that your agency has to ensure it has all the information it needs pursuant

to the MOU, including the baseline data and proposed mitigation to evaluate the project's direct, indirect and cumulative impacts and its compliance with applicable laws, ordinances, regulations, and standards, and provide permit conditions for this application. Also, during this period you will need to make all data requests for this project through CEC staff (e.g., clarification of information, requests for information, etc.) to ensure that the application has what your agency would need to issue a permit or for the CEC to issue an in-lieu permit. The CEC staff in the areas of Biological Resources, Water Resources, and Hazards and Hazardous Materials will reach out to you to coordinate on the data completeness review by the CEC and MOU agencies and are copied in this email.

The following is the relevant language on your agency's obligations to provide information supporting the CEC's completeness determination pursuant to the MOUs. Here is the relevant language from the CDFW MOU: "Within 15 days of receipt of an opt-in application, CDFW will review the opt-in application to determine whether it contains all the information required to assess compliance with applicable California Fish and Wildlife Laws; CDFW will identify and notify Energy Commission staff in writing of any data deficiencies and discuss proposed studies or outstanding data necessary to correct such deficiencies."

The applicable language for the Water Boards is: "Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies."

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

Please use the relevant portions of the Data Completeness sheets which correspond to the issues of interest to your agency and your permitting authorities, to guide your review of the application and preparation of data requests for areas of the application with incomplete or missing information. We will incorporate your data requests into the Executive Director's completeness determination. In addition, please provide any other information consistent with the language from the MOUs copied above.

For CDFW and the Water Boards, this information should be provided within 15 days per the MOUs, which falls on Friday August 16, 2024.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from Friday August 16 to Monday 26, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Lisa Worrall
Project Manager
California Energy Commission
lisa.worrall@energy.ca.gov

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 8/14/2024 3:07:50 PM
To: Lorentzen, Wayne@DTSC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=67ab2660d3724727a6074450f5a5e96d-DTSCWLorentz]; Paul Miller [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4d4ce365f8bd442a8cb7d479381e2476-8906af8e-0e]; Koch, Lori@DTSC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a3269442b99e4b6eac71ca1ce19d5078-DTSCLKoch]; Ferouz, Muzhda@DTSC [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5970a2c9e7942c19e64ec8ca6a4b057-DTSCMFerouz]
CC: Jeff Harvey [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=52c190f26db14416a814461317c23a6a-e402137a-db]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: DTSC Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Thanks very much Wayne and Paul.

From: Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>
Sent: Wednesday, August 14, 2024 7:33 AM
To: Paul Miller <pmiller@therchgroup.com>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>
Cc: Jeff Harvey <jharvey@therchgroup.com>; Fooks, Brett@Energy <Brett.Fooks@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: RE: DTSC Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

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Hi Paul, thank you for the opportunity to review the Soda Mountain application. DTSC has reviewed the application and has not identified any deficiencies. We have no comments.

Thank you!

Wayne Lorentzen, P.E.
Permitting Division Manager
Hazardous Waste Management Program
916-327-1194
wayne.lorentzen@dtsc.ca.gov
Department of Toxic Substances Control
1001 "I" Street, Sacramento, CA 95812-0806
California Environmental Protection Agency



From: Paul Miller <pmiller@therchgroup.com>

Sent: Thursday, August 8, 2024 2:56 PM

To: Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

Cc: Jeff Harvey <jharvey@therchgroup.com>; Fooks, Brett@Energy <Brett.Fooks@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: RE: DTSC Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Wayne,

Thank you for previously letting CEC know that you have no additional data requests for the Darden Clean Energy Project (23-OPT-02) and the Perkins Renewable Energy Project (24-OPT-01).

There are two other Opt-in project getting started. This email is for the Soda Mountain Solar Project.

<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>

I am reaching out now in anticipation of any data requests related to the Soda Mountain Solar Project – follow up from the email (from Lisa Worrall) of August 2nd (see below)

Jeffrey Harvey, Ph.D., and I will be leading the technical staff contact for Hazardous Materials.

For your convenience, I have reattached the letter from that email that discusses the MOU.

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from Friday August 16 to Monday August 26, 2024, therefore a response by Monday August 26, 2024 is appreciated.

Let me know if you have any questions about the application or questions related to data requests.

Paul Miller

Managing Principal

pmiller@TheRCHGroup.com

(916) 212-9600 Cell

(916) 782-4427 (All RCH Staff)



From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, August 2, 2024 8:40 AM

To: Lorentzen, Wayne@DTSC <Wayne.Lorentzen@dtsc.ca.gov>; Koch, Lori@DTSC <Lori.Koch@dtsc.ca.gov>; Ferouz, Muzhda@DTSC <Muzhda.Ferouz@dtsc.ca.gov>

Cc: Paul Miller <pmiller@therchgroup.com>; Jeff Harvey <jharvey@therchgroup.com>; Fooks, Brett@Energy

<Brett.Fooks@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: DTSC Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Hello,

This email serves as notification of receipt of an Opt-in application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and your responsibilities under Assembly Bill 205.

Jeffrey Harvey and Paul Miller (Aspen) will be your technical staff contacts for Hazardous Materials. They will reach out to you to discuss the data completeness worksheet and data request format. We will include any data requests you have of the applicant in our Data Completeness Letter that will be posted to the proceeding's docket. Brett Fooks is the unit supervisor.

If you have any technical questions, please contact Jeffrey, Paul, and Brett. If you have questions about the project in general or about the Opt-in process, please contact me.

This information should be provided within 15-25 days per the MOU, which ranges from Friday August 16 to Monday August 26, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Jeff Ruesch [jruesch@MojaveWater.org]
Sent: 8/13/2024 5:49:18 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: White, Adam@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d64512c47c48429dbdcf6845422b6bd1-74f7464f-8c]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,
Sounds good to me.

Jeff



Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency

"I'm a great believer in luck, and I find that the harder I work, the more I have of it." — **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, August 13, 2024 10:37 AM
To: Jeff Ruesch <jruesch@MojaveWater.org>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

You don't often get email from lisa.worrall@energy.ca.gov. [Learn why this is important](#)

Hi Jeff,

Thank you for your comments and coordinating with Adam. These are very helpful. I would like to submit these to the project's docket (electronic repository).

Thank you,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov

SMSP00394



From: Jeff Ruesch <jruesch@MojaveWater.org>

Sent: Tuesday, August 13, 2024 9:18 AM

To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>

Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,

Thank you for the information on the Soda Mountain Solar Project. I spoke with Adam White regarding the water supply assessment for this project on July 26, 2024.

The Mojave Basin Area is an adjudicated basin with our final Judgment being entered in 1996. Page 23, paragraph 17 in the Judgment ([https://www.mojavewater.org/wp-content/uploads/2022/06/Judgment After Trial with 2002 Amendment.pdf](https://www.mojavewater.org/wp-content/uploads/2022/06/Judgment%20After%20Trial%20with%202002%20Amendment.pdf)) states "Except upon further order of the Court, each and every Party, its officers, agents, employees, successors and assigns, is ENJOINED AND RESTRAINED from transporting water hereafter Produced from the Basin Area to areas outside the Basin Area." Raymond Ward is a Party to the Judgment and the owner of record of the land and well listed as the water supplier for the project. He is also the owner of Eagle Well Drilling & Pump Service.

The Soda Mountain Solar Project area is approximately 20 miles outside of the adjudicated area and the source of water indicated is located inside of the adjudicated area and as such is not a viable source of water for this project. Accordingly, pursuant to the aforesaid terms of the Judgment, Mr. Ward is "ENJOINED" from transporting groundwater outside the Basin area.

The Mojave Water Agency is a State Water Contractor and has an allocation of 89,800 acre-feet of Table "A" water rights. However, this allocation is for use only within our service area (~20 miles from the project area).

Please let me know if you have any questions or if you need more information.

Regards,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it."— **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Wednesday, August 7, 2024 1:09 PM

To: Pagaling, Reginald@NAHC <Reginald.Pagaling@nahc.ca.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Sandy, Martha@OEHHA <Martha.Sandy@oehha.ca.gov>; Graham, Courtney@ARB <courtney.graham@arb.ca.gov>; Fancher, Rebecca@ARB <rebecca.fancher@arb.ca.gov>; Camarillo, James@DOT <james.camarillo@dot.ca.gov>; Brega, Liz@EPA <elizabeth.brega@calepa.ca.gov>; bradp@mdaqmd.ca.gov; CHP-835AMail <835AMail@chp.ca.gov>; DIR DOSHREG6SantaAna <DOSHREG6SantaAna@DIR.ca.gov>; Fulcher, David@CALFIRE <David.Fulcher@fire.ca.gov>; plenys.thomas@epa.gov; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Katherine.kennedy@faa.gov; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; james.a.booth@usda.gov; peter_sanzenbacher@fws.gov; psamples@blm.gov; icordes@blm.gov; jdonnell@blm.gov; bganderson@blm.gov; Jeff Ruesch <jruesch@MojaveWater.org>; Dennis.Lei@ladwp.com; Faranak.Sarbaz@ladwp.com; Sunaja.Lakshman@ladwp.com; Tin.Ha@ladwp.com

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

You don't often get email from lisa.worrall@energy.ca.gov. [Learn why this is important](#)

[EXTERNAL EMAIL]

Hello,

This email serves as notification of receipt of an Opt-In Application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and the reasons under Assembly Bill 205 why we are contacting you.

If you have questions, please contact me.

I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 8/12/2024 9:19:06 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
Subject: FW: Soda Mountain

Hi Hannah,

It appears that we are missing the following appendices listed in Chris' email below to TN# 257902 Appendix D1 Biological Resources Technical Report.

Were these filed, if so, please send me the associated TN#s. If not, please file as soon as possible.

Thanks,

Lisa

From: Chris Huntley <Chuntley@aspeneg.com>
Sent: Monday, August 12, 2024 1:44 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Soda Mountain

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Hi Lisa,

We have been going through the various bio reports and cannot locate the Appendices for TN# 257902 Appendix D1 Biological Resources Technical Report. This is the Soda Mountain Solar Project Biological Resources Technical Report, San Bernardino County, California dated June 2024. It was completed by SWCA.

Can we please get access to the following Appendices. They are mentioned in the report but not included in the submittal.

We need to see these to back up the bio data submitted in the report.

They include:

APPENDIX A 2013 Panorama Environmental, Inc. Biological Resources Technical Report
APPENDIX B IPaC Search Results
APPENDIX C California Natural Diversity Database 10-Mile Search 1:6,000 Scale (CONFIDENTIAL) we have this.
APPENDIX D Soda Mountain Solar Site Visit
APPENDIX E Rare Plant Survey and Vegetation Mapping Report for the Soda Mountain Solar Project
APPENDIX F Crotch's Bumble Bee Focused Survey Report for the Soda Mountain Solar Project
APPENDIX G Desert Tortoise Survey Report for the Soda Mountain Solar Project
APPENDIX H Mojave Fringe-Toed Lizard Survey Report for the Soda Mountain Solar Project
APPENDIX I Winter Avian Use Survey Report for the Soda Mountain Solar Project
APPENDIX J Spring Avian Use Survey Report for the Soda Mountain Solar Project
APPENDIX K Summer Avian Use Survey Report for the Soda Mountain Solar Project
APPENDIX L Fall Avian Use Survey Report for the Soda Mountain Solar Project
APPENDIX M Spring Avian Use and Raptor Survey Report for the Soda Mountain Solar Project

APPENDIX N Burrowing Owl, Desert Kit Fox, and American Badger Survey Report for the Soda Mountain Solar Project
APPENDIX O Bat Survey Report for the Soda Mountain Solar Project
APPENDIX P Site Photographs
APPENDIX Q Plant and Wildlife Species with the Potential to Occur within 10 Miles of the Project Area
APPENDIX R Floral and Faunal Compendia

Thank you,

Chris



Chris Huntley
Executive Vice President
Biological Resources Director
www.aspeneg.com

5020 Chesebro Road, Suite 200
Agoura Hills, CA 91301
Cell: 818-292-2327

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From: White, Adam@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D64512C47C48429DBDCF6845422B6BD1-74F7464F-8C]
Sent: 8/14/2024 7:57:11 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Liang, Aron [Aron.Liang@lus.sbcounty.gov]; Saguan, Ivy [Ivy.Saguan@dph.sbcounty.gov]; Alaniz, David [David.Alaniz@dph.sbcounty.gov]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction
Importance: Low
Flag: Follow up

Lisa- Please respond re: reimbursement. Thanks

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Sent: Wednesday, August 14, 2024 11:48 AM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Thank you for the response. How do we go about requesting the reimbursement in pursuant to the PRC §25538?

Thank you,

David Alaniz, REHS
Program Manager
Division of Environmental Health Services
Phone: 909-387-5159



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www.SBCounty.gov

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SMSP00399

From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Monday, August 12, 2024 1:40 PM
To: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction
Importance: Low

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There is not a APN that I could find in the application, but I did look on CEQAnet and found 0543-231-16 (& 17 adjacent parcels) for the previous EIR. The application also state " The project site is located in portions of Sections 1 and 11-14, Township 12 North, Range 7 East; Sections 25 and 36, Township 13 North, Range 7 East; Sections 6, 7, 8, and 18, Township 13 North, Range 8 East, San Bernardino Meridian, California." if that helps.

Aron- Can you call me at 916-297-0188 when you have a chance. Thanks

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Sent: Monday, August 12, 2024 12:34 PM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Thank you, Adam. Could you please provide the Assessor's Parcel Number(s) (APN) for the site? This information is essential for our records and will help us proceed efficiently.

Thank you,

David Alaniz, REHS
Program Manager
Division of Environmental Health Services
Phone: 909-387-5159



SMSP00400

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From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Monday, August 12, 2024 7:50 AM
To: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Here is the notice asking for comments from the County for the Soda Mountain Project.

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, August 9, 2024 3:39 PM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Subject: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

I sent this attached notice to local San Bernardino County agencies. The distribution list is on the last page.

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Khoshmashrab, Shahab@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DEBFEB665B7A45629F72EAEB824BCE58-KHOSHMAHRA]
Sent: 8/12/2024 9:30:07 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Patrovsky, Joan E [jpatrovs@blm.gov]
Subject: RE: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

Yes, I now have it.

Shahab Khoshmashrab
Senior Mechanical Engineer, P.E.
California Energy Commission

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, August 12, 2024 2:22 PM
To: Patrovsky, Joan E <jpatrovs@blm.gov>
Cc: Khoshmashrab, Shahab@Energy <Shahab.Khoshmashrab@energy.ca.gov>
Subject: RE: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

I have forwarded the meeting to Shahab.

From: Patrovsky, Joan E <jpatrovs@blm.gov>
Sent: Monday, August 12, 2024 11:30 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

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Lisa,

Invitations have been sent.

Please advise on key topics for the agenda that CEC wishes to discuss.

We did get a email return denial for Shahab. We tried several times to no success.
Would you kindly forward the invite to them.

Joan Patrovsky, PMP
Project Manager
U.S. Department of the Interior - Region 8 and 10
Bureau of Land Management
California Desert District Office

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, August 12, 2024 10:22 AM
To: Patrovsky, Joan E <jpatrovs@blm.gov>

SMSP00402

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Kaufman, Zoe (Caroline) <zkaufman@blm.gov>

Subject: RE: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

Hi Joan,

We can leave our legal folks off too for this meeting. Can you send the meeting invite to the following staff:

lisa.worrall@energy.ca.gov

eric.knight@energy.ca.gov

brett.fooks@energy.ca.gov

joseph.hughes@energy.ca.gov

abdel-karim.abulaban@energy.ca.gov

Shahab.koshmashrab@energy.ca.gov

Gabriel.roark@energy.ca.gov

Thanks,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Patrovsky, Joan E <jpatrovs@blm.gov>

Sent: Friday, August 9, 2024 1:23 PM

To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Kaufman, Zoe (Caroline) <zkaufman@blm.gov>

Subject: Re: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

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Happy friday Lisa,

September 9th 1-2pm works for our team.

We do not plan to have our Solicitor at this meeting. She will be advised after our intro meeting with CEC. We will have some management from local field office, district and state office in attendance.

SMSP00403

I will send a MS teams invitation or does a Zoom meeting work best for you?
Let me know on your list of attendees.

If you wish to draft an agenda, please do so and send for consideration.

Thank you for information on the project website and looking forward to our meeting.

Have a good weekend,
Joan Patrovsky, PMP
Project Manager
U.S. Department of the Interior - Region 8 and 10
Bureau of Land Management
California Desert District Office

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, August 9, 2024 10:55 AM
To: Patrovsky, Joan E <jpatrovs@blm.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Kaufman, Zoe (Caroline) <zkaufman@blm.gov>
Subject: [EXTERNAL] RE: Request to Meet and Discuss Soda Mountain Solar amendment

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Hi Joan,

Are you and your staff available to meet in September 9th from 1-2 pm. Our staff will be very busy for the next 30 days conducting our completeness review.

Let me know. I have put a hold on the time with our staff. At this point for this first meeting, I have included our technical supervisors, branch managers, and assigned legal staff (as optional).

Thanks,

Lisa

Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



From: Patrovsky, Joan E <jpatrovs@blm.gov>

Sent: Thursday, August 8, 2024 5:46 PM

To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Kaufman, Zoe (Caroline) <zkaufman@blm.gov>

Subject: Request to Meet and Discuss Soda Mountain Solar amendment

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Hello Lisa,

SMSP00405

looks like you hit send before me...

My name is Joan Patrovsky, I am the assigned Bureau of Land Management Project Manager for a filed application by VC Renewables, LLC to amend their existing authorization for the above on public lands.

Currently their application is not complete and a potential preapplication meeting will be held in late October. This meeting is subject to an acceptable plan of development (POD) and other support documentation.

BLM's NEPA path for this amendment application has not been determined. Additional details from a revised POD, site layout, BESS information and other field data are needed.

Our team would like to have an introduction meeting regarding agency roles and environmental clearance regarding the Soda Mountain Solar project.

Please reply with potential dates during the weeks of August 19, 26 and September 9 for our teams to meet,

We understand that a reach out to our lead archaeologist has been initiated along with some additional field surveys.

The holder has advised that they filed an application with CEC to opt-in under AB205.

On another matter, BLM has advised the holder to connect with CalTrans and the Brightline train regarding their undergrounding of the generation transmission line, the Brightline train has a lease to construct within the median of Interstate 15.

Joan Patrovsky, PMP

Project Manager

U.S. Department of the Interior - Region 8 and 10

Bureau of Land Management

California Desert District Office

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 8/12/2024 11:27:48 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
Subject: RE: Soda Mountain

Thanks Hannah.

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Monday, August 12, 2024 3:10 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Soda Mountain

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Hi Lisa,

I just filed 3 documents into our docket that contain all the appendices. I apologize as I see they were lost in my original submittal due to file size.

If you need anything else, please don't hesitate to let me know.

-Hannah

Hannah Gbeh

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, August 12, 2024 2:19 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: FW: Soda Mountain

Hi Hannah,

It appears that we are missing the following appendices listed in Chris' email below to TN# 257902 Appendix D1 Biological Resources Technical Report.

Were these filed, if so, please send me the associated TN#s. If not, please file as soon as possible.

Thanks,

Lisa

From: Chris Huntley <Chuntley@aspeneg.com>
Sent: Monday, August 12, 2024 1:44 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Soda Mountain

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Hi Lisa,

We have been going through the various bio reports and cannot locate the Appendices for TN# 257902 Appendix D1 Biological Resources Technical Report. This is the Soda Mountain Solar Project Biological Resources Technical Report, San Bernardino County, California dated June 2024. It was completed by SWCA.

Can we please get access to the following Appendices. They are mentioned in the report but not included in the submittal.

We need to see these to back up the bio data submitted in the report.

They include:

- APPENDIX A 2013 Panorama Environmental, Inc. Biological Resources Technical Report
- APPENDIX B IPaC Search Results
- APPENDIX C California Natural Diversity Database 10-Mile Search 1:6,000 Scale (CONFIDENTIAL) we have this.
- APPENDIX D Soda Mountain Solar Site Visit
- APPENDIX E Rare Plant Survey and Vegetation Mapping Report for the Soda Mountain Solar Project
- APPENDIX F Crotch's Bumble Bee Focused Survey Report for the Soda Mountain Solar Project
- APPENDIX G Desert Tortoise Survey Report for the Soda Mountain Solar Project
- APPENDIX H Mojave Fringe-Toed Lizard Survey Report for the Soda Mountain Solar Project
- APPENDIX I Winter Avian Use Survey Report for the Soda Mountain Solar Project
- APPENDIX J Spring Avian Use Survey Report for the Soda Mountain Solar Project
- APPENDIX K Summer Avian Use Survey Report for the Soda Mountain Solar Project
- APPENDIX L Fall Avian Use Survey Report for the Soda Mountain Solar Project
- APPENDIX M Spring Avian Use and Raptor Survey Report for the Soda Mountain Solar Project
- APPENDIX N Burrowing Owl, Desert Kit Fox, and American Badger Survey Report for the Soda Mountain Solar Project
- APPENDIX O Bat Survey Report for the Soda Mountain Solar Project
- APPENDIX P Site Photographs
- APPENDIX Q Plant and Wildlife Species with the Potential to Occur within 10 Miles of the Project Area
- APPENDIX R Floral and Faunal Compendia

Thank you,

Chris



Chris Huntley
Executive Vice President
Biological Resources Director
www.aspeneg.com

5020 Chesebro Road, Suite 200
Agoura Hills, CA 91301
Cell: 818-292-2327

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From: Meeker, Erich@CHP [EMeeker@chp.ca.gov]
Sent: 8/12/2024 5:15:56 PM
To: Energy - STEP Siting [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=14e6ac2919ec428bb3378e30ce9a58e9-Energy - ST]
Subject: Soda Mountain Solar Project

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Good Morning,

I have some questions regarding this project. Will you please have someone call me at the number below?

Thank you,

Erich Meeker, Captain
California Highway Patrol
Barstow Area
300 E. Mountain View St.
Barstow, CA 92311
760.563.2715

From: Lauren DeOliveira [Ldeoliveira@aspeneg.com]
Sent: 8/16/2024 12:05:14 AM
To: Francois, Alexis N [afrancois@blm.gov]; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents
Attachments: ROD_SMSP_App_2__Biological_Opinion_1.13.16508.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alexis,

I hope you're doing well! Gabriel and I wanted to bring something to your attention. Aspen's biologist called me earlier today to let me know the 2015 ROD Bio Opinion (attached; Figure 2) identifies Desert Tortoise Relocation areas east of the Project Site. When bios relocate DT they often have to hand excavate burrows... These relocation areas were never covered for cultural resources.

We wanted to flag this and bring it to your attention as soon as possible. Because the relocation areas are outside the original APE, we're unsure how this would affect BLM if we were to ask for survey coverage of this area. Let us know your thoughts when you can.

Always happy to jump on a call as well.

Thank you, and have a great weekend!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Thursday, August 8, 2024 9:58 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Myself and our realty specialist are creating a timeline of events for this project. It appears that the current project would no longer need groundwater wells. Not sure if this at all matters, but I wanted to pass along the info we have on our end.

Soda Mountain Solar, LLC, also filed revised groundwater well permit applications with the County on May 12, 2016. The County held a hearing on adoption of the EIR and approval of the groundwater permits on August 23, 2016. Despite the County Planning Staff's recommendation to approve the Project, the County Board of Supervisors declined to certify the EIR by a vote of 2-3. As the County did not certify the EIR, no decision was made regarding the groundwater permits.

The current Project described below is similar to the revised project selected in the BLM's ROD; however, groundwater wells would no longer be required for water supply. Therefore, a groundwater permit from the County is no longer necessary. In addition, the County will no longer act as the CEQA Lead Agency as they do not have discretionary responsibility for the Project. The Project is currently seeking an Incidental Take Permit (ITP) and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), along with possible a Title 27 Waste Discharge Permit and Clean Water Act (CWA) Section 401 Permit from the Lahontan Regional Water Quality Control Board

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Thursday, August 8, 2024 8:07 AM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspenerg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning, Alexis,

The applicant had to submit revised groundwater well permit applications to the County of San Bernardino. After review of the well permit applications, the County declined to certify the project EIR, leaving the applicant without clearance under the California Environmental Quality Act (CEQA). The advent of the CEC's Opt-in Program provided the applicant with a potential avenue to CEQA compliance.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Thursday, August 8, 2024 7:57 AM
To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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I am preparing some talking points ahead of our meeting today and also drafting a narrative for myself for the scoping of this project, can either of you provide me with the why or the benefit for the proponent to pursue

with the Opt-in program? My team is a little confused as to why they would pursue a program that is to aid in the application and deployment of permits, when they've already received a ROW grant from the BLM.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Tuesday, August 6, 2024 1:26 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem at all!

Below are some agenda items for the meeting on Thursday so we can take full advantage of the time we have. I also updated the meeting invite to include these items as well.

Meeting Agenda Items:

1. How would the request for a new survey of the APE affect BLM?
2. Discussion of alternative targeted surveys with the existing ROW.
 1. Potentially leading to an amendment or update to the existing 2024 report
3. Discussion of a CEC site visit to assess existing conditions.

Thanks so much for your assistance with this, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Tuesday, August 6, 2024 1:08 PM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you, I appreciate your flexibility.

[Get Outlook for iOS](#)

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Tuesday, August 6, 2024 12:53:35 PM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Of course! I'll reschedule the meeting for Thursday afternoon.

Thank you!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Tuesday, August 6, 2024 12:34 PM

To: 'Francois, Alexis N' <afrancois@blm.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi, Alexis and Lauren,

Thursday after 2 pm works for me.

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Tuesday, August 6, 2024 12:27 PM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lauren,

Can we push our call to Thursday after 2pm? I have calls scheduled internally with my IDT as well as with Hannah Robinson alongside Tiffany Arend later this week. I think having those conversations first will lend to us having a more productive conversation with some actual direction.

[Get Outlook for iOS](#)

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Wednesday, July 31, 2024 12:43:21 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for the update, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Wednesday, July 31, 2024 12:39 PM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This is the response I got regarding the report and data from the 2023 survey

SMSP00415

The report associated with the 2023 FWA FA-680-23-0009 is technically the first draft of this current one. We're using the same BLM Report number as you had requested back then (FA-680-23-0009).

Basically, in 2023 we only did a reconnaissance survey of the areas where the solar arrays would be. I'll upload the 2023 report in that same sharepoint folder so you can compare. We didn't provide you with the GIS data and I believe it probably was because we didn't do a Class III, but rather a reconnaissance survey.

This current 2024 report and GIS data contains everything that was reported in 2023 from the recon. survey plus the additional Class III work that we did under the 2024 FWA.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, July 29, 2024 9:55 AM
To: Lauren DeOliveira <Ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Sounds great, thank you!

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From: Lauren DeOliveira <Ldeoliveira@aspenerg.com>
Sent: Monday, July 29, 2024 9:54:38 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem, Gabriel.

Alexis, I'll send out a meeting invite for Wednesday.

Thanks!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Monday, July 29, 2024 8:44 AM
To: Lauren DeOliveira <Ldeoliveira@aspenerg.com>; Francois, Alexis N <afrancois@blm.gov>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

I suggest that you two meet without me. I have a public workshop on Wednesday and am out of the office on Thursday as well. Lauren has my full confidence.

Cheers,

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Monday, July 29, 2024 8:32 AM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you, Alexis!

Gabriel, does Wednesday work for you?

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 6:39 AM

To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Lauren,

I am available Wednesday after 9am through noon and after 2pm. Let me know if any of those times work or if I need to propose more.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Friday, July 26, 2024 2:11 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Do you have some time next week to meet with me and Gabriel again about Soda Mountain? We'd like explain our initial thoughts about the Class III and get your take as well.

Also, did SWCA submit a Class I to BLM?

Thank you, and happy Friday!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 9:34 AM
To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

They just sent me over the GIS data but I can definitely send over the draft report to the docket. And yes I'm available this afternoon, feel free to send an invite!

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From: Lauren DeOliveira <ldeoliveira@aspenerg.com>
Sent: Wednesday, July 24, 2024 9:31:55 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Thank you so much for the call this morning. I just spoke with Gabriel and certainly, copies of the 2009 and 2013 reports will be helpful. We also talked about the situation with the 2024 cultural data, and we think it would be beneficial for us to get eyes on the draft document just to be sure the applicant's consultant has met all of CEC's survey requirements. We want to ensure we are being mindful of your time and not requiring the consultant to conduct additional survey work later down the road (and needing new FAs) because they didn't meet CEC requirements initially.

We can certainly jump on a call and explain a bit more if you have 30 mins to spare either this afternoon or anytime between 11 am-2:00 pm tomorrow. Just let me know what time works best for you and I'll schedule a Teams meeting with the three of us.

Thanks so much!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 8:16 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you Gabriel!

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Wednesday, July 24, 2024 8:14 AM

To: Francois, Alexis N <afrancois@blm.gov>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

Attached, you will find filing instructions for uploading documents to our project dockets, including filing confidential cultural resources documents. By filing confidential documents in this manner, other parties to the proposed Soda Mountain project and the public will be aware that confidential cultural resource documents exist, while being unable to access them. The Docket Number for Soda Mountain is 24-OPT-03. Once filed, I will be able to arrange for Lauren's access to the confidential files.

Feel free to reach out with any questions.

Best regards,

Gabriel

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>

Sent: Tuesday, July 23, 2024 2:12 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Alexis,

Yes, absolutely. Whatever time works best for you tomorrow is fine with me.

Thank you!

SMSP00419

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Tuesday, July 23, 2024 2:09 PM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hello Gabriel,

Thank you for the notification. I will work with Lauren and provide the necessary data the BLM Barstow Field Office is in possession of to complete these obligations. Lauren, do you have availability tomorrow afternoon to discuss?

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Tuesday, July 23, 2024 1:36 PM

To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Good afternoon,

I supervise the CEC's Cultural Resources Unit and we have contracted with Aspen Environmental Group (Aspen) to prepare the cultural and tribal cultural resources analysis under the California Environmental Quality Act and our Opt-in Program. Aspen archaeologist and Cultural Resources Group Leader, Lauren DeOliveira, is the lead analyst for this work. If the Bureau of Land Management needs additional information from Aspen or the CEC to share the Soda Mountain cultural resources documents, please let us know. Otherwise, please coordinate directly with Lauren. Her email address is in the "To" field of this email.

Note that the Opt-in data requirements for cultural and tribal cultural resources documentation is very specific, representing the bare-minimum information that the CEC and its contractors need to review the application for completeness and analyze the proposed Soda Mountain project. Our data completeness requirements extend to the records search data, as codified in Title 20, California Code of Regulations, Section 1704, Appendix B(g)(2)(B):

“The results of a literature search to identify cultural resources and tribal cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources and tribal cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior’s Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms (Title 14 CCR section 4853) shall be provided for all cultural resources and tribal cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 75-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area.”

Many thanks,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Cultural Resources Unit
Safety & Reliability Branch
Siting, Transmission, and Environmental Protection Division
1-916-237-2544

California Energy Commission
Website: www.energy.ca.gov





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer To:
FWS-SB-15B0081-14F0616

JAN 13 2016

Memorandum

To: District Manager, Bureau of Land Management
California Desert District, Moreno Valley, California

From: Field Supervisor, Carlsbad Fish and Wildlife Office
Carlsbad, California

Subject: Biological Opinion for the Soda Mountain Solar Project, San Bernardino County, California [2831.03(CP), CACA-49584, CADOOO.06/CAD080]

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion based on our review of the Bureau of Land Management's (Bureau) proposed issuance of a right-of-way grant for the Soda Mountain Solar Project and its effects on the federally threatened desert tortoise (*Gopherus agassizii*), in accordance with section 7 of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The proposed Soda Mountain Solar Project involves the construction, operation, maintenance, and decommissioning of a 287-megawatt photovoltaic solar power plant and associated infrastructure and facilities. We received your request for formal consultation on December 13, 2013.

This biological opinion is based on information that accompanied your request for consultation, including the biological assessment (Bureau 2013a) and draft environmental impact statement (Bureau 2013b), information that the Bureau and Soda Mountain Solar, LLC, (applicant or Soda Mountain Solar) provided during consultation, correspondence with National Park Service and Bureau staff, and information contained in our files. The Service can make a complete record of this consultation available at the Palm Springs Fish and Wildlife Office.

CONSULTATION HISTORY

On December 10, 2013, the Bureau (2013c) requested initiation of formal consultation for the issuance of a right-of-way grant for the construction, operation, maintenance, and decommissioning of the Soda Mountain Solar Project. In the request for initiation, the Bureau concluded that the proposed project may affect, but is unlikely to adversely affect, the federally endangered Mohave tui chub (*Gila bicolor mohavensis*). The Mohave tui chub occurs in Lake Tuendae and MC Springs, which are located approximately 4 miles east of the project site at

Zzyzx. The applicant provided a hydrogeological conditions and groundwater modeling report (Appendix C in Bureau 2013a) that served as a basis for the Bureau's determination.

By memorandum dated April 16, 2014, the Service (2014a) notified the Bureau that given the uncertainties surrounding the behavior of groundwater in the area, the lack of clarity and precision in the groundwater monitoring plan, and the importance of surrounding areas to the continued existence of the Mohave tui chub, we could not agree with the Bureau's conclusion that the proposed project may affect, but is not likely to adversely affect, the Mohave tui chub. Consequently, the Bureau and the county of San Bernardino requested that Soda Mountain Solar install and test a groundwater well to assess potential effects of pumping groundwater from the Soda Mountain basin on Mohave tui chub occurring in the surrounding areas. Panorama Environmental (Panorama), Burns and McDonnell conducted a groundwater well test to characterize the groundwater resources within the Soda Mountain Solar project area.

On October 20, 2014, the Bureau provided the Service with the results of Panorama's (2014a) groundwater well test. Staff of the U.S. Geological Survey (2014) used the results to assess the potential effects of pumping groundwater from the Soda Mountain basin and found that the proposed pumping for the Soda Mountain Solar Project is unlikely to measurably affect discharge from nearby areas that support Mohave tui chub. The Bureau revised the groundwater monitoring and mitigation plan to reflect the results of the groundwater well test and identified thresholds that would trigger corrective measures to avoid effects to Mohave tui chub (Panorama 2014a).

Based on the revisions to the groundwater monitoring and mitigation plan (Panorama 2014a), we concur with the Bureau's determination that the proposed Soda Mountain Solar Project may affect, but is not likely to adversely affect, the Mohave tui chub. If the proposed action changes in any manner that could result in adverse effects that were not anticipated, the Bureau must contact us immediately to ensure the appropriate level of consultation is completed.

We provided a draft biological opinion to the Bureau on December 19, 2014 (Service 2014c). The Bureau shared the draft biological opinion with the applicant and the National Park Service and provided comments to the Service on January 20, 2015 (Bureau 2015a). We have incorporated those comments where appropriate.

We also received a memo from the Bureau on October 2, 2015. (Bureau 2015b). The Bureau detailed a change in the proposed action that reduced the solar energy capacity, project foot print acres, and water use. We have incorporated these changes in the project description and throughout our biological opinion as necessary.

We provided another draft biological opinion to the Bureau on October 23, 2015 (Service 2015). The Bureau shared the draft biological opinion with the applicant. We received additional comments and clarification on the project description on December 2, 2015 (Bureau 2015b). We have revised the biological opinion to include those comments.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

Introduction

The Bureau proposes to issue a right-of-way grant to Soda Mountain Solar to construct, operate, maintain, and decommission a 287-megawatt photovoltaic solar power plant and associated infrastructure and facilities near Baker, California. The proposed project is located approximately 6 miles southwest of the unincorporated community of Baker and approximately 50 miles northeast of Barstow. The project is situated on both the northwest and southeast sides of Interstate 15 (I-15) near the western boundary of the Mojave National Preserve. The proposed facility would occupy 1,726 acres (Bureau 2015) within a 2,942-acre right-of-way.

Construction

Prior to commencement of construction, the applicant would install construction fencing, security perimeter fencing, and desert tortoise exclusion fencing (Figure 1). The construction fence would be a temporary fence, coupled with a desert tortoise exclusion fence, erected around the disturbance areas within the right-of-way, areas used for access to the site, and project well locations northwest of I-15. The perimeter fence would be a combination of permanent security fencing, desert tortoise exclusion fencing, and desert tortoise guards, around each individual block of the South Arrays, the entire East Array, and the substation and switchyard. The applicant would also install temporary desert tortoise exclusion fencing around all areas of temporary disturbance (e.g. underground collector lines, temporary construction roads). Installation of desert tortoise guards would occur where desert tortoise exclusion fencing intersects with roads on the project site.

Construction would occur over an 18-month to 5-year period. It would commence with site clearing and grading of laydown areas and the substation location, followed by survey, clearance, and grading of road corridors to provide site access. During construction of solar arrays and associated facilities, the applicant would maintain existing vegetation to the extent possible. Project construction would require grading and clearing of vegetation for the staging areas, roads, operations and maintenance facilities, and project substation. Within the solar array blocks, construction contractors would cut back vegetation but leave the plant root structure and about 6 inches of aboveground vegetation to be trimmed during operation as necessary.

In the following paragraphs, we provide a description of the key components of the project. Table 1 provides approximate disturbance acreages for the project components. Figure 1 shows the Soda Mountain Solar Project footprint and components.

Solar Panel Arrays

The project would consist of four solar arrays blocks. The East Array would be located on the southeast side of Interstate 15 on approximately 428 acres. South Array 1, 2, and 3 would be located immediately south of the East Array, on approximately 1,128 acres. The project would utilize approximately 1.3 million flat-plate polycrystalline silicon solar panels. The panels would mount on 6-foot to 12-foot-tall linear trackers that would rotate throughout the day to increase total solar exposure.

Temporary Construction Areas

The construction laydown area would consist of one 30-acre area within the right-of-way. The applicant would install construction fencing around portions of the laydown area not otherwise located within the project's perimeter fence. The applicant would remove the construction fences around the laydown area and restore the area to pre-project conditions following construction.

Access Road

The applicant would construct a 2,600-foot primary access route to the southwest corner of solar site. This construction would not modify Razor Road and would not restrict public use of the road. The applicant would also construct an approximately 1,000-foot-long access road from the Los Angeles Department of Water and Power transmission line access road to the substation and switchyard and an access road from the Blue Bell Mine Road to the substation and switchyard. The applicant would use an existing California Department of Transportation access road to the Opah Ditch pit mine for construction of the collection line. Within the project footprint, the applicant would construct approximately 14.5 miles of internal roads for panel access during site operation and maintenance. Access road construction activities would also include improvements to existing roads; areas damaged by erosion or requiring widening for turns may require reinforcement with rip-rap or crushed aggregate during construction and operation.

Collection Lines

Within the project site, underground collection cables would connect the solar panel arrays to the substation. Collection lines would originate from the arrays southeast of I-15, cross under the interstate at a single location through a directional boring, and continue along Opah Ditch Mine Road to the substation location.

Substation, Switchyard, and Interconnection

The project would have a 15-acre substation and switchyard for central collection and transfer of solar-generated power to the regional electrical grid. These facilities would be constructed west of the project site and deliver power to the adjacent Los Angeles Department of Water and Power's Marketplace-Adelanto 500-kilovolt transmission line through an interconnection. A

permanent gated, chain-link fence combined with desert tortoise exclusion fencing would be constructed around the substation and switchyard.

Operation and Maintenance Facility

The operations and maintenance facilities would be located at the southwestern corner of the site, adjacent to the southernmost array. The operation and maintenance facilities would consist of an operation and maintenance building, a maintenance facility, and a warehouse facility.

Fencing and Security

As described above, the applicant would install permanent security fencing, integrated with desert tortoise exclusion around various portions of the project. Fencing would be approximately 6-feet high with 1 foot of barbed wire at the top and integrated with desert tortoise exclusion fencing. The applicant would not install permanent security fencing in major drainage washes to minimize adverse effects on wildlife corridors and storm water flow. However, the applicant may install breakaway fencing along larger drainages. Breakaway fencing would consist of a driven post with detachable connections just above ground level, which would allow the fencing to yield to the force of a storm event; the fence would be reattached to the post following such events. Desert tortoise guards would be installed as appropriate where desert tortoise exclusion fencing intersects with roads on the project site and cleaned after major flood events.

Lighting

During construction, the applicant would strategically locate lighting in the construction staging area, parking area, and around site security facilities. Lighting would serve safety and security purposes, incorporate shielding, and focus downward and toward the interior of the site to minimize light exposure to areas outside the construction area. The purpose of the lighting is not to facilitate construction at night; however, lighting is needed for construction activities at night, the applicant would limit it to the locations and amounts needed to ensure safety.

During operation and maintenance, the project would incorporate lighting at the site entrance, operation and maintenance building, substation, and switchyard. These lights would provide for safe access to project facilities and visual surveillance; lighting would be the minimum required for safety and security. All lights would incorporate shields and focus downward and toward the interior of the site to minimize the effects of lighting on neighboring areas.

Water Supply, Use, and Storage

The applicant would install up to five groundwater production wells, a water pipeline between the wells and the maintenance building, and five monitoring wells within the project perimeter fence to provide non-potable water for project construction. The applicant would also install three permanent water storage tanks - one 5,000-gallon potable water supply tank, one 22,500-gallon tank for fire suppression near the operation and maintenance building, and one 42,000-

gallon tank located near the southern entrance to the project for use during panel washing. The applicant estimates that construction would require approximately 192 acre-feet of water per year (approximately 283 to 354 acre-feet over the construction period). The applicant would truck 4 to 5, 20,000-gallon, temporary water tanks to the site in anticipation of construction water needs. The applicant would truck potable water to the site due to the expected high boron and fluoride content in groundwater pumped from the water supply wells.

Drainage and Erosion Control

Design of the four individual array blocks would preserve existing site runoff patterns to the extent feasible. The solar facility would not detain runoff or substantially interfere with existing drainage patterns on or off the project site and would preserve existing sediment transport throughout the site. The project's design would allow runoff from the alluvial fan on the north side of I-15 to flow through the project area through the existing channels. The applicant would construct berms along the edges of flow corridors through the south arrays to prevent side channel flows from affecting the solar arrays. Berms would be outside perimeter fences, but during construction would be located within the temporary construction fence.

The applicant would avoid placing solar panels of the south arrays within the flow corridors downstream of the three existing culverts under I-15 to allow flows from the culverts to follow existing braided flow channels. Development within existing washes would only consist of access road crossings and potential subsurface collector lines.

Table 1. Surface Disturbance of Project Components.

Project Component	Temporary Area of Disturbance (acres)¹	Permanent Area of Disturbance (acres)	Total Area of Disturbance (acres)
Solar Arrays ^{2,3}	59	1,726	1,785
Substation, Switchyard, and Interconnection	25	15	40
Access Roads	61	16	77
Berms	49	10	59
Collector Routes	33	0	33
Laydown Area	30	0	30
Construction Fence	35	0	35
Total	292	1,767	2,059

¹ The applicant would restore areas of temporary disturbance to pre-project conditions following construction.

² Permanent disturbance is calculated as all areas within the perimeter fence. Temporary disturbance associated with the solar array includes areas within the construction fence and a work area 30 feet from the construction fence, excluding other project components.

³ This disturbance area includes disturbances for operation and maintenance buildings, warehouses, water tank, project wells.

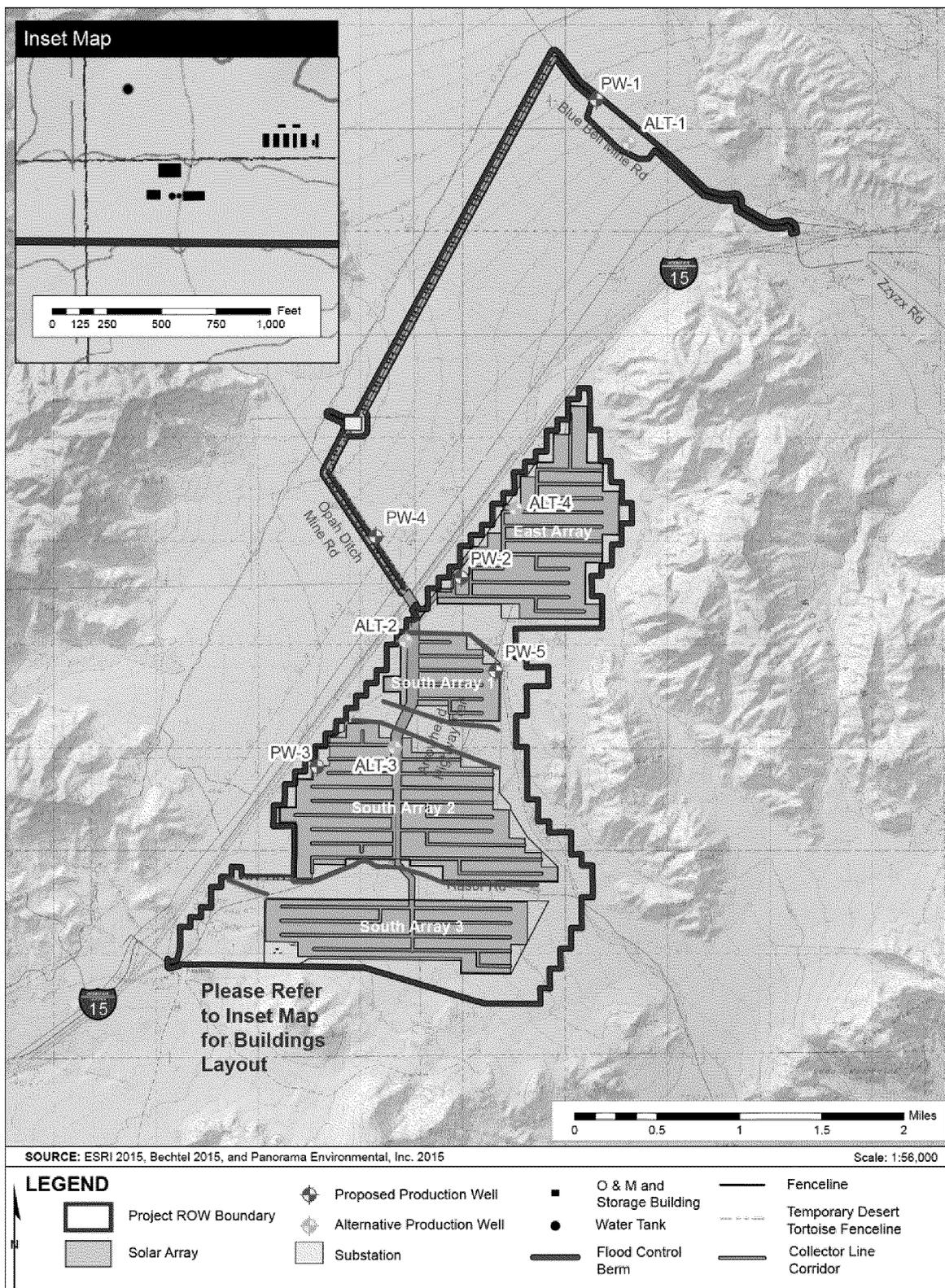


Figure 1. Soda Mountain Solar Project footprint and components.

Operation and Maintenance

Operational activities would include monitoring power generated by the solar arrays, monitoring interconnection to the Los Angeles Department of Water and Power transmission lines, operating the solar array tracking system, and conducting panel washing activities periodically throughout the year.

Maintenance activities would include inspecting, repairing, and maintaining the arrays, tracking systems, and the centralized monitoring and control system; maintaining and repairing the collector lines, which may require trenching. Administrative buildings, fencing and signage, roadways, and other ancillary facilities at the site would also require maintenance.

With the exception of linear facilities, operation and maintenance activities associated with the solar facility would occur within the fenced perimeter of the project site. Activities that would occur outside the perimeter fence could include road maintenance and servicing the gen-tie interconnection. The biological assessment (Bureau 2013a) for the Soda Mountain Solar Project provides additional details on these activities.

Operation and maintenance of the proposed project would require water for potable use, dust control, panel washing, and fire protection. The applicant anticipates requiring approximately 24 acre-feet of water per year for general operation and maintenance.

Decommissioning and Site Reclamation

The project would have an anticipated economic lifespan of 30 to 40 years. Because site conditions and agency requirements may change over the course of the project lifespan, the draft decommissioning plan would be finalized prior to termination of the right-of-way authorization and be approved by the Bureau, dependent on the future use of the site. The project is planned to be operated over the full term of the right-of-way grant and beyond, pending renewal. At the end of the project's economic lifespan, structures and equipment would be removed and the land surface would be reclaimed. The draft decommissioning and closure plan (Bureau 2013b) describes the activities that would occur during decommissioning and site reclamation.

In this biological opinion, we are consulting on the issuance of the Bureau's right-of-way grant for the project, which the environmental impact statement describes as 30 years for the solar facility. We based our analysis on this assumption. If the Bureau determines that it is appropriate to extend the right-of-way grant beyond this time frame, this extension would constitute a modification of the agency action that may affect the listed species in a manner that we did not consider in this biological opinion and may necessitate re-initiation of consultation with the Service, pursuant to section 7(a)(2) of the Act (50 Code of Federal Regulations 402.16).

As previously stated, the decommissioning plan would not be finalized until closer to the time of facility closure. As proposed in the draft decommissioning and closure plan, decommissioning and site reclamation would occur in phases, allowing for minimal amounts of disturbance and

requiring minimal dust control and water usage. The applicant anticipates approximately 192 acre-feet of water per year for decommissioning and site reclamation; decommissioning and site reclamation activities would take place over a 2-year period.

Minimization Measures

General Protective Measures

To minimize adverse effects to the desert tortoise, the Bureau will ensure the applicant implements the following protective measures during construction, operation, maintenance, and decommissioning activities. These measures differ to some degree from those described in the original biological assessment (Bureau 2013a) because of discussions among the Bureau, Service, and Soda Mountain Solar that occurred during the consultation process. The biological assessment (Bureau 2013a) contains more detailed descriptions of the proposed protective measures.

1. The applicant will employ authorized biologists, approved by the Service, and desert tortoise monitors to ensure compliance with protective measures for the desert tortoise. Use of authorized biologists and desert tortoise monitors will be in accordance with the most up-to-date Service guidance (currently Service 2010a) and will be required for monitoring of any construction, operation, maintenance, or decommissioning activities that may injure or kill desert tortoises. The phrases “authorized biologist” and “desert tortoise monitor,” as used in this section are taken from the Service’s (2010a) guidance and are defined as follows:
 - a. Authorized biologists must have thorough and current knowledge of desert tortoise behavior, natural history, ecology, and physiology, and demonstrate substantial field experience and training to safely and successfully conduct their required duties. Authorized biologists are approved to monitor project activities within desert tortoise habitat and are responsible for locating desert tortoises and their sign (i.e., conduct clearance surveys). Authorized biologists must ensure proper implementation of protective measures, and make certain that the effects of the project on the desert tortoise and its habitat are minimized in accordance with the biological opinion. All incidents of noncompliance in accordance with the biological opinion must be recorded and reported.
 - b. Desert tortoise monitors will be approved by the authorized biologist to monitor project activities within desert tortoise habitat, ensure proper implementation of protective measures, and record and report desert tortoises and sign observations in accordance with approved protocol. They will report incidents of noncompliance in accordance with the biological opinion, move desert tortoises from harm’s way when they enter project sites and place these animals in “safe areas” pre-selected by authorized biologists or maintain the desert tortoises in their immediate possession until an authorized biologist assumes care of the animal. Desert tortoise monitors

- assist authorized biologists during surveys to acquire experience. Monitors should not conduct clearance surveys or other specialized duties of the authorized biologist unless the authorized biologist has determined that the monitor has demonstrated that he or she is completely capable of performing that task independently.
- c. None of the proposed measures will prohibit any individual from handling a desert tortoise when necessary to ensure the safety of the animal.
2. The applicant will provide the credentials of all individuals seeking approval as authorized biologists to the Bureau. The Bureau will review these and provide the credentials of appropriate individuals to the Service for approval at least 30 days prior to the time they must be in the field.
 3. The applicant will designate a field contact representative who will oversee compliance with protective measures during construction, operation, maintenance, and decommissioning activities that may result in injury or mortality of desert tortoises. If the field contact representative, authorized biologist, or desert tortoise monitor identifies a violation of the desert tortoise protective measures, they will halt work in the immediate area until the violation is corrected.
 4. Authorized biologists and desert tortoise monitors will capture and handle desert tortoises in compliance with the most up-to-date Desert Tortoise Field Manual (currently Service 2009a).
 5. The applicant will develop and implement an environmental awareness program for all workers (construction, operation, maintenance, and decommissioning) that will address the following: a) types of construction activities that may affect the desert tortoise, b) the required desert tortoise protective measures, c) life history of and threats to the desert tortoise, d) legal protections and penalties, and e) reporting requirements.
 6. The applicant will install fencing to exclude desert tortoises from the construction right-of-way as described by the Bureau in its record of decision (the construction fence) and clear this area of all desert tortoises prior to the onset of construction. The site may be partitioned with temporary construction fencing to conduct clearance surveys in an efficient manner. Any work outside fenced areas will have clearance surveys conducted by authorized biologists.
 7. Following installation of fencing, the applicant will inspect the fence line and all desert tortoise guards on a weekly basis and within 24 hours following all major rainfall events. A major rainfall event is defined as one for which flow is detectable within the fenced drainage. Any damage to the fencing will be temporarily repaired within 24 hours to keep desert tortoises out of the site. During operation of the facility, fencing and desert tortoise guards will be inspected bi-weekly and following all major rainfall events. Any damage to

the fencing will be repaired within 24 hours. The applicant will keep all desert tortoise guards free of sediment and in appropriate working order (e.g., suitable escape ramps).

8. The applicant will install shade structures at regular intervals (no greater than 100 meters apart) on the outside of the outer most fence line, whether permanent or temporary. The precise fence locations will be determined during final design and will enclose areas of project activity. Design of the shade structures will be approved by the Bureau. All permanent shade structures will be installed prior to energizing of any of the solar arrays.
9. The applicant will employ an appropriate number of authorized biologists and desert tortoise monitors to provide full coverage monitoring of construction, operation, maintenance, and decommissioning activities that occur in any unfenced work areas. Authorized biologists or desert tortoise monitors will flag all desert tortoise burrows for avoidance in areas adjacent to construction work areas.
10. The applicant will confine all construction activities, project vehicles, and equipment within the delineated boundaries of construction areas that authorized biologists or desert tortoise monitors have identified as cleared of desert tortoises. The applicant will confine all work areas to the smallest practical area, considering topography, placement of facilities, location of burrows, public health and safety, and other limiting factors. The applicant will use previously disturbed areas to the extent feasible.
11. Any non-emergency expansion of activities into areas outside of the areas considered in this biological opinion will require the Bureau's approval and desert tortoise clearance surveys. These expanded activities may require re-initiation of consultation with the Service.
12. The applicant will prohibit project personnel from driving off road or performing ground-disturbing activities outside of designated areas during construction, operation, maintenance, or decommissioning.
13. During operation and maintenance activities at the completed project site, the applicant will confine all vehicle parking, material stockpiles, and construction-related materials to the permanently fenced project sites and construction logistics area.
14. The applicant will confine project access to two roads for construction. Following construction, one of the roads will be revegetated and the other road will be maintained for use during operation, maintenance, and decommissioning of the facilities. The applicant will temporarily fence these roads with construction fencing prior to the onset of construction; following construction, the fencing will be removed. To reduce the potential for vehicle strikes of desert tortoises on unfenced access roads, the applicant will enforce a 15-mile-per-hour speed limit for project related travel (i.e., construction, operation, maintenance, and decommissioning) in these areas. The applicant will post speed limit signs along all access routes.

15. Project personnel who are working outside fenced areas will be required to check under vehicles or equipment before moving them. If project personnel encounter a desert tortoise, they will contact an authorized biologist. The desert tortoise will be allowed to move a safe distance away prior to moving the vehicle. Alternatively, an authorized biologist or desert tortoise monitor may move the desert tortoise to a safe location to allow for movement of the vehicle.
16. An authorized biologist or desert tortoise monitor will inspect all ground-disturbing activities (i.e., excavations and grading) that are not within construction fencing on a regular basis (several times per day) and immediately prior to filling of the excavation. If project personnel discover a desert tortoise in an open trench, an authorized biologist or desert tortoise monitor will move it to a safe location. The applicant will cover or erect construction fence around the excavations that are outside of the perimeter fence at the end of each day to prevent entrapment of desert tortoises during non-work hours.
17. Project personnel working outside the fenced areas will not move construction pipes greater than 3 inches in diameter if they are stored less than 8 inches above the ground until they have inspected the pipes to determine the presence of desert tortoises. As an alternative, the applicant may cap all such pipes before storing them outside of fenced area.
18. No pets will be allowed on site prior to or during construction, except working dogs, if used for surveys. All working dogs will remain under the control of their handlers at all times.

Management of Common Ravens

1. The applicant will contain all trash associated with the project that could serve as an attractant to predators in secure, self-closing receptacles to prevent the introduction of anthropogenic food resources for common ravens.
2. The applicant will promptly remove and dispose of (bury or disposal at a landfill) all road-killed animals on the project site or its access roads. Migratory bird carcasses will be removed from the site in accordance with the bird and bat conservation strategy (Panorama 2014c).
3. The applicant will use water for construction, operation, maintenance, and decommissioning (e.g., truck washing, dust suppression, panel washing, landscaping, etc.) in a manner that does not result in puddling or ponding of standing water for more than 4 hours.
4. The applicant will use closed tanks to store water for all project site water needs to eliminate an open water source for common ravens.
5. The applicant will monitor all potential structures on which common ravens may nest

within the right-of-way and remove nests that it identifies following authorization by the Bureau and the Service. The applicant will implement adaptive management if the proposed measures are unsuccessful.

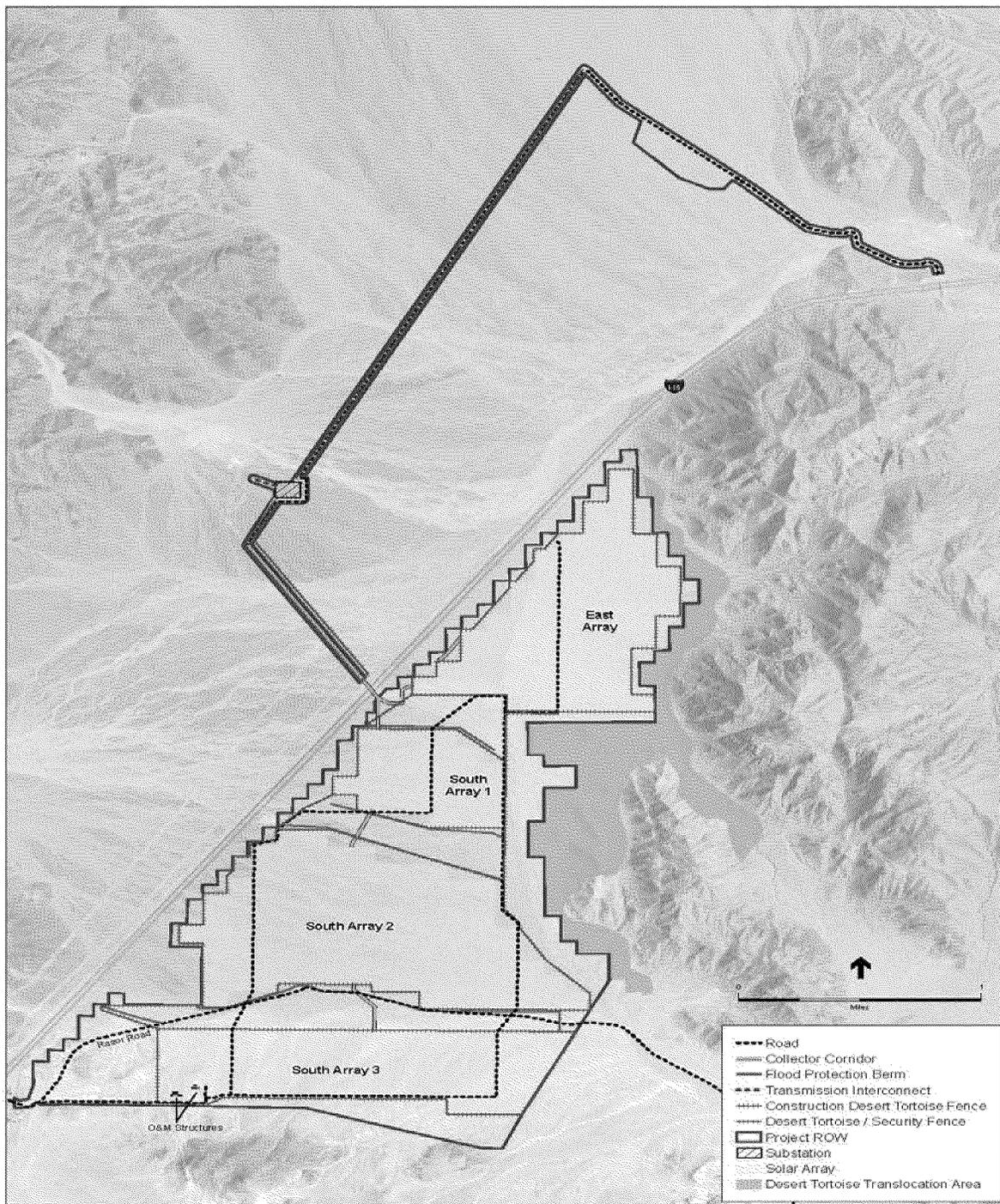
6. The applicant will monitor facility structures to identify frequently used perching locations for common ravens. If it identifies such locations, the applicant will install bird barrier spikes or other functional equivalent following specific discussion with the Bureau and, if necessary, with the Service.
7. The applicant will provide \$105 per acre of the project right-of-way area (2,942 acre BLM right-of-way) to the regional common raven management program.
8. The applicant will monitor the effectiveness of these measures during all phases of construction and for 2 years following completion of construction activities. Monitoring will include: 1) an initial raven count for the project area, 2) a quarterly inventory of ravens, during construction and biannually after construction, found on the site with an analysis of the increase, decrease or level of the population, and 3) a final report at the end of construction with a review of the raven inventory. The applicant will continue to implement the measures to reduce the attractiveness of the project to common ravens described herein throughout the life of the project; the applicant will implement adaptive management measures if management of the project is not effective in controlling common raven use of the project site. The applicant will consult with the Bureau and the Service prior to implementing adaptive management changes.

Weed Management

1. The applicant will designate an environmental compliance manager to provide oversight of construction practices and ensure compliance with weed management provisions.
2. The applicant will provide training to all personnel charged with environmental management responsibilities that will include the following: a) weed plant identification; b) effect of noxious and invasive weeds on native vegetation, wildlife, and fire activity; and c) required measures to prevent the spread of noxious and invasive weeds on the site.
3. The applicant will implement an integrated weed management plan (Bureau 2013d) to control weed infestations and the spread of noxious and invasive weeds on the project site. We have summarized the integrated weed management plan herein.
4. During construction, the applicant will perform weekly inspections during the growing season of all construction areas, access routes, and equipment cleaning facilities for the presence of noxious and invasive weeds and weed seed. Following the completion of construction activities, the applicant will continue monitoring according to the following schedule: 1) once a month during the first 2 years of the re-vegetation, 2) quarterly for the third and fourth years, 3) semi-annually for year 5 through 10, and 4) every other year and

following major rainfall events (as defined in General Protective Measure #7) for years 11 through 30, and 5) once a month for 3 years following decommissioning.

5. During operation of completed facilities, the applicant will monitor the site according to the schedule described above in Weed Management measure #4. If noxious and invasive species are found during any of the monitoring periods, the affected areas will be treated by performing weed control at least every other week during the growing season and once a month during the remainder of that year. Weed control will consist of physical or mechanical control methods (e.g., hand pulling, hoeing, etc.) or herbicide application as specified in the integrated weed management plan (Bureau 2013d). If they do not detect noxious or invasive species, the monitoring will continue per Weed Management measure #4 above.
6. The applicant will apply all herbicides used in weed treatments according to a plan approved by the Bureau, which will only be used within the permanent perimeter fence, and in accordance with the herbicide labels. The applicant will only use qualified individuals for herbicide application and will suspend herbicide use when any of the following conditions are met: a) wind velocity has the potential to carry granular or liquid herbicides off-site, b) snow or ice covers the foliage of weeds, c) precipitation is occurring or is imminent, or d) air temperatures exceed 90 degrees Fahrenheit.
7. The applicant will monitor all locations of weed treatment to ensure that treatments are effective.
8. The applicant will limit disturbance areas during construction to the minimal required to perform work and will only use defined routes when accessing work areas.
9. The applicant will use vehicle wash and inspection stations (one on each side of I-15) to wash off-road construction vehicles and delivery vehicles reaching the active construction area and will closely monitor all material brought onto the site to minimize the potential for weed introductions.
10. The applicant will identify and flag all areas of noxious and invasive weed infestation and minimize use of these areas by project personnel until weed treatment of the area has occurred.
11. After project construction, the applicant will restore areas of temporary disturbance as described in the vegetation resource management plan.
12. The applicant will preferentially perform native seed collection for restoration work from areas adjacent to the project site. When it is necessary (i.e., native seed from the surrounding area is not available for collection) to use native seeds from commercial vendors, the applicant will only accept seed that is free of non-native weed seeds.



ESA, 2015; Soda Mountain Solar, LLC, 2015

Soda Mountain Solar Project - 120592

Figure 2
Selected Alternative

Figure 2. Translocation areas for desert tortoises.

Translocation Strategy

To minimize adverse effects associated with the project, the applicant has proposed to translocate desert tortoises from within the proposed solar facility and any other fenced areas. The Bureau would move desert tortoises to recipient sites east of the project site, as shown in Figure 2. The desert tortoise translocation plan follows the Service's (2011a) guidance. We have summarized the following description of the translocation strategy for the project from the translocation plan (Appendix D in Bureau 2013a), the Service's (2011a) translocation guidance, and modifications made to address changes in the project (i.e., removal of the North Array from the project description and elimination of the need for translocation areas north of Interstate 15). These documents contain additional details of the procedures described below.

Translocation Methods

The applicant will implement a final desert tortoise translocation plan or other documentation related to translocation that may be based on the draft plan (Appendix D in Bureau 2013a) that is consistent with Service's (2011a) guidance, or disposition plans as requested by the Service. The final plan will include all revisions deemed necessary by the Bureau and the Service that result from this consultation.

The applicant will follow the Service's (2009a) procedures to conduct clearance surveys and translocate desert tortoises; clearance surveys will occur during the desert tortoise active season. The biological assessment (Bureau 2013a) describes the data that the authorized biologist will collect during clearance surveys. Desert tortoises that appear healthy will have blood drawn to determine disease status, and will remain on site (i.e., within the fenced project site, pending results of the disease test). The applicant will regularly confirm the desert tortoise's location using radio transmitters or by visually locating them until they are removed from the project site. The applicant will monitor desert tortoises on the project site at least once per month until translocation; desert tortoises will not be held on site for longer than 18 months. If a desert tortoise is too small to carry a transmitter, the applicant will place it in an interim holding pen. At a minimum, the authorized biologist(s) will mark all desert tortoises they handle animals with unique identification numbers and collect data on the same parameters collected during the clearance surveys.

The applicant will quarantine desert tortoises showing signs of illness or injury to prevent interactions with other desert tortoises and transport them to a suitable care facility to undergo assessment, treatment, and/or necropsy; rehabilitated desert tortoises would be potentially eligible for subsequent release. Coordination with the approved care facility will occur when clearance surveys commence to facilitate prompt transport of unhealthy desert tortoises. Quarantine areas will be away from work areas and protected by exclusion fencing so desert tortoises.

Following preconstruction surveys and health evaluations, the authorized biologist will determine the number of desert tortoises to be translocated from the site and will prepare a

disposition plan for each desert tortoise. Desert tortoises will be moved to the recipient area and hydrated in accordance with the most recent agency guidelines (Service 2011a). The applicant does not propose long-term monitoring of desert tortoises following translocation, but will monitor translocated individuals until the moved animals have settled and are not moving into harm's way. Authorized biologist(s) will excavate all desert tortoise burrows within the cleared area to find viable nests. If the applicant locates a viable nest, they will move it as described in the Desert Tortoise Field Manual (Service 2009a).

The applicant will conduct clearance surveys for the linear facilities at any time throughout the year. Linear facilities for this project will include the buried collector lines between arrays, and connection to the substation. The applicant will not move desert tortoises located during these surveys unless necessary to reduce the potential for injury or mortality of the individual; in most cases project personnel will allow desert tortoises to clear the site without assistance or interference. If desert tortoises are moved, they will be moved to the closest adjacent habitat.

The applicant will survey fence lines and a 30-foot-wide buffer to locate desert tortoises prior to construction of the fence according to the Service's (2009a) protocol. Desert tortoises found in the fence line survey area or spotted within 50 meters of the fence line survey area will be given a unique identifier, a visual health assessment, and be fitted with a transmitter. Desert tortoises will be moved into habitat adjacent to and outside the fence line if the individual is inside the fence line or the authorized biologist determines the individual is within harm's way. The desert tortoise will be moved into an empty burrow if clearance of the fence area takes place during winter months, outside the active season (i.e., from November to March and from June to August); desert tortoises will not be blocked in empty burrows. During the remainder of the year, the applicant will follow temperature guidelines according to the Service's (2011a) translocation guidance. Desert tortoises that are too small to accept a transmitter (i.e., if no transmitter is available that is 10 percent or less of the desert tortoise's body weight) will be marked and translocated into habitat adjacent to and outside the fence line. Unhealthy desert tortoises will be transported to a suitable care facility as described above.

If a desert tortoise that was moved out of the fence alignment moves back into the project site prior to the completion of the fence, the individual will be translocated as identified in the translocation plan and considered a translocatee. If the individual remains outside of the fence, it will be considered a resident of the area, the transmitter will be removed, and no further action will be taken.

Measures to Offset Adverse Effects to the Desert Tortoise

The Bureau will require the applicant to offset the loss of desert tortoise habitat resulting from construction, operation, and maintenance of the proposed project in accordance with the West Mojave Plan (Bureau *et al.* 2005). Compensation will include acquisition of private lands containing desert tortoise habitat and their transfer to the Bureau, implementation of habitat enhancement and rehabilitation projects on public land, or some combination of these actions. The Bureau estimates that 2,059 acres of suitable desert tortoise habitat would be required to

offset the loss of desert tortoise habitat caused by the project (Childers 2015). The compensation lands will be located within the Western or Eastern Mojave recovery units, as defined in the recovery plan for the desert tortoise (Service 2011b); however, the specific locations of these lands are currently unknown.

ANALYTICAL FRAMEWORK FOR THE JEOPARDY DETERMINATION

Jeopardy Determination

Section 7(a)(2) of the Endangered Species Act requires that Federal agencies ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species. “Jeopardize the continued existence of” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 Code of Federal Regulations 402.02).

The jeopardy analysis in this biological opinion relies on four components: 1) the Status of the Species, which describes the range-wide condition of the desert tortoise, the factors responsible for that condition, and its survival and recovery needs; 2) the Environmental Baseline, which analyzes the condition of the desert tortoise in the action area, the factors responsible for that condition, and the relationship of the action area to the survival and recovery of the desert tortoise; 3) the Effects of the Action, which determine the direct and indirect impacts of the proposed Federal action and the effects of any interrelated or interdependent activities on the desert tortoise; and 4) the Cumulative Effects, which evaluate the effects of future, non-federal activities in the action area on the desert tortoise.

In accordance with policy and regulation, the jeopardy determination is made by evaluating the effects of the proposed federal action in the context of the current status of the desert tortoise, taking into account any cumulative effects, to determine if implementation of the proposed action is likely to cause an appreciable reduction in the likelihood of both the survival and recovery of the desert tortoise in the wild.

STATUS OF THE DESERT TORTOISE

Section 4(c)(2) of the Endangered Species Act requires the Service to conduct a status review of each listed species at least once every 5 years. The purpose of a 5-year review is to evaluate whether the species’ status has changed since it was listed or since the most recent 5-year review; these reviews, at the time of their completion, provide the most up-to-date information on the range-wide status of the species (Service 2010a). We are incorporating the 5-year review by reference to provide most of the information for this section of the biological opinion. The 5-year review is available at http://ecos.fws.gov/docs/five_year_review/doc3572.DT%205Year%20Review_FINAL.pdf

The following paragraphs provide a summary of the relevant information in the 5-year review and information updated since publication of the 5-year review:

In the 5-year review, the Service discusses the status of the desert tortoise as a single distinct population segment and provides information on the Federal Register notices that resulted in its listing and the designation of critical habitat. The Service also describes the desert tortoise's ecology, life history, spatial distribution, abundance, habitats, and the threats that led to its listing (i.e., the five-factor analysis required by section 4(a)(1) of the Act). In the 5-year review, the Service concluded by recommending that the status of the desert tortoise as a threatened species be maintained.

With regard to the status of the desert tortoise as a distinct population segment, the Service concluded in the 5-year review that the recovery units recognized in the original and revised recovery plans (Service 1994 and 2011b, respectively) do not qualify as distinct population segments under the Service's distinct population segment policy (61 Federal Register 4722; February 7, 1996). We reached this conclusion because individuals of the listed taxon occupy habitat that is relatively continuously distributed, exhibit genetic differentiation that is consistent with isolation-by-distance in a continuous-distribution model of gene flow, and likely vary in behavioral and physiological characteristics across the area they occupy as a result of the transitional nature of, or environmental gradations between, the described subdivisions of the Mojave and Colorado deserts.

In the 5-year review, the Service summarizes information with regard to the desert tortoise's ecology and life history. Of key importance to assessing threats to the species and to developing and implementing a strategy for recovery is that desert tortoises are long lived, require up to 20 years to reach sexual maturity, and have low reproductive rates during a long period of reproductive potential. The number of eggs that a female desert tortoise can produce in a season is dependent on a variety of factors including environment, habitat, availability of forage and drinking water, and physiological condition. Predation seems to play an important role in clutch failure. Predation and environmental factors also affect the survival of hatchlings.

In the 5-year review, the Service also discusses various means by which researchers have attempted to determine the abundance of desert tortoises and the strengths and weaknesses of those methods. Due to differences in area covered and especially to the non-representative nature of earlier sample sites, data gathered by the Service's current rangewide monitoring program cannot be reliably compared to information gathered through other means at this time.

The rangewide monitoring that the Service initiated in 2001 is the first comprehensive attempt to determine the densities of desert tortoises across their range. The Desert Tortoise Recovery Office (Service 2014b) used annual density estimates obtained from this sampling effort to evaluate rangewide trends in the density of desert tortoises over time. This analysis indicates that densities in the Northeastern Mojave Recovery Unit have increased by approximately 13.6 percent per year since 2004, with the rate of increase apparently resulting from increased survival of adults and subadults moving into the adult size class. The analysis also indicates that

the populations in the other 4 recovery units are declining: Upper Virgin River (-5.1 percent), Eastern Mojave (-6.0 percent), Western Mojave (-8.6 percent), and Colorado Desert (-3.4 percent; however, densities in the Joshua Tree and Piute Valley conservation areas within this unit seem to be increasing). Figure 3 shows linear trends in the log-transformed densities in each desert tortoise conservation area by recovery unit. Data for the Upper Virgin River Recovery Unit are from 1999 to the present; data for all other recovery units are from 2004 to the present.

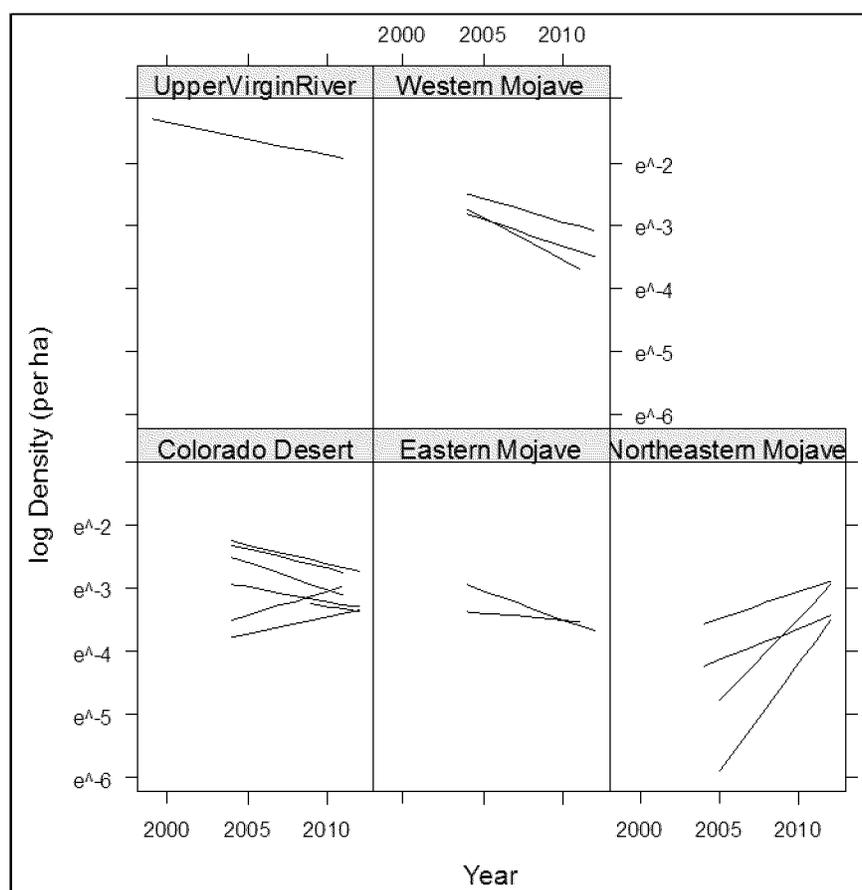


Figure 3. Rangewide trends in the density of desert tortoises.

Allison (2013) also evaluated changes in size distribution of desert tortoises since 2001. In the Western Mojave and Colorado Desert recovery units, the relative number of juveniles to adults indicates that juvenile numbers are declining faster than adults. In the Eastern Mojave, the number of juvenile desert tortoises is also declining, but not as rapidly as the number of adults. In the Upper Virgin River Recovery Unit, trends in juvenile numbers are similar to those of adults; in the Northeastern Mojave Recovery Unit, the number of juveniles is increasing, but not as rapidly as are adult numbers in that recovery unit. Juvenile numbers, like adult densities, are responding in a directional way, with increasing, stable, or decreasing trends, depending on the recovery unit where they are found.

In this context, we consider “juvenile” desert tortoises to be animals smaller than 180 millimeters in length. The Service does not include juveniles detected during rangewide sampling in density estimations because they are more difficult to detect and surveyors frequently do not observe them during sampling. However, this systematic rangewide sampling provides us with an opportunity to compare the proportions of juveniles to adults observed between years.

In the 5-year review, the Service provides a brief summary of habitat use by desert tortoises; the revised recovery plan contains more detailed information (Service 2011b). In the absence of specific and recent information on the location of habitable areas of the Mojave Desert, especially at the outer edges of this area, the 5-year review also describes and relies heavily on a quantitative, spatial habitat model for the desert tortoise north and west of the Colorado River that incorporates environmental variables such as precipitation, geology, vegetation, and slope and is based on occurrence data of desert tortoises from sources spanning more than 80 years, including data from the 2001 to 2005 rangewide monitoring surveys (Nussear *et al.* 2009). The model predicts the probability that desert tortoises will be present in any given location; calculations of the amount of desert tortoise habitat in the 5-year review and in this biological opinion use a threshold of 0.5 or greater predicted value for potential desert tortoise habitat. The model does not account for anthropogenic effects to habitat and represents the potential for occupancy by desert tortoises absent these effects.

To begin integrating anthropogenic activities and the variable risk levels they bring to different parts of the Mojave and Colorado deserts, the Service completed an extensive review of the threats known to affect desert tortoises at the time of their listing and updated that information with more current findings in the 5-year review. The review follows the format of the five-factor analysis required by section 4(a)(1) of the Act. The Service described these threats as part of the process of its listing (55 Federal Register 12178; April 2, 1990), further discussed them in the original recovery plan (Service 1994), and reviewed them again in the revised recovery plan (Service 2011b).

To understand better the relationship of threats to populations of desert tortoises and the most effective manner to implement recovery actions, the Desert Tortoise Recovery Office is developing a spatial decision support system that models the interrelationships of threats to desert tortoises and how those threats affect population change. The spatial decision support system describes the numerous threats that desert tortoises face, explains how these threats interact to affect individual animals and habitat, and how these effects in turn bring about changes in populations. For example, we have long known that the construction of a transmission line can result in the death of desert tortoises and loss of habitat. We have also known that common ravens, known predators of desert tortoises, use the transmission line’s pylons for nesting, roosting, and perching and that the access routes associated with transmission lines provide a vector for the introduction and spread of invasive weeds and facilitate increased human access into an area. Increased human access can accelerate illegal collection and release of desert tortoises and their deliberate maiming and killing, as well as facilitate the spread of other threats associated with human presence, such as vehicle use, garbage and dumping, and invasive plants (Service 2011b). Changes in the abundance of native plants because of invasive weeds can

compromise the physiological health of desert tortoises, making them more vulnerable to drought, disease, and predation. The spatial decision support system allows us to map threats across the range of the desert tortoise and model the intensity of stresses that these multiple and combined threats place on desert tortoise populations.

The threats described in the listing rule and both recovery plans continue to affect the species. Indirect effects to desert tortoise populations and habitat occur in accessible areas that interface with human activity. Most threats to the desert tortoise or its habitat are associated with human land uses; research since 1994 has clarified many mechanisms by which these threats act on desert tortoises. As stated earlier, increases in human access can accelerate illegal collection and release of desert tortoises and deliberate maiming and killing, as well as facilitate the spread of other threats associated with human presence, such as vehicle use, garbage and dumping, and invasive weeds.

Some of the most apparent threats to the desert tortoise are those that result in mortality and permanent habitat loss across large areas, such as urbanization and large-scale renewable energy projects, and those that fragment and degrade habitats, such as proliferation of roads and highways, off-highway vehicle activity, and habitat invasion by non-native invasive plant species. However, we remain unable to quantify how threats affect desert tortoise populations. The assessment of the original recovery plan emphasized the need for a better understanding of the implications of multiple, simultaneous threats facing desert tortoise populations and of the relative contribution of multiple threats on demographic factors (i.e., birth rate, survivorship, fecundity, and death rate; Tracy *et al.* 2004).

The following map depicts the 12 critical habitat units of the desert tortoise, linkages between conservation areas for the desert tortoise, and the aggregate stress that multiple, synergistic threats place on desert tortoise populations (Figure 4). Conservation areas include designated critical habitat and other lands managed for the long-term conservation of the desert tortoise (e.g., the Desert Tortoise Natural Area, Joshua Tree National Park, and the Desert National Wildlife Refuge). The revised recovery plan (Service 2011b) recommends connecting blocks of desert tortoise habitat, such critical habitat units and other important areas to maintain gene flow between populations. Linkages defined using least-cost path analysis (Averill-Murray *et al.* 2013) illustrate a minimum connection of habitat for desert tortoises between blocks of habitat and represent priority areas for conservation of population connectivity. This map illustrates that, across the range, desert tortoises in areas under the highest level of conservation management remain subject to numerous threats, stresses, and mortality sources.

Since the completion of the 5-year review, the Service has issued several biological opinions that affect large areas of desert tortoise habitat because of numerous proposals to develop renewable energy within its range. These biological opinions concluded that proposed solar plants were not likely to jeopardize the continued existence of the desert tortoise primarily because they were located outside of critical habitat and desert wildlife management areas that contain most of the land base required for the recovery of the species. The proposed actions also included numerous measures intended to protect desert tortoise during the construction of the projects, such as

translocation of affected individuals. In aggregate, these projects would result in an overall loss of approximately 37,503 acres of habitat of the desert tortoise. We also predicted that the project areas supported up to 3,483 desert tortoises; we concluded that most of these individuals were small desert tortoises, that most large individuals would likely be translocated from project sites, and that most mortalities would be small desert tortoises that were not detected during clearance surveys. To date, 560 desert tortoises have been observed during construction of projects; most of these individuals were translocated from work areas, although some desert tortoises have been killed (see Appendix 1). The mitigation required by the Bureau and California Energy Commission, the agencies permitting these facilities, will result in the acquisition of private land and funding for the implementation of various actions that are intended to promote the recovery of the desert tortoise. Although most of these mitigation measures are consistent with recommendations in the recovery plans for the desert tortoise and the Service continues to support their implementation, we cannot assess how desert tortoise populations will respond because of the long generation time of the species.

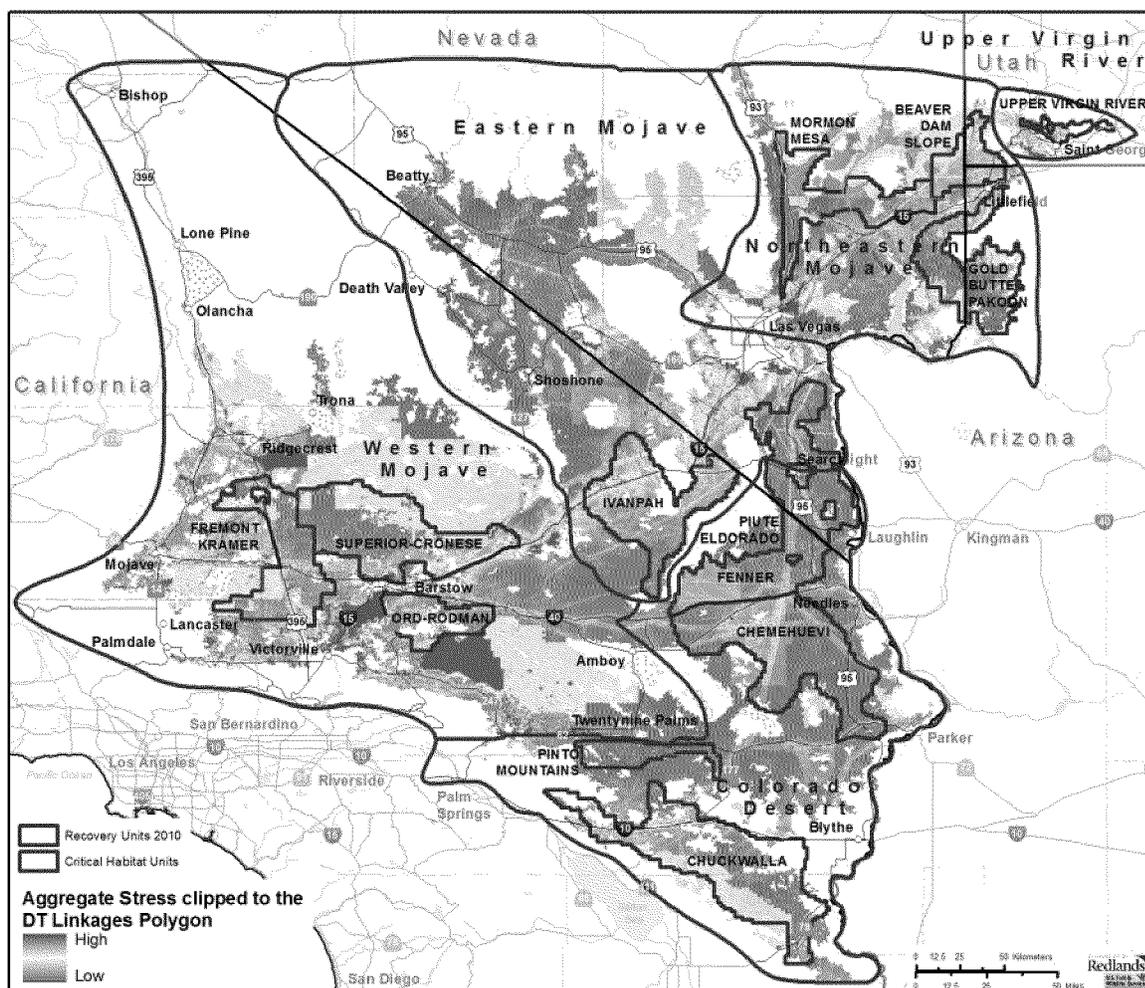


Figure 4. Critical habitat units of the desert tortoise, linkages between conservation areas for the desert tortoise, and the aggregate stress that multiple, synergistic threats place on desert tortoise populations.

In addition to the biological opinions issued for solar development within the range of the desert tortoise, the Service (2012a) also issued a biological opinion to the Department of the Army for the use of additional training lands at Fort Irwin. As part of this proposed action, the Department of the Army removed approximately 650 desert tortoises from 18,197 acres of the southern area of Fort Irwin, which had been off-limits to training. The Department of the Army would also use an additional 48,629 acres that lie east of the former boundaries of Fort Irwin; much of this parcel is either too mountainous or too rocky and low in elevation to support numerous desert tortoises.

The Service also issued a biological opinion to the U.S Marine Corps that considered the effects of the expansion of the Marine Corps Air Ground Combat Center at Twentynine Palms (Service 2012b). We concluded that the Marine Corps' proposed action, the use of approximately 167,971 acres for training, was not likely to jeopardize the continued existence of the desert tortoise. Most of the expansion area lies within the Johnson Valley Off-highway Vehicle Management Area.

The incremental effect of the larger actions (i.e., solar development, the expansions of Fort Irwin, and the Marine Corps Air Ground Combat Center) on the desert tortoise is unlikely to be positive, despite the numerous conservation measures that have been (or will be) implemented as part of the actions. The acquisition of private lands as mitigation for most of these actions increases the level of protection afforded these lands; however, these acquisitions do not create new habitat and Federal, State, and privately managed lands remain subject to most of the threats and stresses we discussed previously in this section. Although land managers have been implementing measures to manage these threats, we have been unable, to date, to determine whether the measures have been successful, at least in part because of the low reproductive capacity of the desert tortoise. Therefore, the conversion of habitat into areas that are unsuitable for this species continues the trend of constricting the desert tortoise into a smaller portion of its range.

As the Service notes in the 5-year review (Service 2010a), “(t)he threats identified in the original listing rule continue to affect the (desert tortoise) today, with invasive species, wildfire, and renewable energy development coming to the forefront as important factors in habitat loss and conversion. The vast majority of threats to the desert tortoise or its habitat are associated with human land uses.” Oftedal’s work (2002 in Service 2010a) suggests that invasive weeds may adversely affect the physiological health of desert tortoises. Current information indicates that invasive species likely affect a large portion of the desert tortoise’s range (Figure 5). Furthermore, high densities of weedy species increase the likelihood of wildfires; wildfires, in turn, destroy native species and further the spread of invasive weeds.

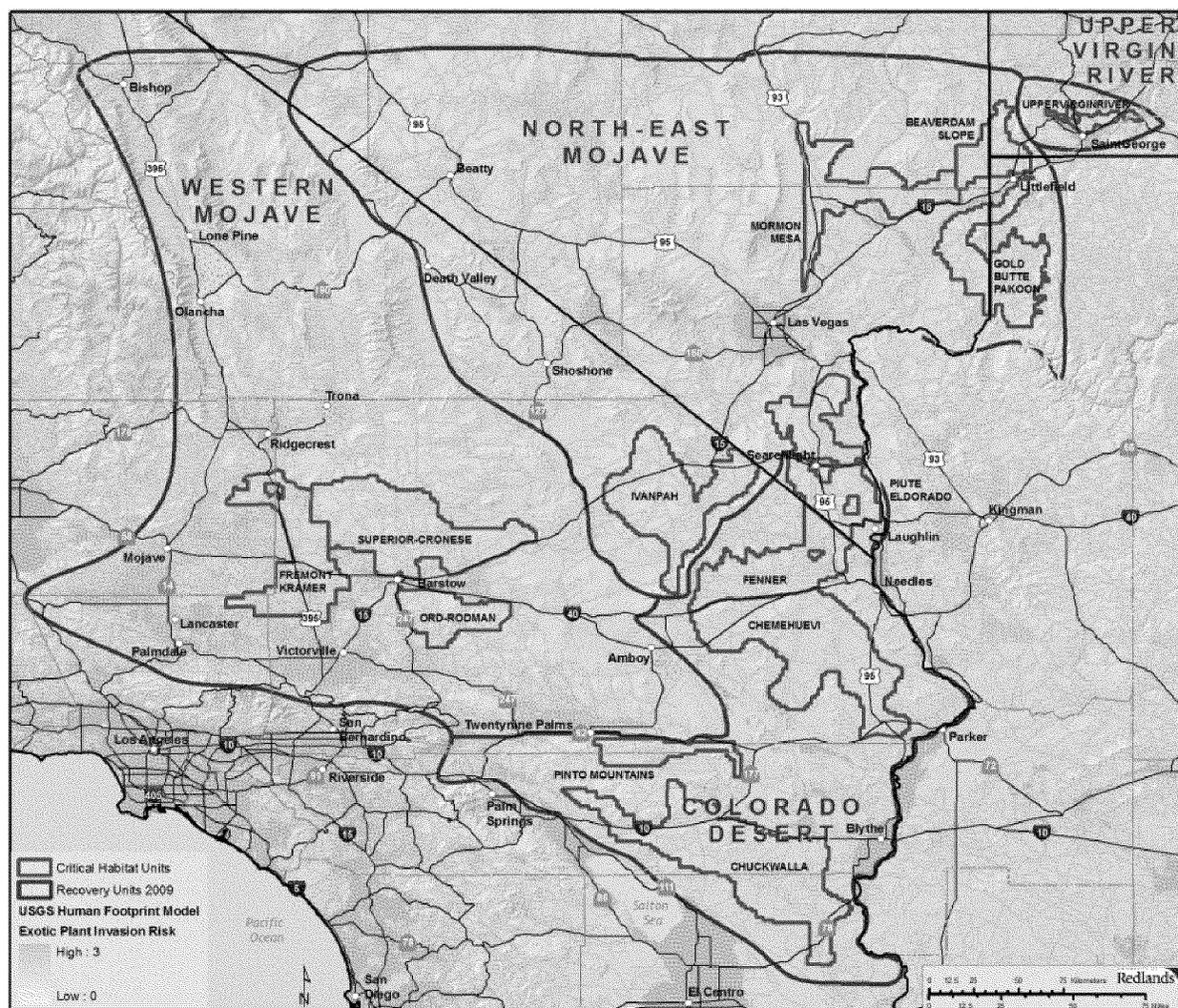


Figure 5. Invasion risk of non-native invasive plant species within the range of the desert tortoise.

Global climate change is likely to affect the prospects for the long-term conservation of the desert tortoise. For example, predictions for climate change within the range of the desert tortoise suggest more frequent and/or prolonged droughts with an increase of the annual mean temperature by 3.5 to 4.0 degrees Celsius. The greatest increases will likely occur in summer (June-July-August mean increase of as much as 5 degrees Celsius [Christensen *et al.* 2007 in Service 2010a]). Precipitation will likely decrease by 5 to 15 percent annually in the region with winter precipitation decreasing by up to 20 percent and summer precipitation increasing by up to 5 percent. Because germination of the desert tortoise's food plants is highly dependent on cool-season rains, the forage base could be reduced due to increasing temperatures and decreasing precipitation in winter. Although drought occurs routinely in the Mojave Desert, extended periods of drought have the potential to affect desert tortoises and their habitats through physiological effects to individuals (i.e., stress) and limited forage availability. To place the consequences of long-term drought in perspective, Longshore *et al.* (2003) demonstrated that

even short-term drought could result in elevated levels of mortality of desert tortoises. Therefore, long-term drought is likely to have even greater effects, particularly given that the current fragmented nature of desert tortoise habitat (e.g., urban and agricultural development, highways, freeways, military training areas, etc.) will make recolonization of extirpated areas difficult, if not impossible.

The Service notes in the 5-year review that the combination of the desert tortoise's late breeding age and a low reproductive rate challenges our ability to achieve recovery. When determining whether a proposed action is likely to jeopardize the continued existence of a species, we are required to consider whether the action would "reasonably be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species" (50 Code of Federal Regulations 402.02). Although the Service does not explicitly address these metrics in the 5-year review, we have used the information in that document to summarize the status of the desert tortoise with respect to its reproduction, numbers, and distribution.

In the 5-year review, the Service notes that desert tortoises increase their reproduction in high rainfall years; more rain provides desert tortoises with more high quality food (i.e., plants that are higher in water and protein), which, in turn, allows them to lay more eggs. Conversely, the physiological stress associated with foraging on food plants with insufficient water and nitrogen may leave desert tortoises vulnerable to disease (Ofstedal 2002 in Service 2010a), and the reproductive rate of diseased desert tortoises is likely lower than that of healthy animals. Young desert tortoises also rely upon high-quality, low-fiber plants (e.g., native annual plants) with nutrient levels not found in the invasive weeds that have increased in abundance across its range (Ofstedal *et al.* 2002; Tracy *et al.* 2004). Compromised nutrition of young desert tortoises likely represents an effective reduction in reproduction by reducing the number of animals that reaches adulthood. Consequently, although we do not have quantitative data that show a direct relationship, the abundance of weedy species within the range of the desert tortoise has the potential to affect the reproduction of desert tortoises and recruitment into the adult population in a negative manner.

Data from small-scale study plots (e.g., 1 square mile) established as early as 1976 and surveyed primarily through the mid-1990s indicate that localized population declines occurred at many sites across the desert tortoise's range, especially in the western Mojave Desert; spatial analyses of more widespread surveys also found evidence of relatively high mortality in some parts of the range (Tracy *et al.* 2004). Although population densities from the local study plots cannot be extrapolated to provide an estimate of the number of desert tortoises on a range wide basis, historical densities in some parts of the desert exceeded 100 adults in a square mile (Tracy *et al.* 2004). The Service (2010a) concluded that "appreciable declines at the local level in many areas, which coupled with other survey results, suggest that declines may have occurred more broadly."

The Desert Tortoise Recovery Office (Service 2014b) applied estimated densities within desert tortoise conservation areas surveyed during rangewide monitoring since 2004 to the estimated

acreages of remaining habitat (see Table 3) within each recovery unit to estimate the change in numbers of individuals greater than 180 millimeters in carapace length (Table 2). This calculation assumes that densities inside the surveyed conservation areas are similar to densities in habitat outside these areas, but any bias will be less than would have resulted from applying densities from much smaller study plots to the entire range. Although we presume densities are generally higher within conservation areas, we consider this a reasonable way to describe overall changes in the population given the lack of broad-scale data outside the conservation areas.

Table 2. Estimated number of desert tortoises greater than 180 millimeters in length in each recovery unit.

Recovery Units	2004	2012	Change	Percentage of Change
Western Mojave	152,967	76,644	-76,323	-50
Colorado Desert	111,749	85,306	-26,443	-24
Northeastern Mojave	13,709	40,838	+27,129	+198
Eastern Mojave	68,138	42,055	-26,083	-38
Upper Virgin River	12,678	8,399	-4,280	-34
Total	359,242	253,242	-106,000	-30

Table 3. Acreages of habitat (as modeled by Nussear *et al.* 2009, using only areas with a probability of occupancy by desert tortoises greater than 0.5 as potential habitat) within various regions of the desert tortoise's range and of impervious surfaces as of 2006 (Fry *et al.* 2011); calculations are by Darst (2014). All units are in acres.

Recovery Units	Modeled Habitat	Impervious Surfaces* (percentage in parentheses)	Remaining Modeled Habitat
Western Mojave	7,585,312	1,989,843 (26)	5,595,469
Colorado Desert	4,950,225	510,862 (10)	4,439,363
Northeastern Mojave	3,012,293	386,182 (13)	2,626,111
Eastern Mojave	4,763,123	825,274 (17)	3,937,849
Upper Virgin River	231,460	84,404 (36)	147,056
Total	20,542,413	3,796,565 (18)	16,745,848

* Impervious surfaces include paved and developed areas and other disturbed areas that have zero probability of supporting desert tortoises.

The distribution of the desert tortoise has not changed substantially since the publication of the original recovery plan in 1994 (Service 2010a) in terms of the overall extent of its range. Prior to 1994, desert tortoises were extirpated from large areas within their distributional limits by urban and agricultural development (e.g., the cities of Barstow and Lancaster, California; Las Vegas, Nevada; and St. George, Utah; etc.; agricultural areas south of Edwards Air Force Base and east of Barstow), military training (e.g., Fort Irwin, Leach Lake Gunnery Range), and off-road vehicle use (e.g., portions of off-road management areas managed by the Bureau and

unauthorized use in areas such as east of California City, California). Since 1994, urban development around Las Vegas has likely been the largest contributor to habitat loss throughout the range. Desert tortoises have been essentially removed from the 18,197-acre southern expansion area at Fort Irwin (Service 2012a).

In conclusion, we have used the 5-year review (Service 2010a), revised recovery plan (Service 2011b), and additional information that has become available since these publications to review the reproduction, numbers, and distribution of the desert tortoise. The reproductive capacity of the desert tortoise may be compromised to some degree by the abundance and distribution of invasive weeds across its range; the continued increase in human access across the desert likely continues to facilitate the spread of weeds and further affect the reproductive capacity of the species. Prior to its listing, the number of desert tortoises likely declined range wide, although we cannot quantify the extent of the decline; since the time of listing, data suggest that declines continue to occur throughout most of the range, although recent information suggests that densities may have increased in the Northeastern Mojave Recovery Unit. The continued increase in human access across the desert continues to expose more desert tortoises to the potential of being killed by human activities. The distributional limits of the desert tortoise's range have not changed substantially since the issuance of the original recovery plan in 1994; however, desert tortoises have been extirpated from large areas within their range (e.g., Las Vegas, other desert cities). The species' low reproductive rate, the extended time required for young animals to reach breeding age, and the multitude of threats that continue to confront desert tortoises combine to render its recovery a substantial challenge.

ENVIRONMENTAL BASELINE

Action Area

The implementing regulations for section 7(a)(2) of the Act define the "environmental baseline" as the past and present impacts of all Federal, State, or private actions and other human activities in an action area, the anticipated impacts of all proposed Federal projects in an action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions that are contemporaneous with the consultation in process (50 CFR 402.02). The action area is the basis of subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take.

For the purposes of this biological opinion, we consider the action area to be the 2,942-acre project right-of-way, the Los Angeles Department of Water and Power switchyard, access routes from I-15, and the recipient sites for translocated desert tortoises. The total size of the action area with all features included is approximately 7,500 acres.

The Bureau (2013a) has determined that the proposed action would have no effect on critical habitat of the desert tortoise.

Habitat Characteristics of the Action Area

The following information provides a summary of the discussion of habitat characteristics from the biological assessment (Bureau 2013a) for the Soda Mountain Solar Project. The proposed solar site is located in a desert valley that is generally bounded in all directions by the Soda Mountains. The proposed project area consists of large, alluvial fans with cobble substrate that extend from upper elevations within the Soda Mountains. Sandy areas with little or no cobble occur within the eastern and southern portions of the area. Desert pavement is also common within the southern portion of the project area. Friable soils are generally present within the eastern portion of the project site, adjacent to the South Soda Mountains. Elevations within the project area range from approximately 1,200 feet above mean sea level to 1,600 feet above mean sea level.

The project site comprises three primary plant communities. Most of the project site shows sparse coverage with creosote bush-white bursage scrub, with creosote bush scrub and cheesebush scrub as other prominent communities. The creosote bush-white bursage scrub community covers approximately 97 percent of the study area. Creosote bush scrub comprises less than 1 percent of the project area. A large wash that runs southwest to northeast through the project area in the South and East arrays supports cheesebush scrub; this habitat is confined to the wash. Areas of development and existing unpaved roads occur in the eastern portion of the project area.

All portions of the action area contain habitat features that the U.S. Geological Survey has mapped as conducive to desert tortoise occupancy (Nussear *et al.* 2009).

Existing Conditions in the Action Area

In this section, we discuss the anthropogenic and natural conditions in the action area as they relate to the desert tortoise and its habitat. Unless we have noted otherwise by citing a biological opinion, the anthropogenic conditions present in the action area were constructed or instituted prior to the listing of the desert tortoise.

Land Use

The project site is located primarily within a Federal utility corridor that consists of public lands managed by the Bureau. The lands in the vicinity of the site are primarily undeveloped with the exception of utility corridors that are described below. Portions of the action area occupy areas designated multiple-use Class L (“Limited”), Class M (“Moderate”), and Class I (“Intensive”) in the California Desert Conservation Area Plan. No wilderness areas, areas of critical environmental concern, desert wildlife management areas, or wildlife habitat management areas occur within or adjacent to the action area.

The Service (2006) issued a biological opinion to the Bureau regarding the effects of its amendment to the California Desert Conservation Area Plan for the western Mojave Desert on

the desert tortoise and its critical habitat. The Bureau's proposed action was a substantial revision of the California Desert Conservation Area Plan, with the fundamental goal of adopting numerous management prescriptions that were intended to promote the recovery of the desert tortoise. The Service concluded that the Bureau's amendment of the plan was not likely to jeopardize the continued existence of the desert tortoise or adversely modify its critical habitat because the vast majority of changes addressed in the amendment reduced the intensity of use and were protective of the desert tortoise.

Paved and Unpaved Roads

The action area is south and east of I-15; however, the interstate is not part of the action area. I-15 has likely caused some reduction in the number of desert tortoises in the action area, both as a result of its construction and ongoing traffic. The construction of I-15 resulted in the loss of hundreds of acres of habitat and the likely degradation of additional areas as sheet flow across the valley's alluvial fans was disrupted. We also expect that desert tortoise densities adjacent to the freeway are depressed, as discussed by Hoff and Marlow (2002), but we are not aware of surveys that quantify the effect of interrupted sheet flow.

The action area south of I-15 includes the unpaved Razor Road and Arrowhead Trail. Razor Road provides access to the Razor Off-Highway Vehicle Management Area to the south and east of the proposed project site; access via Razor Road would still be open to the public. The Arrowhead Trail extends north from Razor Road in the eastern portion of the action area.

Non-native Species

Within the action area, the overall prevalence of invasive species is low, with the exception of Sahara mustard (*Brassica tournefortii*), which was documented at near-infestation levels on loose sandy soils within the southern portion of the proposed project area. Other invasive plant species identified in the action area include Mediterranean splitgrass (*Schismus* sp.), red brome (*Bromus madritensis* ssp. *rubens*), cheatgrass (*B. tectorum*), redstem filaree (*Erodium cicutarium*), Mediterranean barley (*Hordeum murinum*), crystalline iceplant (*Mesembryanthemum crystallinum*), five-stamen tamarisk (*Tamarix chinensis*), and rattail fescue (*Vulpia myuros*).

Utilities

Several utilities are located within the action area including a fiber optic line, two transmission lines, a distribution line, telephone line, fuel pipeline, and a cellular tower. Portions of the project site are located within a designated utility corridor adjacent to I-15. A distribution line and telephone line run parallel and adjacent to the western edge of I-15. A 115-kilovolt transmission line and a 500 kilovolt-transmission line run parallel to and adjacent to the western perimeter of the action area; these lines are operated by Southern California Edison and the Los Angeles Department of Water and Power, respectively.

The construction of the numerous tower sites for the transmission lines disturbed or destroyed habitat. An unpaved road runs parallel to the power lines and provides access to utility company workers and the public; spur roads extend from this road to each tower. The main and spur roads have likely caused more habitat loss than the tower sites. The use of these roads, by workers and the public, likely results in ongoing injury and death of desert tortoises; the deaths of desert tortoises related to use of access roads within utility corridors have been documented. For example, on April 13, 2013, a desert tortoise that had been struck by a utility vehicle was found along the El Dorado to Ivanpah transmission line route in Nevada. In one case in the western Mojave Desert near Daggett, a desert tortoise bearing a radio transmitter was buried alive by a utility company maintaining the access road. In the spring of 2011, at least two desert tortoises were crushed by vehicles using utility line access roads; based on the use patterns of the utility company at the time, these desert tortoises seem to have been killed by casual users of the access roads. Most of deaths that result from use of the access roads for utility lines are likely not detected; however, these instances demonstrate that access roads within utility corridors pose an ongoing threat to desert tortoises.

As described above, the Los Angeles Department of Water and Power's transmission line traverses the western boundary of the proposed solar facility; the Service issued a biological opinion to the Bureau for this line in 1991 (Service 1991). The Service (1993) amended this biological opinion to eliminate the limit for the number of desert tortoises that could be moved from harm's way during construction, operations, and maintenance of the transmission line. The Service concluded in the 1991 biological opinion and subsequent amendment that the project was not likely to jeopardize the continued existence of the desert tortoise or adversely modify its critical habitat.

A substantial ongoing effect of electrical power lines is their use by common ravens for perching and nesting. The presence of this additional nesting substrate, which allows common ravens to nest far above the reach of ground-dwelling predators, likely contributes substantially to the increase in the number of common ravens in the desert. As previously discussed, common ravens prey on desert tortoises and are likely detrimental to their recovery.

The Calnev pipeline corridor supports two existing pipelines that run parallel and adjacent to the eastern perimeter of the proposed north array and land to the southwest within the project site. The installation of the existing pipelines resulted in the disturbance of habitat within the right-of-way. Ongoing maintenance contributes to periodic disturbance in the right-of-way; ongoing use of the access road likely contributes to continuing mortality of desert tortoises, as we discussed previously in this section.

Rail Lines

The Service and Federal Railroad Administration have completed formal consultation on the Desert Xpress High-Speed Train Project from Victorville, California to Las Vegas, Nevada (2011c). The rail line would be located west of and adjacent to Interstate 15. The components of the rail alignment would include a 75-foot-wide permanent right-of-way, concrete barriers,

overhead electrical distribution and transmission lines, fencing, and access and maintenance areas. This rail line would cross washes in the action area with bridges; the design plan includes numerous culverts and overcrossing structures to allow washes to pass under the rail line. The Service concluded that the DesertXpress project is not likely to jeopardize the continued existence of the desert tortoise or adversely modify its critical habitat.

Status of the Desert Tortoise in the Action Area

The Service's (2010c) protocol is effective at detecting desert tortoises larger than 180 millimeters in length. We have determined, through work conducted during range-wide sampling, that field workers detect desert tortoises that are 180 millimeters in length or longer more readily than they do small individuals. For the purposes of the analysis in this biological opinion, we will refer to desert tortoises 180 millimeters and greater in length as large animals and desert tortoises less than 180 millimeters in length as small animals.

Desert tortoises reach reproductive age (i.e., become adults) at different sizes in different parts of their range. The likelihood of being detected during surveys is a function of size and not reproductive capacity; therefore, we will not use the terms "adult" and "subadult" in this biological opinion unless we are discussing reproduction.

Estimates for Desert Tortoises Larger than 180 Millimeters

We summarized the following information from the biological assessment (Bureau 2013a). In 2009, URS conducted desert tortoise surveys within the action area based on the Service's (1992, 2009b) field survey protocol. Kiva Biological Consulting conducted subsequent surveys in 2013 using the Service's updated field survey protocol (Service 2010c). The following table summarizes the results of the desert tortoise surveys conducted in 2009 and 2013 (Appendix A and B in Bureau 2013a, respectively).

Table 4. Results of desert tortoise surveys conducted in the action area.

Survey	Live Desert Tortoises	Scat	Burrows	Carcasses
2009	0	0	0	0
2013	1	6	23	5

These results indicate desert tortoises occur at low densities in the action area. Survey results indicate desert tortoises occur intermittently and in low densities in the East Array areas. Desert tortoise sign was moderately widespread in the East Array, particularly at the foot of the mountains to the east. Surveyors found two carcasses south of the desert tortoise recipient area. Desert tortoise sign was not detected within the South Array. No sign has been located near the freeway.

Kiva Biological Consulting used the equation contained in the Service's (2010c) protocol to derive estimates of the number of large desert tortoises within the project site and the lower and upper 95 percent confidence intervals for the Soda Mountain Solar facility. The equation derived an estimate of 2 desert tortoises occurring in the action area with a lower and upper 95 percent confidence interval of 0.39 to 10.28, respectively (Bureau 2013a). Use of the upper 95 percent confidence interval for the number of desert tortoises within the project area provides for a conservative estimate of the number of large individuals predicted within the actual project area. We will use the upper 95 percent confidence interval as a basis upon which to conduct the analysis of effects in this biological opinion because it is the maximum number of desert tortoises likely to be present.

This estimate described above was based on the project design analyzed in our December 19, 2014 (Service 2014c), which included a solar array west of Interstate 15 that is no longer part of the proposed project. We do not anticipate that elimination of this array requires a reassessment of the population estimate for the solar site because no desert tortoises, burrows, or scat were located within the project right-of-way west of Interstate 15 and virtually all live desert tortoises and desert tortoise sign located during surveys were found on or immediately adjacent areas of the East Array that are part of the currently proposed project site. Therefore, we will use the estimates provided in the previous paragraph in the analysis that follows.

Estimates for Desert Tortoises Smaller than 180 Millimeters

Desert tortoises less than 180 millimeters in length (including hatchlings) are difficult to detect because of their small size and their cryptic nature. Hatchlings may also have emerged from a nest on the site since the time of the survey; this scenario could also increase the overall number of individuals on the site. We did not attempt to estimate the numbers of eggs that may be present because viable eggs are not present during a portion of the year and we would need to use several other assumptions to reach such an estimate.

Table 5. Estimated number of desert tortoises in the action area.

Size Class of Desert Tortoise (millimeters)	Estimated Number of Desert Tortoises (individuals)	Rationale for the Number
>180	10	We used the upper 95 percent confidence limit based on the number of desert tortoises found during protocol surveys.
<180	68	We used a life table to calculate the total number of animals based on the number of larger desert tortoises and then the number smaller than 180 millimeters.
Total	78	

We used the Service's general methodology for estimating the number of small desert tortoises in the project area. Table 5 summarizes the upper 95 percent confidence intervals for the estimates of the number of desert tortoises in the project area. As a basis upon which to conduct the analysis of effects in this biological opinion, we will use the numbers in the following table. The table also contains the reason that we chose the numbers; details of our calculations are in Appendix 2.

The methodology is based on the assumption that the life table developed by Turner *et al.* (1987) is applicable. (Turner *et al.* developed a life table based on work they conducted near Goffs, California, which is located approximately 66 miles southeast of the action area.) We emphasize that, although the estimate of the number of desert tortoises on the project site is based on the best available information, the overall number of animals may be different. The demographic structure of the desert tortoise population on the Goffs study site may have been different in the early 1980s than that currently on the project site because of the declines that have occurred since that time; consequently, use of the Goffs data may overestimate the actual number of smaller desert tortoises within the project area. Furthermore, we recognize that the survey data used for these estimates represent a single point in time and the number of individuals in these areas may change by the onset of project activities, environmental conditions, and other anthropogenic and natural processes.

EFFECTS OF THE ACTION

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action that will be added to the environmental baseline. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur. In the following analysis, we considered the general manner in which the proposed action may affect desert tortoises and then evaluated the specific components of the proposed action. We conducted the analysis based on the current conditions in the action area as we described in the Environmental Baseline section of this biological opinion. In the Conclusion section of the biological opinion, we considered the overall effects of the proposed action on the reproduction, numbers, and distribution of the desert tortoise.

Effects Associated with Capture and Translocation of Desert Tortoises

The first step in the translocation of desert tortoises involves their capture. In some cases, the authorized biologists may find the animals above ground or near the mouth of their burrow. In such cases, authorized biologists can easily pick up the desert tortoise and transfer it to a container for transport. If desert tortoises are deeper in their burrows, the authorized biologists would excavate the burrow; we expect that excavating desert tortoises from deep in their burrows is likely more stressful for them than being captured on the surface of the ground.

The capture and holding of desert tortoises can subject them to stress; stressed desert tortoises occasionally void their bladders. Desert tortoises store water in their bladders; this water is

important to desert tortoises, particularly during times of low rainfall, in maintaining their life functions. Consequently, desert tortoises that void their bladders are at an increased risk of dying after their release; Averill-Murray (2002) found that desert tortoises that urinated during handling had lower survival rates than those that did not. To offset this effect, the Bureau and the applicant have proposed to hydrate desert tortoises prior to their release according to the Service's protocol. Because the Bureau and the applicant would employ qualified biologist, we expect that the capture and transport of desert tortoises is unlikely to kill or injure any individuals.

We acknowledge that, in every phase of implementation of the proposed action, desert tortoises are at risk of being killed or injured when workers (including authorized biologists and biological monitors) drive outside of areas that have been fenced and cleared of desert tortoises. As in many cases, small desert tortoises are at greater risk than larger animals. We are aware of desert tortoises that have been crushed by the vehicles of biologists working on translocations; both resident and translocated animals are vulnerable.

Boarman (2002), in a review of literature on threats to the desert tortoise, stated that the adverse effects of translocation include increased risk of mortality, spread of disease, and reduced reproductive success. The tendency for translocated desert tortoises to spend more time above ground, moving through their environment, than animals within their home ranges exacerbates at least some of these threats. Recent research, using comparisons among resident desert tortoises (animals within their home ranges with translocated individuals nearby) and control desert tortoises (animals within their home ranges with no translocated individuals nearby), has provided substantial information on this issue. We will evaluate the potential effects of translocation on desert tortoises in the following paragraphs.

Field *et al.* (2007), Nussear (2004), and Nussear *et al.* (2012) have found that translocated animals seem to reduce movement distances following their first post-translocation hibernation to a level that is not significantly different from resident populations. As time increases from the date of translocation, most desert tortoises change their movement patterns from dispersed, random patterns to more constrained patterns, which indicate an adoption of a new home range (Nussear 2004). Walde *et al.* (2011) found that movement patterns of desert tortoises translocated from Fort Irwin differed from those of animals studied elsewhere but describe their results as "apparent trends" because they have not completed analyses to determine if these trends were statistically significant. Translocated animals moved greater distances than residents and controls through the 4 years of their study. Desert tortoises that were translocated short distances moved much shorter distances than those that were translocated long distances. The movements of resident desert tortoises were similar to those of controls.

After translocation, we expect that translocated animals would spend more time moving, at least during the first year, which means they would be more vulnerable to predators, adverse interactions with other desert tortoises, and weather conditions than resident animals. For example, in spring 2013, biologists translocated 108 large and 49 small desert tortoises from approximately 2,000 acres of the KRoad Moapa Solar Project on the Moapa River Indian Reservation northeast of Las Vegas; they also monitored 18 large desert tortoises as controls or

residents. Extremely high temperatures during the summer may have killed two or more large translocated desert tortoises. Predators likely killed eight small translocated desert tortoises. No resident or control desert tortoises have died during monitoring (Burroughs 2013). During the first year of increased movement, desert tortoises would also be more likely to engage in fence-pacing behavior, which can lead to hyperthermia and death.

As we previously discussed, we expect that translocated desert tortoises would spend more time moving around. Because translocated desert tortoises spend more time moving, individuals that are moved during the summer months outside of their active season (i.e., from June to August) could be overexposed to heat and die from hyperthermia. Cook *et al.* 1978 (in Nussear *et al.* 2012) stated summer releases have previously been reported to be potentially lethal to translocated desert tortoises, often with high mortality within days of release. We expect desert tortoises translocated during the summer months are more likely to die.

Hinderle *et al.* (2015) found that almost half of desert tortoises translocated 2 kilometers returned to their capture site; only one desert tortoise moved 5 kilometers returned to the capture site and no desert tortoises returned home from 8 kilometers away. The propensity for desert tortoises to attempt to return to their capture site would increase the likelihood that they would encounter an exclusion fence and pace it until they are attacked by predators or exposed to extreme weather.

As with other translocations (Nussear 2004, Field *et al.* 2007), we anticipate that predation is likely to be the primary source of post-translocation mortality. The level of winter rainfall may dictate the amount of predation observed in desert tortoises (Drake *et al.* 2010, Esque *et al.* 2010). Drake *et al.* (2010) documented a statistically significant relationship between decreased precipitation and increased predation of translocated desert tortoises at Fort Irwin. We are aware of two instances where monitoring of large numbers of control and resident desert tortoises accompanied the translocation of desert tortoises (Fort Irwin and Ivanpah Solar Electric Generating System). At Fort Irwin, Esque *et al.* (2010) found that “translocation did not affect the probability of predation: translocated, resident, and control tortoises all had similar levels of predation.” At the Ivanpah Solar Electric Generating System, the numbers of translocated, resident, and control desert tortoises that have died since the onset of work at the Ivanpah Solar Electric Generating System are roughly equal (Davis 2014), which seems to indicate that translocation is not a factor in these mortalities; among translocated, resident, and control animals, predation by canids is the greatest source of mortality.

Drought conditions seem to affect translocated and resident desert tortoises similarly. Field *et al.* (2007) noted that studies from various sites “suggest that all (desert) tortoises at the (Large-scale Translocation Site) site, regardless of translocated or resident status, likely were adversely affected by drought conditions at the site in 1997. Field *et al.* (2007) noted that most of the translocated desert tortoises “quickly became adept at life in the wild,” despite the harsh conditions. Consequently, we have concluded that the amount of rainfall preceding translocation is not likely to decrease the survival rate of desert tortoises that would be moved from within the area of the proposed solar facility.

Nussear *et al.* (2012) investigated the effects of translocation on reproduction in 120 desert tortoises. They found that, in the first year since translocation, the mean reproductive effort for translocated desert tortoises was slightly less than that of residents. Nussear *et al.* (2012) noted that the translocated animals may have benefited from being fed while in the pre-translocation holding facility; the food provided in the facility may have increased their production of eggs in the first year after translocation. In the second and third years after translocation, the mean number of eggs was not different between resident and translocated desert tortoises.

Translocating desert tortoises may also adversely affect resident desert tortoises within the action area due to local increases in density. Increased densities may result in increased incidence of aggressive interactions between individuals, increased competition for available resources, increased incidence of predation that may not have occurred in the absence of translocation, and increased spread of upper respiratory tract disease or other diseases.

We anticipate that density-dependent effects on resident populations are likely to be minor for the following reasons. First, the action area contains few desert tortoises; therefore, few animals are likely to be moved during construction. Second, the applicant will restrict the number of large desert tortoises released in translocation areas to 2.15 individuals per square mile (Bureau 2013a), which is the maximum recipient and translocated density for the Western Mojave Recovery Unit (Service 2011a). Third, the recipient sites are not a confined space, so released individuals would be able to disperse into other areas. Finally, during the translocation work at Fort Irwin, researchers tested over 200 desert tortoises for differences in the levels of corticosterone, which is a hormone commonly associated with stress responses in reptiles; Drake *et al.* (2012) “did not observe a measurable physiological stress response (as measured by [corticosterone]) within the first two years after translocation.” The researchers found no difference in stress hormone levels among resident, control, and translocated desert tortoises. For these reasons, we conclude that the addition of translocated desert tortoises to the recipient areas would not result in detrimental effects to translocated or resident animals.

The Service based its guidance for the upper limit of the number of desert tortoises translocated into an area on the density of large animals. We did not develop guidance regarding limiting the density of small desert tortoises during translocation for several reasons. Natural mortality rates of smaller desert tortoises are greater than those of larger tortoises. In general, we expect that healthy populations have a large number of desert tortoises smaller than 180 millimeters (Turner *et al.* 1987), but have limited information on how many that might be. Additionally, small desert tortoises use resources differently than do large ones (Wilson *et al.* 1999) and we expect that juveniles (small animals) and adults (large animals) interact much less frequently than do adults. Due to differences in habitat use, caused by both physical and physiological differences in large and small desert tortoises, we expect overlapping of ranges while the small desert tortoises are growing and dispersing. Consequently, we do not expect translocating small desert tortoises at higher densities than large animals would result in any density-dependent adverse effects.

Upper respiratory tract disease and other pathogens are spread by direct contact between desert tortoises. Consequently, increasing the density of desert tortoises in the recipient areas has the

potential to exacerbate the spread of diseases because, presumably, animals that occur in higher densities would have more opportunity to contact one another. Several circumstances are likely to reduce the magnitude of the threat of disease prevalence being exacerbated by translocation. First, the applicant will use experienced biologists and approved handling techniques that are unlikely to result in substantially elevated stress levels in translocated animals; animals are less likely to succumb to disease when they are not stressed. Second, desert tortoises on the project site are currently part of a continuous population with the resident populations of the recipient sites and are likely to share similar pathogens and immunities. Third, Drake *et al.* (2012) indicated that translocation does not seem to increase stress in desert tortoises. Fourth, density-dependent stress is unlikely to occur for the reasons discussed previously in this section. Finally, Service-trained biologists will perform health assessments using Service-approved protocols (Service 2013) and will not translocate any desert tortoise showing severe clinical signs of disease, but rather will transport the animal to an agency-approved quarantine, as described in the project's translocation plan.

Based on this information, we anticipate that post-translocation survival rates will not significantly differ from that of animals that have not been translocated. We expect that translocated desert tortoises would be at greatest risk during the time they are spending more time above ground than resident animals. We cannot precisely predict the level of post-translocation mortality because regional factors that we cannot control or predict (e.g., drought, predation related to a decreased prey base during drought, etc.) would likely exert the strongest influence on the rate of mortality and affect translocated and resident desert tortoises similarly.

Effects Associated with the Construction of the Soda Mountain Solar Project

The applicant will install construction and perimeter fencing, equipped with desert tortoise exclusion fencing and desert tortoise guards, around the project and remove all desert tortoises that it can locate on the proposed project site prior to ground disturbance. During construction of the perimeter fencing and during other ground-disturbing activities that are outside of the fenced facility (i.e., access roads and the interconnection to the Marketplace-Adelanto transmission line), the applicant will perform pre-activity clearance surveys and employ monitors to move desert tortoises out of harm's way if they re-enter work areas. For these reasons, we anticipate that construction is likely to kill few, if any, large individuals. Some potential always exists that surveyors may miss desert tortoises during clearance surveys and construction monitoring. We cannot predict how many of these large desert tortoises that clearance surveys and construction monitoring would miss. However, because the applicant will use qualified biologists, authorized by the Service for clearance surveys, we anticipate the number is likely to be small. Weather conditions can also affect the number of animals detected during surveys; warm weather after average or above-average rainfall would lead to more activity in desert tortoises, which would facilitate their detection.

In some cases, desert tortoises that have been fenced out of their home territories make repeated efforts to return and follow fence lines for long periods. Desert tortoises would die when exposed to harsh conditions (i.e., cold or hot temperatures) while pacing fences. We expect that desert

tortoises whose home territories have been reduced by the project would be the animals most likely to pace fences.

The installation of fencing may also reduce the home range size of some individuals that inhabit areas immediately adjacent to the fence alignments, or that overlap the project footprint. This reduction could result in future injury or mortality of these individuals as they expand their home range into adjacent areas where unknown threats may occur or where adverse social or competitive interactions may occur with neighboring desert tortoises.

The applicant has proposed to survey the perimeter fence line areas to identify any desert tortoises within 50 meters of the area. Desert tortoises located inside the fence line or determined to be in harm's way by the authorized biologist would be fitted with a transmitter and moved into habitat adjacent to and outside the fence line. Desert tortoises can overheat quickly when pacing fences. Even fitting desert tortoises with a transmitter and implementing frequent monitoring of the individuals could be inadequate in preventing mortalities of desert tortoises exhibiting this behavior. Any desert tortoises attempting to return to the project site before completion of fence construction will be held in situ if they appear healthy until blood is drawn, test results are received, and a translocation review package is prepared and approved by the Service as described under Description of the Proposed Action – Translocation Methods section of this biological opinion.

Desert tortoises remaining outside the fence line that do not attempt to return to the project site will be deemed residents and the transmitter will be removed; no further action will be taken for the resident desert tortoise. The Bureau did not specify the duration of monitoring required for these desert tortoises. If the monitoring is for a short period of time, the desert tortoise could attempt to return to a portion of its range inside the fence. If a desert tortoise that has had its transmitter removed begins to pace the fence, it could overheat and die. The applicant has proposed to install shade structures of a design approved by the Bureau and the Service at regular intervals on the outside of the fence line; these structures should reduce the likelihood that desert tortoises would die as a result of hyperthermia.

Desert tortoises often construct their nests at the entrance to their burrows (Ennen *et al.* 2012). Because the applicant will excavate all desert tortoise burrows that are found within the construction footprint prior to the onset of ground disturbance (Bureau 2013a), the biologists may detect at least some of the nests and eggs. Overall, we anticipate that detection of eggs is unlikely because the buried nests are difficult to find. Because hatchlings can take shelter in burrows of all sizes and are difficult to see due to their cryptic nature and their small size, surveyors are less likely to detect them than they are larger desert tortoises. Consequently, we expect that most of the hatchling and eggs are likely to remain in the work areas during construction. The applicant is likely to kill these desert tortoises during construction. Because construction activities would occur year round, we cannot predict whether these activities would affect the hatchling or egg stage. Consequently, we have combined these stages in our estimation of effects.

We cannot predict precisely how many desert tortoises may be injured or killed because of the numerous variables involved. For example, we do not know the precise number of desert tortoises onsite, the size of those individuals, whether eggs will be present at the time of construction, the time of year that construction occurs, and the weather before or during construction. Regardless of these factors, we expect that few large desert tortoises are likely to be killed or injured during construction because the action area does not support many individuals; also, the applicant has proposed to implement measures that have proven effective in the past in reducing mortality and injury.

Effects Associated with the Construction of Linear Facilities

Linear facilities have different effects on desert tortoises relative to construction on large blocks of habitat. Construction of linear facilities (e.g., access roads, collector routes, water pipelines, and installation of the fence along the primary access road) would take place outside of the permanent perimeter fencing. We have analyzed these effects here rather than grouping them with our analysis of the overall effects of construction of the solar arrays.

During construction of linear components, the applicant would move desert tortoises out of harm's way into adjacent habitat. An approved recipient site will not be required for desert tortoises encountered within linear components. Based on the amount of surface disturbance that we expect from the construction of linear facilities, we anticipate that the applicant would move few desert tortoises. Because of the relatively limited amount of activity associated with the construction of linear facilities and numerous protective measures that the applicant has proposed, we expect the number of desert tortoises that would be injured or killed to be small.

Installation of the temporary construction fence along the primary access road would prevent most desert tortoises from being killed or injured on the road during construction. It would also affect desert tortoises in regard to fence pacing behavior during construction of the solar facility. As we discussed previously, desert tortoises that pace fences may become overheated and die. We cannot assess how many animals are likely to engage in this behavior because that number is a function of how many desert tortoises are active and encounter the fence and their behavioral response to it.

The temporary construction fence would be in place for the duration of construction, which the Bureau expects to last between 24 to 30 months. During this time, the temporary fence would fragment habitat in the area because desert tortoises would be unable to cross the road and access the existing culverts under Interstate 15. Results from the desert tortoise surveys (Appendix A and B in Bureau 2013a) indicate that desert tortoises seem to be absent from the areas near the primary access roads; no desert tortoises were found in these areas during surveys. Because desert tortoises seem to be scarce in these areas, we expect that fence pacing behavior would be infrequent. We anticipate that the applicant proposed measures, which we described in the previous section of this biological opinion related to desert tortoises exhibiting this behavior, would be adequate in minimizing mortality.

Construction of the solar facility also includes the installation of collector lines to connect the solar panel arrays to the project substation. These collection lines would be located outside the perimeter fence and be installed underground by way of multiple trenches along Opah Ditch Mine Road. Desert tortoises could be crushed by trenching equipment being used to install the collector lines; workers could also trample desert tortoises. Small desert tortoises would be at greatest risk because they are more difficult to see. If trenches or holes are left uncovered, desert tortoises could become entrapped and die of exposure or be killed by predators. The applicant has proposed several measures to protect desert tortoises during activities that would occur outside the fenced solar facility. These measures include installing temporary fencing around work areas, checking excavations, and assigning monitors to project sites. With these measures, we expect that few desert tortoises are likely to be injured or killed. We cannot quantify the number of desert tortoises the collector lines may affect because we do not know how many animals will cross this linear work area during construction; however, we expect the number to be small because the action area does not support many individuals. Also, we expect that monitors would be able to detect and protect most desert tortoises. The trench for the collector lines would result in the temporary loss of a small amount of habitat and be restored following the completion of construction.

Effects Associated with Operations and Maintenance

We are aware of occasions where desert tortoises have been able to enter fenced facilities, such as a pump station for a gas pipeline and an operating solar plant; they entered through gaps under the fencing or open gates. Floods can damage fences to the point where desert tortoises may be able to enter the facilities. Once inside the fencing, desert tortoises would be at risk of being killed or injured by operations or maintenance. Fencing will be inspected bi-weekly and following all major rainfall events and any damage to the fencing will be repaired within 24 hours. Therefore, we expect that few, if any, desert tortoises will be able to enter the fenced facilities, and, in general, operation and maintenance within the perimeter fence are likely to injure or kill few desert tortoises.

Over the 30-year life of the project, the applicant may conduct some ground-disturbing maintenance activities outside of fenced areas. These activities have the potential to injure or kill desert tortoises primarily by vehicle strikes, as workers travel to and from work sites outside of fenced areas; a limited possibility exists that desert tortoises could be injured or killed by equipment or workers moving around a work site. Because typical maintenance activities would not result in surface disturbance or loss of habitat and the applicant proposes to implement protective measures to reduce the potential effects, maintenance activities would kill or injure few, if any, desert tortoises.

Maintenance activities associated with repair of desert tortoise exclusion fencing would likely kill or injure few, if any, desert tortoises for the following reasons. First, fence repairs are likely to result in minimal ground disturbance in localized areas. Second, at least a portion of the work area would be on disturbed areas within the fenced project site. Third, the permanent perimeter roads, located outside the perimeter fencing, would allow access to most repair locations with

minimal off-road travel. Finally, the applicant would implement numerous protective measures to reduce the potential for injury or mortality of desert tortoises.

Operation and maintenance of the collector lines may affect desert tortoises. As previously mentioned, the collector lines would be installed underground; the collector line corridor would not be permanently fenced. Therefore, desert tortoises may use the habitat and be present during maintenance activities. Vehicles and workers conducting this work could kill or injure desert tortoises in the same manner as during construction. The applicant would implement numerous protective measures to reduce the potential for injury or mortality of desert tortoises during this work.

Use of the unfenced primary access road poses some risk of vehicle strikes to desert tortoises. The applicant's proposal to maintain a 15-mile-per-hour speed limit should be protective of larger animals; small animals would be at greater risk because they are more difficult to see. We expect few desert tortoises to be killed or injured along the primary access road because of the low density of desert tortoises in the area and protective measures proposed by the applicant.

Effects Associated with Decommissioning the Solar Facility

Work associated with decommissioning of the site within the perimeter fence is unlikely to result in injury to or mortality of desert tortoises because desert tortoises would not be present. The effects associated with use of the primary access roads would be similar to those associated with construction and described previously in this biological opinion. If the sites are restored to pre-project conditions, they would likely be available for use by desert tortoises at some point after removal of the facilities. We cannot predict how soon desert tortoises would reoccupy the site after decommissioning because of the many variables involved. These variables would include the amount of degree to which substrates and shrubs have been disturbed, weather conditions, and the restoration methodologies; additionally, different portions of the site may return to functional habitat at different rates. We anticipate that the Bureau will informally consult with the Service as the time for decommissioning approaches, if some aspect of decommissioning and restoration may affect desert tortoises differently than we have anticipated in this biological opinion, the Bureau would need to re-initiate formal consultation, pursuant to section 7(a)(2) of the Act.

The biological assessment notes that some potential exists for continued use of the solar facility (Bureau 2013a). In such a case, re-initiation of consultation, pursuant to section 7(a)(2) of the Act, may be necessary.

Effects of Loss of Habitat

Development of the proposed Soda Mountain Solar Project would result in 292 and 1,767 acres of temporary and permanent disturbance, respectively, as presented in the biological assessment (Bureau 2013a). Construction of the proposed project would result in the direct, long-term loss of 1,767 acres of habitat that will not be available to desert tortoises for foraging, breeding, or

sheltering for the life of the project. Following extensive disturbance and compaction, Mojave Desert substrates can take between 92 and 124 years to recover in the absence of active restoration (Webb 2002). In addition, recovery of plant cover and biomass in the Mojave Desert can require 50 to 300 years in the absence of restoration efforts (Lovich and Bainbridge 1999). Active restoration, including decompaction, seeding, and planting, can reduce the time required to restore desert ecosystems, success is varied and dependent on numerous variables. Based on this information, the 1,767 acres currently characterized as permanent disturbance are likely to remain unsuitable as habitat for several decades following decommissioning of the facility and commencement of restoration work. The potential exists that habitat within the solar arrays may be permanently lost if restoration efforts are not successful.

The Bureau and applicant have proposed to mow vegetation in the solar array field (Bureau 2013a). Areas to be mowed are likely to return to pre-disturbance conditions quicker than graded areas because the roots of most shrubs would be retained for the life of the project and the surface of the ground would be less disturbed. If cryptogamic crust is present, mowing may cause fewer disturbances. (Cryptogamic crusts are a mixture of algae and soil fungi that occur in the upper millimeters of the substrate. They assist in retaining soil moisture and some can incorporate atmospheric nitrogen into substrates; these attributes are beneficial for the establishment and growth of native annual plant species.) Retaining cryptogamic crusts may inhibit the invasion of non-native plant species to some degree and allow for the persistence of native annual plants. We expect mowing will allow these areas to return to a suitable state for desert tortoises more quickly than the areas proposed to be graded.

Up to 1,155 acres may be graded for construction of access roads, installation of collector lines, and to smooth out isolated surface irregularities and to remove oversized rocks; these areas may require the longest time to recover. Some potential exists that the root crowns of shrubs may persist after grading, if the grading removes only a small amount of substrate. Grading of the entire surface area would also remove most of the cryptogamic crusts, which is likely to delay the re-establishment of native annual plants and increase the potential for the establishment of weeds.

Effects Associated with Climate Change

Increases in atmospheric carbon are responsible for changes in climate. As we discussed in the Status of the Desert Tortoise section of this biological opinion, climate change is likely to cause frequent and/or prolonged droughts with an increase of the annual mean temperature. Increased temperatures would likely adversely affect desert tortoises by decreasing the range of temperatures at which desert tortoises would be active; decreased rainfall would likely result in fewer annual plants on which desert tortoises feed.

Plant communities in arid lands sequester carbon by incorporating it into their tissues. Plants also respire carbon into the substrate, where it combines with calcium to form calcium carbonate; calcium carbonate also sequesters carbon (Allen and McHughen 2011). The removal or permanent disturbance of plant life from approximately 1,767 acres within the action area is

likely to reduce the amount of carbon that natural processes can sequester. We acknowledge that a portion of the project would be mowed and that regrowth of shrubs in that area may lessen, to some degree, the loss of carbon-sequestering plants; we do not have the ability to quantify the difference the mowing would cause.

The proposed action is unlikely to affect desert tortoises in a measurable manner with regard to carbon sequestration for several reasons. First, the amount of carbon sequestration that would be lost would be minor because the proposed action would affect a small portion of the desert. Second, some researchers have questioned the amount of carbon sequestration that occurs in arid areas; Schlesinger *et al.* (2009) contend that previous high estimates of carbon sequestration in the Mojave Desert bear re-examination. Finally, the reduction in the use of fossil fuels because of the solar facility would prevent more carbon from entering the atmosphere than would occur by the vegetation that is currently present within the area to be disturbed by construction. For example, Fernandes *et al.* (2010) report that thin film photovoltaic technology reduces overall atmospheric carbon by 4 million grams of carbon per acre per year and that, by contrast, the amount of annual carbon uptake by desert land is approximately 429,000 grams of carbon per acre per year. Additionally, any changes in the level of carbon production or sequestration would be dispersed far beyond the boundaries of the action area of this biological opinion; consequently, we could not link any such changes to any specific effects to desert tortoises within or outside the action area of this consultation.

The proposed action is also unlikely to alter the surface albedo of the action area to the degree that it affects local climatic conditions. (Albedo is the amount of light reflected by an object. An object that reflects more light is heated less. The opposite is also true; an object that reflects less light is heated more.) Millstein and Menon (2011) found that large-scale photovoltaic plants in the desert could lead to significant local temperature increases (0.4°C) and regional changes in wind patterns because the solar plants are less reflective than many substrates in the desert. As we discussed above, increases in temperatures would likely impair the activity patterns of desert tortoises.

The proposed action is unlikely to affect desert tortoises in a measurable manner with regard to changes in the albedo of the action area because Millstein and Menon's (2011) prediction was based on a model that analyzed the effects of a 1-terawatt solar facility. (A terawatt is 1,000,000,000,000 watts; by comparison, the proposed solar facility would produce a maximum of 287,000,000 watts (i.e., 287 megawatts).) Although Millstein and Menon's model raises an important issue to consider, it is based on numerous assumptions that would affect how a solar plant may actually affect the local environment. Millstein and Menon acknowledge that their assumptions regarding the density of solar panels within the plant and the effectiveness of the panels would influence predictions of the amount of heat generated by the facility. Specifically, they assumed that solar panels would completely cover the ground's surface (they do not, which could alter the reflectivity they predicted) and a specific efficiency of the panels (they acknowledge that more efficient panels are being developed that generate less heat). Additionally, the model assumes specific reflectivity of the desert's surface in two places (near Harper Dry Lake in western Mojave Desert and near Blythe in the Colorado Desert) that may be

substantially different than that of the proposed project area. All of these factors would likely render the model's predictions somewhat different than real-world conditions and outcomes.

Millstein and Menon's model may be inappropriate for the scale of this biological opinion. The two modeled solar plants in Millstein and Menon's model covered 18,750 square kilometers or 4,633,207 acres. We defined the action area of this biological opinion as the 2,942-acre project right-of-way, the Los Angeles Department of Water and Power switchyard, and the recipient sites for translocated desert tortoises; this total area is approximately 7,500 acres. Consequently the modeled solar plants that generated a local temperature increase of 0.4°C were approximately 618 times larger than the entire action area; considered in another light, the modeled solar plants were approximately 2,600 times larger than the proposed 1,767 acre Soda Mountain Solar Project. Consequently, the proposed action is unlikely to change local temperatures or regional wind patterns.

Miscellaneous Effects

Indirect effects associated with construction, operation, maintenance, and decommissioning of the Soda Mountain Solar Project may injure or kill desert tortoises. These effects include increased predation by common ravens that are attracted to the area because of increased human activity and modification of the habitat and diet of desert tortoises due to the spread of non-native plant species.

Construction and operation of the proposed facility have the potential to attract common ravens and increase desert tortoise predation in the action area. The applicant has proposed numerous measures in the management plan for the project to address predation by common ravens associated with the project site (Bureau 2013a). These measures include control of attractants, monitoring and reporting programs, and implementing adaptive management techniques such as devices to discourage roosting or nesting on project-related structures. To address the indirect and net effects of the proposed project with regard to common ravens, the applicant will participate in the regional management and monitoring program for common ravens. The Service developed this program in coordination with the Desert Managers Group, which is a consortium of land management agencies and other stake holders in California, and the Renewable Energy Action Team, which is composed of the Service, Bureau, California Energy Commission, and California Department of Fish and Wildlife.

We cannot reasonably predict the amount of predation by common ravens that construction and operation of the project is likely to add to baseline levels within the action area, but we anticipate that measures proposed by the applicant are likely to be effective in eliminating some, but not all, common raven use of the project site. Implementation of the management program for common ravens, to which the applicant would contribute, is likely to reduce predation on desert tortoises throughout the desert. Depending on the location of specific control actions, funding of regional management of common ravens may also aid in reducing the amount of common raven predation on desert tortoises within the action area; given the low density of desert tortoises in the action area, any changes to the rate of predation by common ravens locally would likely not be measurable.

Non-native species can occur in densities that can increase the risk of fires, which may result in future habitat loss. Non-native plant species currently occur on the proposed project site and are likely to occur in other portions of the action area at varying densities. Within the local area, numerous features serve as vectors for infestation of the action area by non-native plant species (e.g., highways, unpaved roads, the Rasor Road Off-highway Vehicle Management Area). Construction and operation of the Soda Mountain facility has the potential to increase the distribution and abundance of non-native species within the action area due to ground-disturbing activities that favor the establishment of non-native species. In addition, access to the project site and other project features by construction and operation personnel could increase the volume and distribution of non-native seed carried into the action area.

The applicant has proposed numerous measures to address control of non-native plant species within the project site. We cannot predict the degree to which non-native species would proliferate within or spread beyond the boundaries of the solar facility for several reasons. For example, above-average rainfall immediately after construction may encourage the spread of weeds whereas drought may have the opposite effect. We cannot predict whether project equipment would introduce new species or whether such new species would be able to germinate, grow, and reproduce onsite. Because the objective of the applicant's weed management plan is to ensure that the presence of weed populations on and adjacent to the project does not increase due to the project and because available technology, consistently and persistently applied, can achieve this objective, we predict that the proposed project would not lead to an increase in the number or amount of non-native species within or outside the boundaries of the solar facilities. If the applicant's objective is not met, we would consider this new information regarding the effects of the action that may affect desert tortoise and its habitat in a manner or to an extent not considered in this biological opinion. Consequently, the Bureau would be required to re-initiate formal consultation, pursuant to 50 Code of Federal Regulations 402.16.

Effects of Compensation

The Bureau has required compensation for loss of habitat associated with this project at a ratio of 1:1, per the provisions of the West Mojave Plan amendment to the California Desert Conservation Area Plan (Service 2006). Compensation will include acquisition of private lands containing desert tortoise habitat and their transfer to the Bureau, implementation of habitat enhancement and rehabilitation projects on public land, or some combination of these actions. The compensation lands will be located within the Western or Eastern Mojave recovery units, as defined in the recovery plan for the desert tortoise (Service 2011b). The Bureau estimates that 2,059 acres of suitable habitat would be required to offset the loss of desert tortoise habitat caused by the project (Childers 2015).

Because habitat enhancement actions and land acquisition would occur in desert wildlife management areas or other locations that are important to desert tortoise conservation, the proposed compensation requirements would provide a positive recovery benefit to the desert tortoise and at least partially offset loss of habitat associated with the project. The funding of

management actions is likely to result in restoration and rehabilitation of degraded habitat, protection of existing habitat from future sources of degradation, and a reduction in the direct mortality of desert tortoises. In general, the original and revised recovery plans (Service 1994, 2011b) identify the actions proposed for compensation as being necessary for the recovery of the desert tortoise. We cannot quantify the level of effects that these actions will have because we do not know the specific actions that will be implemented at this time.

Implementation of some of the habitat enhancement actions has the potential to result in adverse effects to the desert tortoise. Because we do not have specific information regarding future habitat enhancement and rehabilitation projects, we cannot perform a detailed analysis of these actions. The Bureau has indicated that these actions would require future project-specific authorizations prior to implementation. Consequently, we would address any adverse effects to the desert tortoise in future project-specific section 7 consultations.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act. The Bureau manages most of the land in the action area; because all future actions on lands managed by the Bureau would require consultation, pursuant to section 7(a)(2) of the Endangered Species Act, we do not anticipate any cumulative effects associated with future activities on public lands. We are not aware of any actions that are reasonably certain to occur on non-federal lands within the action area.

CONCLUSION

As we stated previously in the biological opinion, “jeopardize the continued existence of” means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 Code of Federal Regulations 402.02). This regulatory definition focuses on how the proposed action would affect the reproduction, numbers, or distribution of the species under consideration in the biological opinion. For that reason, we have used those aspects of the desert tortoise’s status as the basis to assess the overall effect of the proposed action on the species.

Additionally, we determine whether a proposed action is likely “to jeopardize the continued existence of the species” through an analysis of how a proposed action affects the listed taxon within the action area in relation to the range of the entire listed taxon. For the desert tortoise, this process involves considering the effects at the level of the action area, then at the level of the recovery unit (in this case, the Western Mojave Recovery Unit), and then finally for the range of the listed taxon. Logically, if a proposed action is unlikely to cause a measurable effect on the listed taxon within the action area, it will not affect the species throughout the recovery unit or

the remainder of its range. Conversely, an action with measurable effects on the listed entity in the action area may degrade the status of the species to the extent that it is affected at the level of the recovery unit or range-wide.

In the following sections, we will synthesize the analyses contained in the Effects of the Action section of this biological opinion to determine how the proposed action affects the reproduction, number, and distribution of the desert tortoise. We will then assess the effects of the proposed action on the recovery of the species and whether they are likely to appreciably reduce the likelihood of both the survival and recovery of the desert tortoise.

Reproduction

Construction of the solar facility would not have a measurable long-term effect on reproduction of individual desert tortoises that live adjacent to the solar facility because intense construction activity would occur over a relatively brief time relative to the reproductive life of female desert tortoises. Furthermore, desert tortoises are well adapted to highly variable and harsh environments and their longevity helps compensate for their variable annual reproductive success (Service 1994).

We expect that translocated desert tortoises may exhibit decreased reproduction in the first year following translocation. However, research conducted by Nussear *et al.* (2012) suggests the reproductive rates of translocated desert tortoises are likely to be the same as those of resident animals in subsequent years. Based on work conducted by Saethre *et al.* (2003), we do not expect the increased density of desert tortoises that would result from translocation to affect the reproduction of resident animals.

For these reasons and also because few desert tortoises would be affected by the proposed action, we expect that the proposed Soda Mountain Solar Project is not likely to affect reproduction of the desert tortoise in the action area.

Numbers

We expect that many of the small desert tortoises and eggs within the boundaries of the solar facility are likely to be killed or injured during construction because of their small size and cryptic nature. We also expect that the applicant would likely find some small animals and translocate them. Small desert tortoises are likely to die during work along linear facilities and in the course of operations and maintenance; however, protective measures are likely to be more effective in preventing mortality or injury during these activities because of the smaller area involved with work along the linear facilities and few desert tortoises are likely to enter the fenced solar facility.

We estimated that the site of the solar facility might support up to 68 small desert tortoises. We did not attempt to compare this estimate with one of the same size classes for the Western Mojave Recovery Unit for two reasons. First, the large number of assumptions involved,

particularly in the context of the entire recovery unit, decreases the value of this analysis; that is, the number of small animals that we might estimate as residing in the Western Mojave Recovery Unit would be based on so many assumptions that our analysis would have little predictive value. Second, the natural high rate of mortality among hatchlings reduces the analytic value of the exercise; in short, many of these smaller animals would die even if the project is not constructed. Although we are not comparing the overall estimate of the numbers of small desert tortoises likely to be killed or injured to the overall numbers within the recovery unit, we can reasonably conclude that the number of small desert tortoises affected by the proposed action is a small percentage of the population in the Western Mojave Recovery Unit.

We expect that the proposed action is likely to result in the injury or mortality of few large desert tortoises because most construction activities (the aspect of the proposed actions that would be most likely to kill or injure desert tortoises) would occur within areas that have been fenced and cleared of desert tortoises. For activities outside of fenced areas, the applicant would implement measures to reduce the level of mortality during all work activities. During operations and maintenance, the same factors that we discussed previously for small desert tortoises would hold true for large animals. Consequently, densities of large desert tortoises serve as the basis for our following analysis.

Few desert tortoises occur within the action area. We expect the majority of large desert tortoises within the solar arrays blocks will be captured and released in the recipient areas. Based on the results of studies conducted at Fort Irwin and the Ivanpah Solar Electric Generating System, we expect that the majority of these animals will survive the translocation. Nussear *et al.* (2012) also found that survivorship is not significantly different between translocated and resident animals. In its report on the desert tortoise population trends, the Desert Tortoise Recovery Office (Service 2014b) estimated that 76,644 large desert tortoises (i.e., those greater than 180 millimeters in length) occupy modeled habitat within the Western Mojave Recovery Unit. The overall number of desert tortoises would increase if we included individuals smaller than 180 millimeters. Consequently, even the loss of all 10 large desert tortoises estimated to occur within the action area would comprise a barely measurable portion (approximately 0.013 percent) of the overall population within the Western Mojave Recovery Unit.

Distribution

The long-term loss of 1,767 acres of desert tortoise habitat that would result from implementation of the solar project would not appreciably reduce the distribution of the desert tortoise. Based on the information in Table 3 of this biological opinion, the Western Mojave Recovery Unit contains approximately 5,595,469 acres of desert tortoise habitat; rangewide, we estimate that approximately 16,745,848 acres of modeled desert tortoise habitat remain. Consequently, the proposed action would result in the loss of approximately 0.03 percent of the remaining habitat in the Western Mojave Recovery Unit and 0.01 percent of the remaining habitat rangewide.

Effects on Recovery

Given the small number of large desert tortoises that we expect the Soda Mountain Solar Project to kill, the proposed action is unlikely to appreciably diminish the ability of the desert tortoise to reach stable or increasing population trends in the future. The project site does not contain high-quality desert tortoise habitat and is not located in an area that is considered crucial to the recovery of the desert tortoise (i.e., critical habitat unit, desert wildlife management area, or other conservation areas for the desert tortoise).

The proposed project site is located between the Superior-Cronese and Ivanpah Critical Habitat Units, which connect through the Newberry Springs area and the Mojave National Preserve to the southwest and east of project site, respectively. Consequently, the project configuration will not affect desert tortoise connectivity because it is not located within a preferred linkage (Averill-Murray *et al.* 2013; see Figure 6).

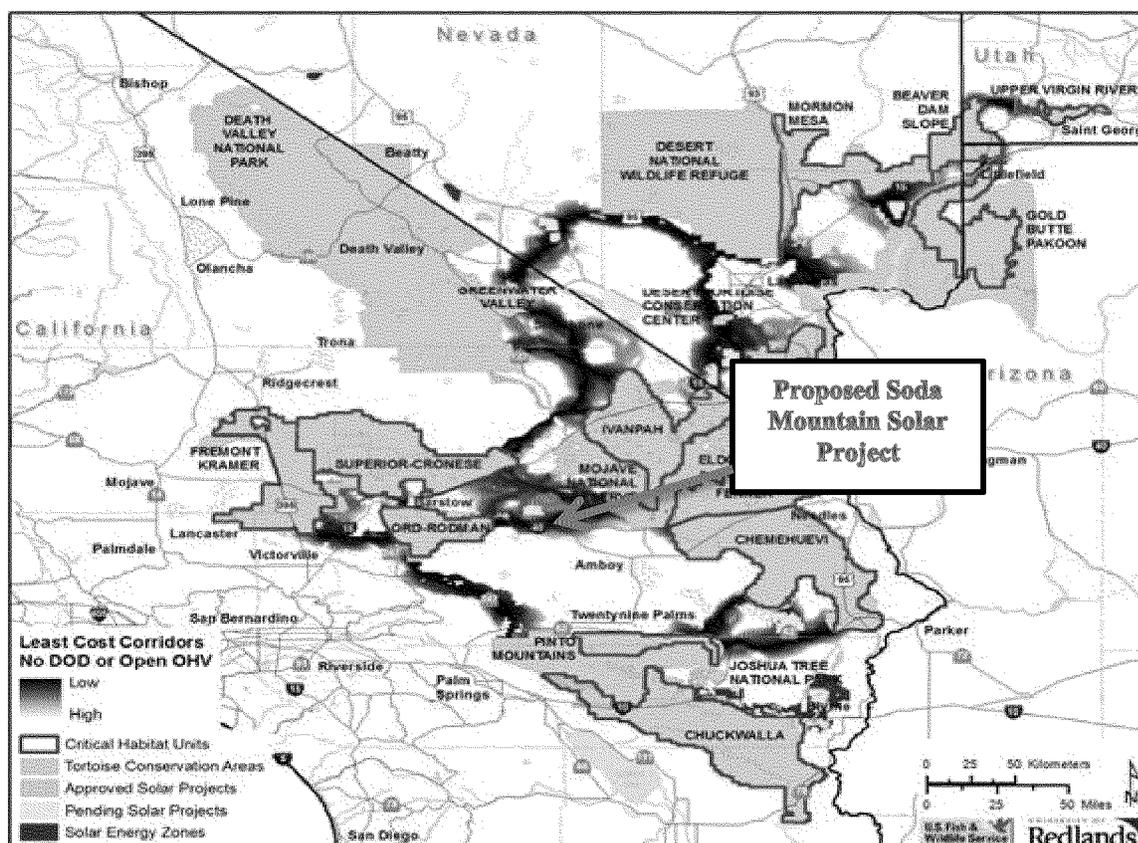


Figure 6. Map of corridors between desert tortoise conservation areas (from Averill-Murray *et al.* 2013).

After reviewing the current status of the species, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's biological opinion that the Bureau's proposed issuance of a right-of-way grant for the Soda Mountain Solar

Project is not likely to jeopardize the continued existence of the desert tortoise. We reached this conclusion for the project because:

1. The issuance of a right-of-way grant for the Soda Mountain Solar Project would not affect the reproductive capacity of desert tortoises in the action area.
2. The Bureau and applicant have proposed numerous measures, including translocation of desert tortoises from the project site, to minimize their injury and mortality. Information from previous large-scale translocations has demonstrated that it can be an effective tool for reducing mortality at project sites. Consequently, the proposed action is not likely to appreciably reduce the number of desert tortoises in the Western Mojave Recovery Unit.
3. The proposed action will not appreciably reduce the distribution of the desert tortoise because it would result in the loss of approximately 0.03 percent of suitable habitat in the Western Mojave Recovery Unit.
4. The proposed action is not located in an area that the Service considers important for the long-term conservation of the desert tortoise, either as a conservation area itself or as connecting habitat between other conservation areas. Consequently, the proposed action would not adversely affect recovery of the desert tortoise.

As we noted previously in this biological opinion, we conduct our analysis under section 7(a)(2) of the Act in relation to the status of the entire listed taxon. Because we have reached the determination that the proposed action is not likely to appreciably diminish reproduction, numbers, or distribution of the desert tortoise in the Western Mojave Recovery Unit or affect its recovery there, the proposed action is also not likely to reduce appreciably the likelihood of both the survival and recovery of the Mojave population of the desert tortoise throughout its range.

INCIDENTAL TAKE STATEMENT

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened wildlife species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to, and not the purpose of, the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this incidental take statement and the avoidance and minimization measures proposed by the Bureau.

The measures described below are non-discretionary; the Bureau must include these measures as binding conditions of its right-of-way grant to Soda Mountain Solar for the exemption in section 7(o)(2) to apply. The Bureau has a continuing duty to regulate the activity covered by this incidental take statement. If the Bureau fails to require Soda Mountain Solar to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the right-of-way grant, the protective coverage of section 7(o)(2) may lapse. To monitor the impact of incidental take, the Bureau must report the progress of the actions and its impact on the species to the Service as specified in the incidental take statement (50 Code of Federal Regulations 402.14(i)(3)).

Construction of the Solar Facility

We anticipate that all desert tortoises within the Soda Mountain project site are likely to be taken. We anticipate that most of the large individuals (i.e., those greater than 180 millimeters in length) within the area will be captured and moved from harm's way to adjacent habitat. Desert tortoises that are not detected during clearance surveys prior to construction may be killed or injured; because of the difficulty in finding small desert tortoises, we expect that most of these individuals are likely to be killed or injured during construction.

We estimate that, at most, approximately 10 large desert tortoises and 68 small desert tortoises may be present within the boundaries of the solar facility. We are unable to state precisely how many desert tortoises are present within the area where the proposed solar facility would be built for several reasons. Desert tortoises are cryptic (i.e., individuals spend much of their lives underground or concealed under shrubs), they are inactive in years of low rainfall, and their numbers and distribution within the action area may have changed since the surveys were completed because of hatchlings, deaths, immigration, and emigration. The numbers of hatchlings and eggs are even more difficult to quantify because of their small size, the location of eggs underground, and the fact that their numbers vary depending on the season; that is, at one time of the year, eggs are present but they become hatchlings later in the year.

Determining the amount or extent of the forms in which the take is likely to occur (killed, injured, or captured) is also difficult. As we noted previously, most of the large individuals within this area will likely be captured and moved from harm's way to adjacent habitat. Few larger desert tortoises are likely to be killed or injured because our prior experience is that the proposed avoidance and minimization measures will be effective. However, occasionally even large animals remain undetected during clearance surveys and are likely to be killed or injured during construction. The applicant is also likely to find and translocate some of the small desert tortoises; eggs are unlikely to be detected.

Using the total number of individuals within the site of the solar facility as the anticipated level of incidental take in the form of desert tortoises that are killed or injured as a result of the proposed action would be inappropriate because we fully expect that the applicant will capture and move numerous individuals into adjacent habitat. Therefore, we anticipate that the number of individuals killed or injured resulting from the proposed action will be a subset of the number

of desert tortoises estimated to be within the action area. Because the applicant is not likely to find every dead or injured desert tortoise within the area of the solar facility, the number of dead or injured individuals that are found likely will be a subset of the number that are killed or injured.

To summarize, we do not know the precise number of desert tortoises within the area of the solar facility and cannot predict the numbers of animals that the applicant will capture and move from harm's way prior to and during construction, the number of individuals that are likely to be killed or injured, or the number of dead or injured individuals that will be found. Therefore, we cannot precisely quantify the number of individuals that are likely to be killed or injured during construction of the proposed solar facility. Because the applicant is unlikely to find every individual that is killed or injured and we know that this number will be a fraction of the total number of desert tortoises present, we will consider the amount or extent of take to be exceeded if two large desert tortoises are killed or injured within the construction fence of the solar facility during construction of the proposed project. We used large desert tortoises to establish this amount or extent of take because small desert tortoises are difficult to find and the method by which we calculate their abundance contains more assumptions and therefore more potential for variation than does our method for predicting the number of large desert tortoises. If the amount or extent of take for large desert tortoises is exceeded, the re-initiation of formal consultation would also require re-evaluation of the effects of the action on small desert tortoises.

In the previous paragraphs, we described the difficulties involved with quantifying the numbers of desert tortoises that are likely present in the solar facility and of desert tortoises that are likely to be moved from harm's way. However, we based our overall section 7(a)(2) analysis in this biological opinion on the premise that at most approximately 10 large and 68 small desert tortoises are likely to occur within the boundaries of the proposed solar facility. If the surveys were inaccurate and more desert tortoises actually reside on site, the applicant would exceed the amount or extent of incidental take that we have anticipated; additionally, this increased number of individuals would constitute new information revealing effects of the agency action that may affect the desert tortoise to an extent that the Service did not consider in this biological opinion. Consequently, we will consider the amount or extent of take to be exceeded if more than ten large desert tortoises are captured and translocated from within the solar facility during construction of the proposed project. Additionally, we will consider the amount or extent of take to be exceeded if any combination of killed and captured and translocated desert tortoises exceeds ten large desert tortoises (e.g., two desert tortoises die and nine are captured and relocated). We used these two scenarios because we encourage the applicant to capture and translocate all large desert tortoises we anticipate to be on site; however, the total number of desert tortoises taken in the form of mortality and/or capture and translocation should not exceed the ten large desert tortoises upon which we based our analysis.

More uncertainty exists in the numbers of small desert tortoises and eggs that are likely to be present because of the assumptions that we make to derive an estimate; additionally, circumstances could lead to the authorized biologists and monitors finding more small desert tortoises than we predicted (e.g., an unusually high survival rate in the previous year, long periods of good weather leading to greater activity levels, biologists with better search images

for small animals, etc.). Because our estimate of the number of large desert tortoises within the project area forms the basis for the estimate of the number of small desert tortoises, finding more large animals than we predicted would likely mean that our estimate of the number of small animals is too low. Therefore, we are not establishing an independent re-initiation criterion for the number of small desert tortoises or eggs that would be moved out of harm's way during construction of the proposed project.

We expect that most of the eggs present within boundaries of the solar facility will be destroyed. We cannot predict how many eggs desert tortoises will produce prior to the onset of construction and the number of eggs present would vary depending upon the time of the year clearance surveys are conducted. Biologists are unlikely to find many eggs because they are difficult to detect. For these reasons, predicting the number of eggs that may be taken is not possible and we are not establishing a re-initiation criterion for the loss of eggs. As we noted in the previous paragraph regarding small desert tortoises, the amount or extent of take of large desert tortoises we established previously in this section serve as a surrogate for the number of eggs; if the amount or extent of take for large desert tortoises is exceeded, the re-initiation of formal consultation would also require re-evaluation of the effects of the action on eggs.

Translocation of Desert Tortoises from the Solar Facility

Because the applicant will employ experienced biologists, approved by the Service and the Bureau, and sanctioned handling techniques, we do not expect that the take, in the form of capture or collection, required to move desert tortoises out of harm's way during construction of the proposed project will result in mortality or injury of any individuals. Consequently, we do not anticipate that the activities involved with capturing and transporting desert tortoises from the solar facility to the recipient site is likely to kill or injure any desert tortoises.

The work required to translocate desert tortoises would necessitate increased use of vehicles in suitable habitat when desert tortoises are active. We cannot predict how many desert tortoises are likely to be killed or injured in this manner because of the numerous variables involved (the density of desert tortoises in the area, how many animals are active when biologists are working in the area, the conditions of the road, etc.). Additionally some desert tortoises (particularly small individuals) may be killed or injured but never detected. Because the applicant will employ experienced biologists, approved by the Service and the Bureau, we expect that few desert tortoises are likely to be killed or injured by vehicle strikes during translocation. For these reasons, we will consider the amount or extent of take to be exceeded if more than one large desert tortoise is killed or injured as a result of vehicle strikes during translocation activities.

We anticipate that moving eggs from harm's way may result in the destruction of a portion of the eggs. Because some are likely to survive, we consider moving them from harm's way to be better for desert tortoises than leaving them in place in work areas, where they would most likely be destroyed. Therefore, we are not establishing a re-initiation criterion for the number of eggs that would be moved out of harm's way during construction of the proposed project.

Operation and Maintenance of the Solar Facility

Operations and maintenance activities would occur primarily within the perimeter fence; however, desert tortoises may occasionally breach the fence and would then likely be taken, either by being captured and moved outside the fence into suitable habitat or by being killed or injured. We cannot reasonably anticipate the number of desert tortoises that may breach the fence during the life of the project or predict the numbers of those individuals that would be killed, injured, or captured because of the numerous variables involved. For example, we cannot predict the future numbers of desert tortoises that may reside near the project site or when an animal would then find a hole in the fence and enter the facility. We also cannot predict whether the animal would be killed, injured, or captured.

Because we cannot precisely quantify the number of individuals that are likely to be killed, injured, or captured during operations and maintenance of the proposed solar facility, we will consider the amount or extent of take to be exceeded if more than one large desert tortoise is killed or injured within the solar facility in any calendar year or if more than five are killed or injured cumulatively.

Construction, Operation, and Maintenance of Linear Facilities

Determining the number of desert tortoises that are likely to be taken along linear facilities is extremely difficult. In addition to the reasons we have already discussed regarding why the take of desert tortoises is difficult to quantify; narrow linear facilities pose additional difficulty in that they most likely cross only a small portion of a desert tortoise's home territory. Consequently, desert tortoises that are detected during a survey may be absent during construction or vice versa. Additionally, the likelihood of encountering a desert tortoise varies with the time of day, season, and long- and short-term weather conditions.

Consequently, we have not tried to quantify the number of desert tortoises that likely to be encountered during the construction, operations, and maintenance of the linear facilities. Rather, because the proposed protective measures have been effective in minimizing the injury and mortality of desert tortoises in similar linear projects and the applicant is unlikely to find every desert tortoise it kills during construction, we will consider the amount or extent of take to be exceeded if more than one large desert tortoise is killed or injured during construction of the linear facilities. We will consider the amount or extent of take to be exceeded if more than one desert tortoise is killed or injured during operations and maintenance of the linear facilities in any calendar year or if more than five are killed or injured cumulatively. We are not establishing a limit for moving desert tortoises from harm's way if they are encountered during construction, operations, or maintenance of linear facilities. As we discussed previously, we cannot reasonably assess how many individuals are likely to be encountered during work activities and moving these desert tortoises a short distance from harm's way will not adversely affect them in a measurable manner.

General Considerations

The exemption provided by section 7(o)(2) to the take prohibitions contained in section 9 of the Endangered Species Act extends only to the action area as described in the Environmental Baseline section of this biological opinion.

Incidental take that may be associated with decommissioning of the project is not covered by this incidental take statement because most activities would occur within fenced facilities where desert tortoises are absent. When more information becomes available at the end of the right-of-way grant, the Bureau will determine how it wants to proceed in light of the information that is available at that time. Re- authorization of industrial use of the site may require re-initiation of formal consultation.

We did not have enough information to analyze the potential effects of the measures to offset the adverse effects of the proposed project on the desert tortoise. Consequently, this biological opinion does not cover the incidental take that may occur as a result of those future actions. The Bureau is required to follow the consultation procedures of section 7(a)(2) of the Act with regard to those future actions.

REASONABLE AND PRUDENT MEASURES

The Service believes the following reasonable and prudent measure is necessary and appropriate to minimize take of desert tortoises during the construction, operation, and maintenance of the proposed facility:

The Bureau must condition the right-of-way grant to reduce adverse effects associated with moving desert tortoises.

Our evaluation of the proposed action includes consideration of the protective measures proposed by the Bureau in the biological assessment and re-iterated in the Description of the Proposed Action section of this biological opinion. Consequently, any changes in these protective measures may constitute a modification of the proposed action that causes an effect to the desert tortoise that was not considered in the biological opinion and require re-initiation of consultation, pursuant to the implementing regulations of the section 7(a)(2) of the Act (50 Code of Federal Regulations 402.16).

TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, the Bureau must ensure that applicant complies with the following terms and conditions, which implement the reasonable and prudent measure, and the following reporting and monitoring requirements. These terms and conditions are non-discretionary.

The following terms and conditions implement the reasonable and prudent measure described above:

1. The Bureau must require the applicant to monitor desert tortoises that are moved during fence line and clearance surveys until an authorized biologist determines the animals are exhibiting behavioral signs of adjusting to the translocation area (e.g., returning to burrows during inactive periods, not walking the fence line, not attempting to cross Interstate 15 for desert tortoises in the east of desert tortoise recipient site, etc.). Once the authorized biologist makes this determination, he or she may remove the transmitter and cease monitoring.
2. The Bureau must prohibit the applicant from translocating desert tortoises during summer months (i.e., once animals have generally become inactive).

REPORTING REQUIREMENTS

The Bureau must provide an annual report to the Service by January 31 of each year that the facility is being constructed or operated that provides details on the effects of the action on the desert tortoise. Specifically, the reports must include information on any instances when desert tortoises were killed, injured, or handled, the circumstances of such incidents, and any actions undertaken to prevent similar mortalities or injuries from re-occurring. If animals are moved from harm's way during the reporting period, the Bureau must include that information in these reports. The reports must also include a description of any monitoring efforts that the applicant implements. In addition, within 60 days of the completion of the proposed action (i.e., at the conclusion of all activities related to decommissioning), the Bureau must provide final report to the Service with this information.

We also request that the Bureau provide us with the names of any monitors who assisted the authorized biologists and an evaluation of the experience they gained on the project; the qualifications form on our website (<http://www.fws.gov/carlsbad/PalmSprings/DesertTortoise/DT%20authorized%20biologist%20request%20form.pdf>), filled out for the project, along with any appropriate narrative would provide an appropriate level of information. This information would provide us with additional reference material in the event these individuals are submitted as potential authorized biologists for future projects.

DISPOSITION OF DEAD OR INJURED DESERT TORTOISES

Within 3 days of locating any dead or injured desert tortoises, you must notify the Palm Springs Fish and Wildlife Office by telephone (760 322-2070) and by facsimile or electronic mail. The report must include the date, time, and location of the carcass, a photograph, cause of death, if known, and any other pertinent information.

Injured desert tortoises must be taken to a qualified veterinarian for treatment. If any injured desert tortoises survive, the Bureau must contact the Service regarding their final disposition.

The Bureau must ensure that the applicant takes care in handling dead specimens to preserve biological material in the best possible state for later analysis, if such analysis is needed. The Service will make this determination when the Bureau provides notice that a desert tortoise has been killed by project activities.

CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Endangered Species Act directs Federal agencies to use their authorities to further its purposes by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend that the Bureau and applicant develop a disposition plan for any nests of desert tortoises that are relocated from the project site. We recommend that the nests be monitored periodically to ascertain whether the eggs hatched. This information may prove useful in determining whether our current guidance (Service 2009a) needs revision.
2. We recommend that the Bureau require the applicant to conduct specific searches for small desert tortoises in portions of the project areas where densities of these individuals may be greater. Biologists at the Ivanpah Solar Electric Generating System removed numerous small individuals by using search techniques specific to small desert tortoises.

RE-INITIATION NOTICE

This concludes formal consultation on the Bureau's proposal to issue a right-of-way grant to construct and operate the Soda Mountain Solar Project. As provided in 50 Code of Federal Regulations 402.16, re-initiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: 1) the amount or extent of incidental take specified in the incidental take statement is exceeded; 2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; 3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or 4) a new species is listed or critical habitat designated that may be affected by the action.

In instances where the amount or extent of incidental take is exceeded, the exemption issued pursuant to section 7(o)(2) may lapse and any further take may be a violation of section 4(d) or 9. Consequently, we recommend that any operations causing such take cease pending re-initiation.

If you have any questions, please contact Vincent James at (760) 322-2070, extension 215 or Ray Bransfield at (805) 644-1766, extension 317.

Appendices

Appendix 1. Solar projects for which the U.S. Fish and Wildlife Service has issued biological opinions or incidental take permits.

Appendix 2. Methodology used to estimate the number of desert tortoises and eggs present in the action area.

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Appendix 1. Solar projects for which the U.S. Fish and Wildlife Service has issued biological opinions or incidental take permits.

The following table summarizes information regarding the solar projects that have undergone formal consultation with regard to the desert tortoise. In the Citations column, a single reference indicates that the acres of desert tortoise habitat and number of desert tortoises are estimates from the biological opinion; when the column includes two citations, the first is for the acreage of habitat and the estimated number of desert tortoises from the biological opinion and the second is for number of desert tortoises that were found onsite prior to or during construction.

Project and Recovery Unit	Acres of Desert Tortoise Habitat	Desert Tortoises Estimated¹	Desert Tortoises Observed²	Citations³
Eastern Mojave				
Ivanpah Solar Electric Generating System	3,582	1,136	175 ⁷	Service 2011a, Davis 2014
Stateline Solar	1,685	947	34	Service 2013a, LaPre 2014
Silver State North - NV	685	14 ⁶	4	Service 2010a, Cota 2013
Silver State South - NV	2,427 ⁴	1,020 ⁴	152	Service 2013a, Cota 2014
Amargosa Farm Road - NV	4,350	4 ⁶	-	Service 2010e
Western Mojave				
Abengoa Harper Lake	Primarily in abandoned agricultural fields	4 ⁶	-	Service 2011b
Chevron Lucerne Valley	516	10	-	Service 2010b
Northeastern Mojave				
Nevada Solar One - NV	400	5	5	Burroughs 2012, 2014
Copper Mountain North - NV	1,400	30 ⁵	30 ⁵	Burroughs 2012, 2014
Copper Mountain - NV	380	5	5	Burroughs 2012, 2014
Moapa K Road Solar - NV	2,141	186	157	Service 2012, Burroughs 2013

Colorado				
Genesis	1,774	8	0	Service 2010c, Fraser 2014a
Blythe	6,958	30	0	Service 2010d, Fraser 2014b
Desert Sunlight	4,004	56	7	Service 2011c, Fraser 2014a
McCoy	4,533	15	0	Service 2013b, Fraser 2014b
Desert Harvest	1,300	5	-	Service 2013c
Rice	1,368	18	1	Service 2011d, Fraser 2014a
Total	37,503	3,483	560	

1. The numbers in this column are not necessarily comparable because the methodologies for estimating the numbers of desert tortoises occasionally vary between projects. When available, we included an estimate of the numbers of small desert tortoises.
2. This column reflects the numbers of desert tortoises observed within project areas. It includes translocated animals and those that were killed by project activities. Project activities may result in the deaths of more desert tortoises than are found.
3. The first citation in this column is for the biological opinion or incidental take permit and is the source of the information for both acreage and the estimate of the number of desert tortoises. The second is for the number of desert tortoises observed during construction of the project; where only one citation is present, construction has not begun or data are unavailable at this time.
4. These numbers include Southern California Edison's Primm Substation and its ancillary facilities.
5. These projects occurred under the Clark County Multi-species Habitat Conservation Plan; the provisions of the habitat conservation plan do not require the removal of desert tortoises. We estimate that all three projects combined will affect fewer than 30 desert tortoises.
6. These estimates do not include smaller desert tortoises.
7. In the table attached to the electronic mail, the number of desert tortoises translocated from the project site is represented by the total number of translocated animals minus the number of animals born in the holding pens.

The Service completed biological opinions for the Calico and Palen projects. The applicant for the Calico project, which was located in the Western Mojave Recovery Unit, has abandoned the project and the Bureau of Land Management has withdrawn the request for consultation (Bureau of Land Management 2013). The Palen project, which is located in the Colorado Desert

Recovery Unit, has had several owners; most recently, the project proponent (Palen Solar Holdings, LLC) submitted a letter to the California Energy Commission in which it withdrew its application (California Energy Commission 2014). Another company may pursue a solar project at this location, although it has not filed applications with the Bureau and California Energy Commission to date (Fraser 2014c).

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Valley, California. From Field Supervisor, Carlsbad Fish and Wildlife Office. Carlsbad, California.

Appendix 2. Methodology used to estimate the number of desert tortoises and eggs present in the action area.

We used the life table contained in Turner *et al.* (1987) to estimate the number of smaller desert tortoises that may be present in the action area based on the upper confidence limit of the number of desert tortoises predicted by the U.S. Fish and Wildlife Service's (Service 2010) protocol. We predicted the numbers of animals that would likely occur in each size class using the expected percentages in each size class and the total number of animals that were actually found. The following table depicts these values.

Mean Carapace Length (mm) ¹	Life-table Distribution (percentage) ²	Number of Desert Tortoises Likely to Be Present in the Action Area ³
<60	39.7	30.92
60 – 99	32.0	24.92
100 – 139	10.8	8.41
140 – 179	4.5	3.51
180+	13.2	10.28
Total		77.88

¹ Modified from Turner *et al.* (1987). One live female desert tortoise approximately 220 millimeters in size was detected in the action area (Woodman 2014). We combined the size classes used by Turner *et al.* above this size because it did not affect our calculation of the number of small animals.

² In this column, we used the life-table distribution percentage from Turner *et al.* (1987) but combined the percentages for the size classes above 180 millimeters.

³ We used the upper confidence limit derived from the Service's (2010) protocol as the number of desert tortoises in the greater-than-180-millimeter class. We then used the equation $10.28/x = 13.2/100$ to derive the total number of desert tortoises based on 10.28 animals being in the 180+ size class. Finally, we used the equation $(\% \text{ in size class})/100 = x/77.88$ to derive the number of desert tortoises likely to occur in the remaining size classes.

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From: Energy - ConfidentialityApplication [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=19A1DCD64C75492BB26F16BE163474E8-ENERGY - CO]
Sent: 8/20/2024 5:57:56 PM
To: mci@vcrenewables.com
CC: Ponce, Mariah@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc5faa5d564c4cf3a2f49468b736b6c2-b2346f64-e7]; Camberos, Blanca@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a468cc1041442469599fcd37b1744b6-9d3be3a1-fb]
Subject: CEC response letter to Soda Mountain Solar LLC's confidentiality application
Attachments: 8-20-24 CEC Response Letter to Soda Mountain App for Confidentiality 07.23.2024.pdf

Dear Michael Cocchimiglio:

Please find attached the CEC response letter to Soda Mountain Solar LLC regarding applications for confidential designation, filed with the CEC on July 23, 2024.

If you have questions, please email confidentialityapplication@energy.ca.gov.

Thank you.

Ngoc Tran
Sr. Legal Analyst
Chief Counsel's Office
California Energy Commission
M,W: 7:30 – 4:00; Tues, Thurs, Fri: 8 - 5



August 20, 2024

Via Email

Michael Cocchimiglio
Soda Mountain Solar, LLC
110 Edison Place, Suite 312
Newark, New Jersey 07102
mci@vcrenewables.com

**Application for Confidential Designation: Soda Mountain Solar Project
Docket No. 24-OPT-03**

Dear Michael Cocchimiglio:

The California Energy Commission (CEC) has received two Applications for Confidentiality from Soda Mountain Solar, LLC (applicant), docketed July 23, 2024 (TN257900 and TN257955) covering the following records:

TN 257900 relating to transmission planning.

- Los Angeles Department of Water & Power System Impact Restudy – July 2022
- Mead-Adelanto Project Large Generator Interconnection Agreement Among Southern California Public Power Authority

TN 257955 relating to sensitive biological and paleontological resources.

- Appendix A - Natural History Museum of Los Angeles County Paleontological Records Search
- Appendix C - California Natural Diversity Database

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), “if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.”

1) System Impact Restudy and Large Generator Interconnection Agreement

The applicant states that the System Impact Restudy and Large Generator Interconnection Agreement contain sensitive information on the estimated and forecasted capital costs for the Soda Mountain Solar Project. The applicant asserts that this information constitutes trade secrets and requests that these documents be kept confidential in their entirety indefinitely. According to the application, the documents

contain commercially sensitive information including estimates for network upgrades, and interconnection facilities completion timing and costs associated with upgrades. The application also states that these documents are accessible only to employees, attorneys, or consultants working on behalf of the applicant and under confidentiality agreements.

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.705(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

Civil Code section 3426.1(d) defines “trade secret” as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Civ. Code, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.005, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505(a)(1)(D), states that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, the application shall state: (1) the specific nature of the advantage, (2) how the advantage would be lost, (3) the value of the information to the applicant, and (4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) by stating:

- 1) *The specific nature of the advantage* – The documents contain sensitive information on the estimated and forecasted capital costs for the Soda Mountain Solar Project, including estimates for network upgrades and interconnection facilities completion timing and costs associated with upgrades.
- 2) *How the advantage would be lost* – Disclosure of the information may result in competitors ascertaining expected returns, capital cost components, and other details of the Soda Mountain Solar Project that would lessen the applicant’s negotiating power.
- 3) *The value of the information to the applicant* – The documents include commercially sensitive transmission planning and cost information related to the siting of a wind energy facility. Competitors could use this information to secure favorable agreements for themselves and reduce the applicant’s competitive

advantage in the renewable energy development industry. This could impact consumer energy prices.

- 4) *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information is accessible only to employees, attorneys, or consultants providing services to the applicant.

Executive Director's Determination

The applicant has made a reasonable claim that the documents listed above, relating to transmission planning can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the documents listed above is granted.

2) California Natural Diversity Database Report and Paleontological Records Search

The applicant states that the documents contain information on locations of rare biological and paleontological resources and sites. The applicant requests that these documents be kept confidential in their entirety and for an indefinite period to protect the resources identified therein. The applicant asserts, under Government Code section 7922.000, that the public interest in nondisclosure of the biological and paleontological information outweighs disclosure because disclosing the information may enable entities to locate sensitive resources and collect or disturb those resources without authorization. The applicant further states that aggregating the information would hinder the CEC's staff review and analysis. The application notes that the information within these documents that can be aggregated and publicly disclosed will be provided in the proceeding's docket. The applicant states that these documents have not been disclosed to anyone other than its employees, attorneys, and consultants working on behalf of the applicant.

The California Public Records Act provides for the nondisclosure of archaeological site information and records of Native American places, features, and objects and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency. (Gov. Code, §§ 7927.000, 7927.005).

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C. § 306131.)

The California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure

Executive Director's Determination

Protection of biological and paleontological resource location to prevent looting and unauthorized collection is in the public interest and expressly covered under the law. The applicant has made a reasonable claim that the documents identified above, containing information on biological and paleontological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the documents listed above is granted.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

From: Lauren DeOliveira [Ldeoliveira@aspeneg.com]
Sent: 8/19/2024 10:11:20 PM
To: Francois, Alexis N [afrancois@blm.gov]; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Alexis,

I don't believe any relocation efforts have taken place yet, I believe that will occur when the project starts and when the applicant gets all the appropriate desert tortoise permits from CDFW.

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, August 19, 2024 2:44 PM
To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for this information Lauren. Do you know if any relocation/excavation took place? If so do you have any documentation associated with it?

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>
Sent: Thursday, August 15, 2024 5:05 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

I hope you're doing well! Gabriel and I wanted to bring something to your attention. Aspen's biologist called me earlier today to let me know the 2015 ROD Bio Opinion (attached; Figure 2) identifies Desert Tortoise Relocation areas east of the Project Site. When bios relocate DT they often have to hand excavate burrows... These relocation areas were never covered for cultural resources.

We wanted to flag this and bring it to your attention as soon as possible. Because the relocation areas are outside the original APE, we're unsure how this would affect BLM if we were to ask for survey coverage of this area. Let us know your thoughts when you can.

SMSP00502

Always happy to jump on a call as well.

Thank you, and have a great weekend!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Thursday, August 8, 2024 9:58 AM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeng.com>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Myself and our realty specialist are creating a timeline of events for this project. It appears that the current project would no longer need groundwater wells. Not sure if this at all matters, but I wanted to pass along the info we have on our end.

Soda Mountain Solar, LLC, also filed revised groundwater well permit applications with the County on May 12, 2016. The County held a hearing on adoption of the EIR and approval of the groundwater permits on August 23, 2016. Despite the County Planning Staff's recommendation to approve the Project, the County Board of Supervisors declined to certify the EIR by a vote of 2-3. As the County did not certify the EIR, no decision was made regarding the groundwater permits.

The current Project described below is similar to the revised project selected in the BLM's ROD; however, groundwater wells would no longer be required for water supply. Therefore, a groundwater permit from the County is no longer necessary. In addition, the County will no longer act as the CEQA Lead Agency as they do not have discretionary responsibility for the Project. The Project is currently seeking an Incidental Take Permit (ITP) and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), along with possible a Title 27 Waste Discharge Permit and Clean Water Act (CWA) Section 401 Permit from the Lahontan Regional Water Quality Control Board

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Thursday, August 8, 2024 8:07 AM

To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeng.com>

Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning, Alexis,

The applicant had to submit revised groundwater well permit applications to the County of San Bernardino. After review of the well permit applications, the County declined to certify the project EIR, leaving the applicant without clearance under the California Environmental Quality Act (CEQA).

The advent of the CEC's Opt-in Program provided the applicant with a potential avenue to CEQA compliance.

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Thursday, August 8, 2024 7:57 AM

To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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I am preparing some talking points ahead of our meeting today and also drafting a narrative for myself for the scoping of this project, can either of you provide me with the why or the benefit for the proponent to pursue with the Opt-in program? My team is a little confused as to why they would pursue a program that is to aid in the application and deployment of permits, when they've already received a ROW grant from the BLM.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspenerg.com>

Sent: Tuesday, August 6, 2024 1:26 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem at all!

Below are some agenda items for the meeting on Thursday so we can take full advantage of the time we have. I also updated the meeting invite to include these items as well.

Meeting Agenda Items:

1. How would the request for a new survey of the APE affect BLM?
2. Discussion of alternative targeted surveys with the existing ROW.
 1. Potentially leading to an amendment or update to the existing 2024 report
3. Discussion of a CEC site visit to assess existing conditions.

Thanks so much for your assistance with this, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 1:08 PM
To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you, I appreciate your flexibility.

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From: Lauren DeOliveira <ldeoliveira@aspenerg.com>
Sent: Tuesday, August 6, 2024 12:53:35 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Of course! I'll reschedule the meeting for Thursday afternoon.

Thank you!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, August 6, 2024 12:34 PM
To: 'Francois, Alexis N' <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspenerg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi, Alexis and Lauren,

Thursday after 2 pm works for me.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 12:27 PM
To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lauren,
Can we push our call to Thursday after 2pm? I have calls scheduled internally with my IDT as well as with Hannah Robinson alongside Tiffany Arend later this week. I think having those conversations first will lend to us having a more productive conversation with some actual direction.

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 31, 2024 12:43:21 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for the update, Alexis!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 31, 2024 12:39 PM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This is the response I got regarding the report and data from the 2023 survey

The report associated with the 2023 FWA FA-680-23-0009 is technically the first draft of this current one. We're using the same BLM Report number as you had requested back then (FA-680-23-0009).

Basically, in 2023 we only did a reconnaissance survey of the areas where the solar arrays would be. I'll upload the 2023 report in that same sharepoint folder so you can compare. We didn't provide you with the GIS data and I believe it probably was because we didn't do a Class III, but rather a reconnaissance survey.

This current 2024 report and GIS data contains everything that was reported in 2023 from the recon. survey plus the additional Class III work that we did under the 2024 FWA.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, July 29, 2024 9:55 AM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Sounds great, thank you!

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Monday, July 29, 2024 9:54:38 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem, Gabriel.

Alexis, I'll send out a meeting invite for Wednesday.

Thanks!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Monday, July 29, 2024 8:44 AM

To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Francois, Alexis N <afrancois@blm.gov>

Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

I suggest that you two meet without me. I have a public workshop on Wednesday and am out of the office on Thursday as well. Lauren has my full confidence.

Cheers,

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>

Sent: Monday, July 29, 2024 8:32 AM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you, Alexis!

Gabriel, does Wednesday work for you?

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 6:39 AM

To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Lauren,

I am available Wednesday after 9am through noon and after 2pm. Let me know if any of those times work or if I need to propose more.

SMSP00507

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Friday, July 26, 2024 2:11 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Do you have some time next week to meet with me and Gabriel again about Soda Mountain? We'd like explain our initial thoughts about the Class III and get your take as well.

Also, did SWCA submit a Class I to BLM?

Thank you, and happy Friday!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 9:34 AM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

They just sent me over the GIS data but I can definitely send over the draft report to the docket. And yes I'm available this afternoon, feel free to send an invite!

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 24, 2024 9:31:55 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Thank you so much for the call this morning. I just spoke with Gabriel and certainly, copies of the 2009 and 2013 reports will be helpful. We also talked about the situation with the 2024 cultural data, and we think it would be beneficial for us to get eyes on the draft document just to be sure the applicant's consultant has met all of CEC's survey requirements. We want to ensure we are being mindful of your time and not requiring the

consultant to conduct additional survey work later down the road (and needing new FAs) because they didn't meet CEC requirements initially.

We can certainly jump on a call and explain a bit more if you have 30 mins to spare either this afternoon or anytime between 11 am-2:00 pm tomorrow. Just let me know what time works best for you and I'll schedule a Teams meeting with the three of us.

Thanks so much!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 8:16 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you Gabriel!

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Wednesday, July 24, 2024 8:14 AM
To: Francois, Alexis N <afrancois@blm.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

Attached, you will find filing instructions for uploading documents to our project dockets, including filing confidential cultural resources documents. By filing confidential documents in this manner, other parties to the proposed Soda Mountain project and the public will be aware that confidential cultural resource documents exist, while being unable to access them. The Docket Number for Soda Mountain is 24-OPT-03. Once filed, I will be able to arrange for Lauren's access to the confidential files.

Feel free to reach out with any questions.

Best regards,

Gabriel

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Alexis,

Yes, absolutely. Whatever time works best for you tomorrow is fine with me.

Thank you!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, July 23, 2024 2:09 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hello Gabriel,
Thank you for the notification. I will work with Lauren and provide the necessary data the BLM Barstow Field Office is in possession of to complete these obligations. Lauren, do you have availability tomorrow afternoon to discuss?

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, July 23, 2024 1:36 PM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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SMSP00510

Good afternoon,

I supervise the CEC's Cultural Resources Unit and we have contracted with Aspen Environmental Group (Aspen) to prepare the cultural and tribal cultural resources analysis under the California Environmental Quality Act and our Opt-in Program. Aspen archaeologist and Cultural Resources Group Leader, Lauren DeOliveira, is the lead analyst for this work. If the Bureau of Land Management needs additional information from Aspen or the CEC to share the Soda Mountain cultural resources documents, please let us know. Otherwise, please coordinate directly with Lauren. Her email address is in the "To" field of this email.

Note that the Opt-in data requirements for cultural and tribal cultural resources documentation is very specific, representing the bare-minimum information that the CEC and its contractors need to review the application for completeness and analyze the proposed Soda Mountain project. Our data completeness requirements extend to the records search data, as codified in Title 20, California Code of Regulations, Section 1704, Appendix B(g)(2)(B):

"The results of a literature search to identify cultural resources and tribal cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources and tribal cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms (Title 14 CCR section 4853) shall be provided for all cultural resources and tribal cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 75-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area."

Many thanks,

Gabriel

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Cultural Resources Unit

Safety & Reliability Branch

Siting, Transmission, and Environmental Protection Division

1-916-237-2544

California Energy Commission

Website: www.energy.ca.gov



From: Vela, Cameron@NAHC [Cameron.Vela@nahc.ca.gov]
Sent: 8/21/2024 6:04:47 PM
To: Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
Subject: Soda Mountain Solar Project
Attachments: SLF No Soda Mountain Solar Project 8.21.2024.pdf; Soda Mountain Solar Project List 8.21.2024.xlsx

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Good Afternoon,

Attached is the response to the project referenced above. If you have any additional questions, please feel free to contact our office email at nahc@nahc.ca.gov.

Thank You,

Cameron Vela

Native American Heritage Commission
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Cameron.vela@nahc.ca.gov
Direct Line: (916) 573-0168
Office: (916) 373-3710

From: Francois, Alexis N [afrancois@blm.gov]
Sent: 8/19/2024 10:28:31 PM
To: Lauren DeOliveira [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59b95046bca34d92ac4e6f09cfc85b02-e4a00264-59]; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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I appreciate it!

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>
Sent: Monday, August 19, 2024 3:26 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

That's great to hear. Thanks for the quick information. We just wanted to bring this to your attention and be sure you are aware of the potential for burrow excavation.

Thanks again!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, August 19, 2024 3:22 PM
To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

I just spoke with our Resources Branch Chief who is a biologist, she seems to believe it is pretty rare for excavation to occur to relocate a tortoise but if it is deemed necessary they can get in contact with me and I will come out to ensure no cultural resources are disturbed in that endeavor. Additionally, in the BO there is no prescription for excavation as part of the relocation process, but I am unsure if that matters.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

SMSP00514

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspeneg.com>

Sent: Thursday, August 15, 2024 5:05 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

I hope you're doing well! Gabriel and I wanted to bring something to your attention. Aspen's biologist called me earlier today to let me know the 2015 ROD Bio Opinion (attached; Figure 2) identifies Desert Tortoise Relocation areas east of the Project Site. When bios relocate DT they often have to hand excavate burrows... These relocation areas were never covered for cultural resources.

We wanted to flag this and bring it to your attention as soon as possible. Because the relocation areas are outside the original APE, we're unsure how this would affect BLM if we were to ask for survey coverage of this area. Let us know your thoughts when you can.

Always happy to jump on a call as well.

Thank you, and have a great weekend!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Thursday, August 8, 2024 9:58 AM

To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Myself and our realty specialist are creating a timeline of events for this project. It appears that the current project would no longer need groundwater wells. Not sure if this at all matters, but I wanted to pass along the info we have on our end.

Soda Mountain Solar, LLC, also filed revised groundwater well permit applications with the County on May 12, 2016. The County held a hearing on adoption of the EIR and approval of the groundwater permits on August 23, 2016. Despite the County Planning Staff's recommendation to approve the Project, the County Board of Supervisors declined to certify the EIR by a vote of 2-3. As the County did not certify the EIR, no decision was made regarding the groundwater permits.

The current Project described below is similar to the revised project selected in the BLM's ROD; however, groundwater wells would no longer be required for water supply. Therefore, a groundwater permit from the County is no longer necessary. In addition, the County will no longer act as the CEQA Lead Agency as they do not have discretionary responsibility for the Project. The Project is currently seeking an Incidental Take Permit (ITP) and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), along with possible a Title 27 Waste Discharge Permit and Clean Water Act (CWA) Section 401 Permit from the Lahontan Regional Water Quality Control Board

Alexis Francois, M.A.

SMSP00515

Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Thursday, August 8, 2024 8:07 AM
To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspenerg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning, Alexis,

The applicant had to submit revised groundwater well permit applications to the County of San Bernardino. After review of the well permit applications, the County declined to certify the project EIR, leaving the applicant without clearance under the California Environmental Quality Act (CEQA). The advent of the CEC's Opt-in Program provided the applicant with a potential avenue to CEQA compliance.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Thursday, August 8, 2024 7:57 AM
To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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I am preparing some talking points ahead of our meeting today and also drafting a narrative for myself for the scoping of this project, can either of you provide me with the why or the benefit for the proponent to pursue with the Opt-in program? My team is a little confused as to why they would pursue a program that is to aid in the application and deployment of permits, when they've already received a ROW grant from the BLM.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspenerg.com>
Sent: Tuesday, August 6, 2024 1:26 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem at all!

Below are some agenda items for the meeting on Thursday so we can take full advantage of the time we have. I also updated the meeting invite to include these items as well.

Meeting Agenda Items:

1. How would the request for a new survey of the APE affect BLM?
2. Discussion of alternative targeted surveys with the existing ROW.
 1. Potentially leading to an amendment or update to the existing 2024 report
3. Discussion of a CEC site visit to assess existing conditions.

Thanks so much for your assistance with this, Alexis!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 1:08 PM
To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you, I appreciate your flexibility.

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From: Lauren DeOliveira <ldeoliveira@aspeneg.com>
Sent: Tuesday, August 6, 2024 12:53:35 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Of course! I'll reschedule the meeting for Thursday afternoon.

Thank you!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Tuesday, August 6, 2024 12:34 PM
To: 'Francois, Alexis N' <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi, Alexis and Lauren,

Thursday after 2 pm works for me.

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, August 6, 2024 12:27 PM
To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Lauren,
Can we push our call to Thursday after 2pm? I have calls scheduled internally with my IDT as well as with Hannah Robinson alongside Tiffany Arend later this week. I think having those conversations first will lend to us having a more productive conversation with some actual direction.

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From: Lauren DeOliveira <ldeoliveira@aspeneg.com>
Sent: Wednesday, July 31, 2024 12:43:21 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you for the update, Alexis!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 31, 2024 12:39 PM
To: Lauren DeOliveira <ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

This is the response I got regarding the report and data from the 2023 survey

The report associated with the 2023 FWA FA-680-23-0009 is technically the first draft of this current one. We're using the same BLM Report number as you had requested back then (FA-680-23-0009).

Basically, in 2023 we only did a reconnaissance survey of the areas where the solar arrays would be. I'll upload the 2023 report in that same sharepoint folder so you can compare. We didn't provide you with the GIS data and I believe it probably was because we didn't do a Class III, but rather a reconnaissance survey.

This current 2024 report and GIS data contains everything that was reported in 2023 from the recon. survey plus the additional Class III work that we did under the 2024 FWA.

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880

SMSP00518

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Monday, July 29, 2024 9:55 AM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Sounds great, thank you!

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Monday, July 29, 2024 9:54:38 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Francois, Alexis N <afrancois@blm.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

No problem, Gabriel.

Alexis, I'll send out a meeting invite for Wednesday.

Thanks!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Monday, July 29, 2024 8:44 AM
To: Lauren DeOliveira <Ldeoliveira@aspeneg.com>; Francois, Alexis N <afrancois@blm.gov>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

I suggest that you two meet without me. I have a public workshop on Wednesday and am out of the office on Thursday as well. Lauren has my full confidence.

Cheers,

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Monday, July 29, 2024 8:32 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Thank you, Alexis!

SMSP00519

Gabriel, does Wednesday work for you?

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Monday, July 29, 2024 6:39 AM

To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Lauren,

I am available Wednesday after 9am through noon and after 2pm. Let me know if any of those times work or if I need to propose more.

Alexis Francois, M.A.

Archaeologist, BLM-Barstow Field Office

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Lauren DeOliveira <ldeoliveira@aspenerg.com>

Sent: Friday, July 26, 2024 2:11 PM

To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Do you have some time next week to meet with me and Gabriel again about Soda Mountain? We'd like explain our initial thoughts about the Class III and get your take as well.

Also, did SWCA submit a Class I to BLM?

Thank you, and happy Friday!

Lauren DeOliveira, M.S., RPA

Cultural Resources Group Manager

Aspen Environmental Group

Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>

Sent: Wednesday, July 24, 2024 9:34 AM

To: Lauren DeOliveira <ldeoliveira@aspenerg.com>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

They just sent me over the GIS data but I can definitely send over the draft report to the docket. And yes I'm available this afternoon, feel free to send an invite!

SMSP00520

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From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Wednesday, July 24, 2024 9:31:55 AM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hi Alexis,

Thank you so much for the call this morning. I just spoke with Gabriel and certainly, copies of the 2009 and 2013 reports will be helpful. We also talked about the situation with the 2024 cultural data, and we think it would be beneficial for us to get eyes on the draft document just to be sure the applicant's consultant has met all of CEC's survey requirements. We want to ensure we are being mindful of your time and not requiring the consultant to conduct additional survey work later down the road (and needing new FAs) because they didn't meet CEC requirements initially.

We can certainly jump on a call and explain a bit more if you have 30 mins to spare either this afternoon or anytime between 11 am-2:00 pm tomorrow. Just let me know what time works best for you and I'll schedule a Teams meeting with the three of us.

Thanks so much!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Wednesday, July 24, 2024 8:16 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Thank you Gabriel!

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Sent: Wednesday, July 24, 2024 8:14 AM
To: Francois, Alexis N <afrancois@blm.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Subject: RE: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Good morning,

SMSP00521

Attached, you will find filing instructions for uploading documents to our project docket, including filing confidential cultural resources documents. By filing confidential documents in this manner, other parties to the proposed Soda Mountain project and the public will be aware that confidential cultural resource documents exist, while being unable to access them. The Docket Number for Soda Mountain is 24-OPT-03. Once filed, I will be able to arrange for Lauren's access to the confidential files.

Feel free to reach out with any questions.

Best regards,

Gabriel

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Sent: Tuesday, July 23, 2024 2:12 PM
To: Francois, Alexis N <afrancois@blm.gov>; Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Hi Alexis,

Yes, absolutely. Whatever time works best for you tomorrow is fine with me.

Thank you!

Lauren DeOliveira, M.S., RPA
Cultural Resources Group Manager
Aspen Environmental Group
Office: 818-338-6625

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Tuesday, July 23, 2024 2:09 PM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>; Lauren DeOliveira <Ldeoliveira@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

Hello Gabriel,

Thank you for the notification. I will work with Lauren and provide the necessary data the BLM Barstow Field Office is in possession of to complete these obligations. Lauren, do you have availability tomorrow afternoon to discuss?

Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office

SMSP00522

2601 Barstow Rd. Barstow, CA 92311

(760) 252-6015-Office

Call Sign: 6880

I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>

Sent: Tuesday, July 23, 2024 1:36 PM

To: Francois, Alexis N <afrancois@blm.gov>; Lauren DeOliveira <ldeoliveira@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: [EXTERNAL] Soda Mountain Confidential Cultural Resources Documents

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Good afternoon,

I supervise the CEC's Cultural Resources Unit and we have contracted with Aspen Environmental Group (Aspen) to prepare the cultural and tribal cultural resources analysis under the California Environmental Quality Act and our Opt-in Program. Aspen archaeologist and Cultural Resources Group Leader, Lauren DeOliveira, is the lead analyst for this work. If the Bureau of Land Management needs additional information from Aspen or the CEC to share the Soda Mountain cultural resources documents, please let us know. Otherwise, please coordinate directly with Lauren. Her email address is in the "To" field of this email.

Note that the Opt-in data requirements for cultural and tribal cultural resources documentation is very specific, representing the bare-minimum information that the CEC and its contractors need to review the application for completeness and analyze the proposed Soda Mountain project. Our data completeness requirements extend to the records search data, as codified in Title 20, California Code of Regulations, Section 1704, Appendix B(g)(2)(B):

"The results of a literature search to identify cultural resources and tribal cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources or tribal cultural resources listed pursuant to ordinance by a city or county or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources and tribal cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms (Title 14 CCR section 4853) shall be provided for all cultural resources and tribal cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 75-minute quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within 0.25 mile of the area surveyed for the project under section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area."

Many thanks,

Gabriel

Gabriel Roark (he/him/his)

Supervisor & Assistant Tribal Liaison

Cultural Resources Unit

Safety & Reliability Branch

Siting, Transmission, and Environmental Protection Division

1-916-237-2544

California Energy Commission

Website: www.energy.ca.gov



From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 8/26/2024 5:10:15 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Soda Mountain Solar Project

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Hi Lisa,

I hope you are doing well and had a nice weekend!

I wanted to reach out and ask if your team was interested in having a call/zoom to discuss any questions/issues for the Soda Mountain Solar Project? I thought it might be helpful to offer this discussion prior to hitting the 30-day review date, in case there were any project issues I could help clarify. If your team is interested, I can make myself available any time this week, except for tomorrow between 8:30am and 11am. I also understand you are all busy finalizing the first data completeness review, so no worries if you feel a meeting would be more helpful at a later date and time.

Thank you for your coordination in this project!

Best,

Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Parsons, Alyssa [aparsons@sbcfire.org]
Sent: 8/29/2024 3:08:39 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: RE: Local Agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information
Attachments: Fire HazMat 24-OPT-03.docx

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Good morning Lisa,

I have attached comments for this project from San Bernardino County Fire Protection District Hazardous Materials Section to this email for you.

If you have any questions about this please feel free to reach out to me directly. I am the planning contact for our Hazardous Materials Section.

Best regards,

Alyssa Parsons, REHS

Hazardous Materials Specialist
San Bernardino County Fire Protection District
598 S. Tippecanoe Avenue
San Bernardino, CA 92408-0153
(909) 386-8401
aparsons@sbcfire.org



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From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Wednesday, August 7, 2024 12:58 PM
To: Sansonetti, Nancy <nancy.sansonetti@dpw.sbcounty.gov>; Cruz, Manikhone <manikhone.cruz@dpw.sbcounty.gov>; San Bernardino County Fire Info <info@sbcfire.org>; Ornelas, Raylene <rornelas@sbcisd.org>; Planning CSU <planningcsu@lus.sbcounty.gov>; ehs.customerservice@bph.sbcounty.gov
Subject: Local Agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

Hello,

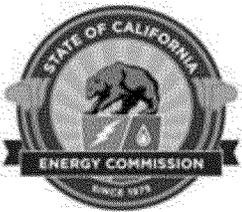
This email serves as notification of receipt of an Opt-In Application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and the reasons under Assembly Bill 205 why we are contacting you.

If you have questions, please contact me.

I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov





SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT

598 S. Tippecanoe Ave • San Bernardino, CA 92415-0153 • (909) 386-8401 • Fax (909) 386-8460

Office of the Fire Marshal
Hazardous Materials Section
sbcfire.org

Daniel R. Munsey
Fire Chief/Fire Warden

Monica S. Ronchetti
Fire Marshal

DATE: 08/29/2024

PHONE: 909.386.8401

FROM: **Alyssa Parsons**, Hazardous Materials Specialist
San Bernardino County Fire Protection District
598 S. Tippecanoe Ave, San Bernardino, CA 92408

TO: **Lisa Worrall**, Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814

SUBJECT: SODA MOUNTAIN SOLAR PROJECT (24-OPT-03)

San Bernardino County Fire Protection District, Office of the Fire Marshal, Hazardous Materials Section has the following conditions for this project:

- 1. Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, or at any one time or generates any amount of hazardous waste, shall obtain hazardous materials permits from this Section. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) or apply for an exemption from permitting requirements.*
- 2. Prior to occupancy, an application for one or more of these permits shall be obtained by submitting an accurate and complete Hazardous Materials Business Plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/>.*
- 3. Prior to treating, storing, disposing of, transporting, or offering for transportation any hazardous waste, obtain a Permanent Hazardous Waste Identification Number with the Department of Toxic Substance Control (DTSC) at <https://dtsc.ca.gov/apply-for-hazardous-waste-epa-id-number/>.*
- 4. Prior to occupancy, a business or facility handling an aggregate storage capacity of 1,320 gallons or more of petroleum in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons shall prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.*

BOARD OF DIRECTORS

Col. Paul Cook (Ret.)
Vice Chairman, First District

Jesse Armendarez
Second District

Dawn Rowe
Chair, Third District

Curt Hagman
Fourth District

Joe Baca, Jr.
Fifth District

Luther Snoke
Chief Executive Officer

SMSP00528

***“Hazardous Material”** means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.*

Additional information can be found at <https://sbcfire.org/hazmatcupa/> or you may contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401.

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 8/26/2024 6:22:35 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
Subject: RE: Soda Mountain Solar Project

Hi Hannah,

At this point our staff has pretty much finished their review and their work is going through final review. Thanks anyway.

Lisa

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Monday, August 26, 2024 10:10 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Soda Mountain Solar Project

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Hi Lisa,

I hope you are doing well and had a nice weekend!

I wanted to reach out and ask if your team was interested in having a call/zoom to discuss any questions/issues for the Soda Mountain Solar Project? I thought it might be helpful to offer this discussion prior to hitting the 30-day review date, in case there were any project issues I could help clarify. If your team is interested, I can make myself available any time this week, except for tomorrow between 8:30am and 11am. I also understand you are all busy finalizing the first data completeness review, so no worries if you feel a meeting would be more helpful at a later date and time.

Thank you for your coordination in this project!

Best,

Hannah

Hannah Gbeh

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Knight, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BE42548337F44852A291A9845F226F62-KNIGHT, ERI]
Sent: 9/9/2024 8:44:50 PM
To: Patrovsky, Joan E [jpatrovs@blm.gov]; Kaufman, Zoe (Caroline) [zkaufman@blm.gov]; Samples, Portia J [psamples@blm.gov]; Donnell, Julie A [jdonnell@blm.gov]; Otahal, Christopher D [cotahal@blm.gov]; Francois, Alexis N [afrancois@blm.gov]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Shahab.koshmashrab@energy.ca.gov; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
CC: Stamer, Marc R [mstamer@blm.gov]; Edwards, Arthur J [ajedwards@blm.gov]; Cordes, Isabeau J [icordes@blm.gov]
Subject: RE: California Energy Commission and BLM Intro - Soda Mtn Solar Project

FYI - Opt-in Certification Program
(chat feature not available)

-----Original Appointment-----

From: Patrovsky, Joan E <jpatrovs@blm.gov>
Sent: Monday, August 12, 2024 10:50 AM
To: Patrovsky, Joan E; Kaufman, Zoe (Caroline); Samples, Portia J; Donnell, Julie A; Otahal, Christopher D; Francois, Alexis N; Worrall, Lisa@Energy; Knight, Eric@Energy; Fooks, Brett@Energy; Hughes, Joseph@Energy; Abulaban, Abdel-Karim@Energy; Shahab.koshmashrab@energy.ca.gov; Roark, Gabriel@Energy
Cc: Stamer, Marc R; Edwards, Arthur J; Cordes, Isabeau J
Subject: California Energy Commission and BLM Intro - Soda Mtn Solar Project
When: Monday, September 9, 2024 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

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Introduction Meeting

The CEC is processing a filing by Soda Mountain Solar under CA AB205. CEC is the state lead agency.

The BLM, the federal lead agency is processing an application to amend the existing authorization issued in 2022.

Separate CEQA and NEPA will be conducted with coordination between state & federal lead agency.

Soda Mtn Solar is located off the I-15 Razor Road.

Applicant has filed with BLM to redesign the project wholly within the boundary of the right of way, increase MW to 300 and to add Battery Energy Storage System.

Agenda pending.

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Meeting ID: 219 783 742 325

Passcode: 7X94u5

For organizers: [Meeting options](#)

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/10/2024 10:08:10 PM
To: Guerra, Christina@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c08929c117e4da5bfb45f48fa749c0a-Waterboards]; Steinert, Tiffany@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdbc9163bf404f4d84f0a53c6ed84ab0-Waterboards]
CC: White, Adam@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d64512c47c48429dbdcf6845422b6bd1-74f7464f-8c]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments
Attachments: SodaMountain_MOU Agencies Notice of Application Receipt.pdf

Hi Christina and Tiffany,

Adam forwarded your email to me inquiring about your agency's comments on the data completeness of the Opt in application for the Soda Mountain Solar Project.

We certainly received your comments and incorporated them into the data requests that were posted to the docket as part of the Determination of Incomplete Application package on September 3, 2024, consistent with the 30-completeness review schedule. Below is a link to the package.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=258896&DocumentContentId=94970>

Once the applicant responds to data requests we have 30 days to review them and determine whether the responses are complete and that both the RWQCB and CEC have all that we need to prepare an EIR including permit conditions.

Here is a link to our Opt-in certification program: <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program>

The website has helpful information about this new program.

Our staff will be coordinating with yours so that permit requirements are captured in the Draft and Final EIRs. An EIR is included in our Preliminary Staff Assessment and Final Staff Assessment.

Best,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Tuesday, September 10, 2024 11:53 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division
California Energy Commission
Website: www.energy.ca.gov
279-226-1045



From: Guerra, Christina@Waterboards <Christina.Guerra@waterboards.ca.gov>
Sent: Tuesday, September 10, 2024 10:59 AM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

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Hi Adam,

I'm looking at the Soda Mountain Project docket and I don't see Lahontan's email comments/response (below). I want to ensure receipt of our comments. Can you please confirm that our comments were received on August 16, 2024? When can we expect on comments to appear on the docket or formal record?

Thanks

Christina Guerra, P.G. 9475
Senior Engineering Geologist (Supervisor)

Land Disposal/401/Stormwater Unit
15095 Amargosa Road Bldg. 2, Ste 210
Victorville, CA 92394
Direct - (760) 241-7333, Cell - (760) 713-1380
christina.guerra@waterboards.ca.gov



Lahontan Regional Water Quality Control Board

From: Guerra, Christina@Waterboards
Sent: Friday, August 16, 2024 11:32 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; McCann, Lisa@Waterboards <lisa.mccann@waterboards.ca.gov>; White, Adam@Energy <Adam.White@Energy.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Subject: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

CEC team, in response to email notification of receipt of an Opt-in application for Soda Mountain Solar Project, dated August 2, 2024, I am your primary point of contact for coordination with the Regional Board for this project.

Lahontan Regional Board staff have reviewed relevant portions of the Opt-in application for Soda Mountain Solar Project. Based on the MOA between the Regional Board and CEC, we are providing our initial comments on the project with respect to water quality, what permitting requirements might be applicable, and the additional information we need to complete our evaluation. Once the additional information we outline below has been provided, we respectfully request 30 days to complete our review and evaluation.

1. We request the Applicant provide specific end use/disposal for all liquid and solid waste streams, including but not limited to excavated soil, solar panel waste, battery energy storage system waste, sanitary waste, process water, panel wash water, waste oil, solvents, and fuels. Additionally, we request the Applicant provide a full characterization (chemical composition) of all liquid waste streams. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
2. The Opt-in application states an onsite wastewater treatment system (OWTS) septic system is proposed to support employee sanitary needs. Information is not provided on the OWTS. We request the Applicant provide information on the OWTS including but not limited to project description, flow sources, average, daily, and annual volumes and, system type. The Opt-in application also states any wastewater that cannot be treated by the septic system would be collected and treated or disposed of off-site. We request the Applicant provide information on how this wastewater would be identified and the determination made that the OWTS cannot treat it. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
3. In order for the Lahontan Water Board to be able to issue our permits in line with the CEC we will need the applicant to complete a 401 Water Quality Certification/Dredge and Fill application which can be found here - https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/as.
4. Please provide a copy of construction plans that are at least 90% complete. This ensures that we've evaluated the final design and identified all significant permitting requirements with respect to water quality, including any additional impacts to surface waters.

5. The Water Boards preliminary mitigation ratio for this project is 3 to 1. This ratio assumes no temporal loss, in-kind mitigation, and loss of waters. We request the Applicant provide the compensatory mitigation plan. Additionally, we will need a restoration plan for temporary impacts.
6. The Jurisdictional Delineation report does not include maps of sufficient scale to identify waters of the state onsite or in the vicinity. We request the Applicant update this report to include appropriately scaled maps and supporting documentation. This information is necessary to determine whether waters of the state that may be present on site are included in the delineation as the Lahontan Water Board asserts jurisdiction over all channelized flow.
7. We request the Applicant provide a draft Storm Water Pollution Prevention Plan. This plan will help us better understand stormwater flow paths and capture for reuse and/or percolation, and aid in our determination of whether a National Pollutant Discharge Elimination System (NPDES) permit or an individual stormwater permit would be appropriate for this project.
8. Will the project include stormwater infiltration ponds? If so, please include those design plans that and ensure they show the capacity and where the pond would discharge should they overflow.
9. We request the Applicant provide a full characterization (chemical composition) of the process water and panel wash water. We request the Applicant provide a process water flow diagram and panel wash water management plan, to include wash frequencies and estimated volumes of water generation. This information is necessary to determine whether sufficient mitigations are in place and whether we would request the Applicant submit a Report of Waste Discharge.
10. The Opt-in application states the disposal method for process water and panel wash water is evaporation. Information is not provided as to how process water and panel wash water will be evaporated (e.g., evaporation pond). We request the Applicant provide information on how process water and panel wash water will be evaporated. This information is necessary to determine whether a waste management unit (pond) is needed, which would require the Applicant submit a Report of Waste Discharge for an evaporation pond. This pond must be constructed, maintained, monitored, and closed in accordance with California Code of Regulations, title 27.

Please pass this information request to the Applicant. And please, let me know if you have any questions.
Thank you.

Christina Guerra, P.G. 9475
Senior Engineering Geologist (Supervisor)

Land Disposal/401/Stormwater Unit
15095 Amargosa Road Bldg. 2, Ste 210
Victorville, CA 92394
Direct - (760) 241-7333, Cell - (760) 713-1380
christina.guerra@waterboards.ca.gov



Lahontan Regional Water Quality Control Board

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, August 2, 2024 8:39 AM
To: Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Zimmerman, Jan@Waterboards

SMSP00537

<jan.zimmerman@waterboards.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>;
McCann, Lisa@Waterboards <Lisa.McCann@waterboards.ca.gov>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Waterboards Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hello,

This email serves as notification of receipt of an Opt-in application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and your responsibilities under Assembly Bill 205.

Adam White will be your technical staff contact for Water Resources. He will reach out to you to discuss the data completeness worksheet and data request format. We will include any data requests you have of the applicant in our Data Completeness Letter that will be posted to the proceeding's docket. Abdel-Karim (Karim) Abulaban is the unit supervisor.

If you have any technical questions, please contact Adam and Karim. If you have questions about the project in general or about the Opt-in process, please contact me.

This information should be provided within 15-days per the MOU, which falls on Friday August 16, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/13/2024 10:09:35 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Hannah Gbeh [hannah@resolutionenvironmental.com]; Lauren DeOliveira [ldeoliveira@aspeneg.com]; Roger Hatheway [RHatheway@aspeneg.com]; Michael Hoke [MHoke@aspeneg.com]; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Kara Laurenson-Wright [Kara.LaurensonWright@swca.com]; Dustin Thaler [dut@vcrenewables.com]; s.brown [s.brown@fehrendpeers.com]
Subject: Soda Mountain Solar Project- Applicant/CEC Questions about cultural resources and transportation DRs
Location: Microsoft Teams Meeting
Start: 9/17/2024 4:30:00 PM
End: 9/17/2024 5:00:00 PM
Show Time As: Tentative

Required Attendees: Worrall, Lisa@Energy; Kerr, Steven@Energy; Hannah Gbeh; Lauren DeOliveira; Roger Hatheway; Michael Hoke;
Optional Attendees: Roark, Gabriel@Energy; Knight, Eric@Energy; Kara Laurenson-Wright; Dustin Thaler; s.brown

The applicant would like to discuss some cultural resources and transportation data requests.

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Meeting ID: 283 333 095 286

Passcode: qEmZZD

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For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

From: Knight, Eric@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BE42548337F44852A291A9845F226F62-KNIGHT, ERI]
Sent: 9/9/2024 8:44:50 PM
To: Patrovsky, Joan E [jpatrovs@blm.gov]; Kaufman, Zoe (Caroline) [zkaufman@blm.gov]; Samples, Portia J [psamples@blm.gov]; Donnell, Julie A [jdonnell@blm.gov]; Otahal, Christopher D [cotahal@blm.gov]; Francois, Alexis N [afrancois@blm.gov]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Fooks, Brett@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=870df74143964b71ada0039bf13c5a9a-Fooks, Bret]; Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Shahab.koshmashrab@energy.ca.gov; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]
CC: Stamer, Marc R [mstamer@blm.gov]; Edwards, Arthur J [ajedwards@blm.gov]; Cordes, Isabeau J [icordes@blm.gov]
Subject: RE: California Energy Commission and BLM Intro - Soda Mtn Solar Project

FYI - Opt-in Certification Program
(chat feature not available)

-----Original Appointment-----

From: Patrovsky, Joan E <jpatrovs@blm.gov>
Sent: Monday, August 12, 2024 10:50 AM
To: Patrovsky, Joan E; Kaufman, Zoe (Caroline); Samples, Portia J; Donnell, Julie A; Otahal, Christopher D; Francois, Alexis N; Worrall, Lisa@Energy; Knight, Eric@Energy; Fooks, Brett@Energy; Hughes, Joseph@Energy; Abulaban, Abdel-Karim@Energy; Shahab.koshmashrab@energy.ca.gov; Roark, Gabriel@Energy
Cc: Stamer, Marc R; Edwards, Arthur J; Cordes, Isabeau J
Subject: California Energy Commission and BLM Intro - Soda Mtn Solar Project
When: Monday, September 9, 2024 1:00 PM-2:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

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Introduction Meeting

The CEC is processing a filing by Soda Mountain Solar under CA AB205. CEC is the state lead agency.

The BLM, the federal lead agency is processing an application to amend the existing authorization issued in 2022.

Separate CEQA and NEPA will be conducted with coordination between state & federal lead agency.

Soda Mtn Solar is located off the I-15 Razor Road.

Applicant has filed with BLM to redesign the project wholly within the boundary of the right of way, increase MW to 300 and to add Battery Energy Storage System.

Agenda pending.

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Passcode: 7X94u5

For organizers: [Meeting options](#)

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CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Kara Laurenson-Wright [Kara.LaurensonWright@swca.com]; Dustin Thaler [dut@vcrenewables.com]; Steve Brown [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dace79a99d8e437ca8f3c49f6f928d28-2409438b-84]; Tiffany Clark [Tiffany.Clark@swca.com]; Mia Fares [onf@vcrenewables.com]
Subject: Soda Mountain Solar Project- Applicant/CEC Questions about cultural resources, transportation, water DRs
Location: Microsoft Teams Meeting
Start: 9/17/2024 4:30:00 PM
End: 9/17/2024 5:00:00 PM
Show Time As: Busy
Required Attendees: Kerr, Steven@Energy; Hannah Gbeh; Lauren DeOliveira; Roger Hatheway; Michael Hoke; Roark, Gabriel@Energy;
Optional Attendees: Knight, Eric@Energy; Kara Laurenson-Wright; Dustin Thaler; s.brown; Tiffany Clark; Mia Fares

The applicant would like to discuss some cultural resources, transportation, water resources data requests.

- Traffic (TRANS-3)
- Cultural Resources (CUL/TRI-7 and CUL/TRI-8)
- Engineering Plans (Water 24)

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Phone conference ID: 833 836 992#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

From: Patrovsky, Joan E [jpatrovs@blm.gov]
Sent: 9/10/2024 5:46:25 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Samples, Portia J [psamples@blm.gov]; Kaufman, Zoe (Caroline) [zkaufman@blm.gov]; Donnell, Julie A [jdonnell@blm.gov]
Subject: Soda Mountain Solar - BLM & CEC

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Hello Lisa,

The Bureau of Land Management truly appreciated the opportunity to meet with you and others yesterday regarding the Soda Mountain Solar project. It was very helpful to hear about the Opt-In program and their application status.

We did receive a reply from the holder, and they expect to submit their plan of development (POD) and revised application by September 23. It will be at least 30-45 days for our team to review the documents and determine their sufficiency. If deemed acceptable, we would begin internal discussions and steps toward an appropriate NEPA and any data requests to address the application.

We will share the POD, our review and any comments on it with the CEC.

As mentioned, going forward for now, you and I may hold periodic monthly check ins.

The potential addition of BESS - battery energy storage system is more impactful below surface. Dependent upon their proposed location and cultural concerns may guide our NEPA determination.

Other concerns as you mentioned is the storm drainage and we concur flooding in the area could be an issue. As mentioned, access to the Razor Special Recreation Management Area (SRMA) is a concern by the public land users.

As mentioned by our Renewable Energy Coordination Office Program Manager, Nancy (Lily) Robledo, this project may trigger the Inflation Reduction Act (IRA) which would result in the amended or new grant being issued at end of a calendar quarter i.e. march, june, etc.

We look forward to working with you on this solar project.

Thanks,
Joan Patrovsky, PMP
Project Manager
U.S. Department of the Interior - Region 8 and 10

SMSP00544

Bureau of Land Management
California Desert District Office
cell 951 214 1775

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/10/2024 6:40:55 PM
To: Patrovsky, Joan E [jpatrovs@blm.gov]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Samples, Portia J [psamples@blm.gov]; Kaufman, Zoe (Caroline) [zkaufman@blm.gov]; Donnell, Julie A [jdonnell@blm.gov]
Subject: RE: Soda Mountain Solar - BLM & CEC

Hi Joan,

Thank you very much for that update and recap. We look forward to working with you.

We maintain a website for the project. The website contains links to the project's docket (electronic repository) where you will find the application from VC Renewables, LLC. and our determination of incomplete application with data requests, among other items.

You may find it beneficial to sign up for the project's subscription topic to receive automatic notification when an item has been posted to the project's docket.

The project's website is: <https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>
A direct link to the project docket is: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>

Midway down the webpage on the right is where you will see the subscription box.

Thanks,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Patrovsky, Joan E <jpatrovs@blm.gov>
Sent: Tuesday, September 10, 2024 10:46 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Samples, Portia J <psamples@blm.gov>; Kaufman, Zoe (Caroline)

SMSP00546

<zkaufman@blm.gov>; Donnell, Julie A <jdonnell@blm.gov>

Subject: Soda Mountain Solar - BLM & CEC

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Hello Lisa,

The Bureau of Land Management truly appreciated the opportunity to meet with you and others yesterday regarding the Soda Mountain Solar project. It was very helpful to hear about the Opt-In program and their application status.

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We will share the POD, our review and any comments on it with the CEC.

As mentioned, going forward for now, you and I may hold periodic monthly check ins.

The potential addition of BESS - battery energy storage system is more impactful below surface. Dependent upon their proposed location and cultural concerns may guide our NEPA determination.

Other concerns as you mentioned is the storm drainage and we concur flooding in the area could be an issue. As mentioned, access to the Rasor Special Recreation Management Area (SRMA) is a concern by the public land users.

As mentioned by our Renewable Energy Coordination Office Program Manager, Nancy (Lily) Robledo, this project may trigger the Inflation Reduction Act (IRA) which would result in the amended or new grant being issued at end of a calendar quarter i.e. march, june, etc.

We look forward to working with you on this solar project.

Thanks,

Joan Patrovsky, PMP

Project Manager

U.S. Department of the Interior - Region 8 and 10

Bureau of Land Management

California Desert District Office

cell 951 214 1775

SMSP00547

From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 9/15/2024 3:45:15 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

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Hi Lisa,

Thank you for setting up this meeting! These are the data requests we are interested in discussing. I understand the EMF staffer will not be attending, but I've identified those data requests below as well.

- Traffic (TRANS-3)
- Cultural Resources (CUL/TRI-7 and CUL/TRI-8)
- Engineering Plans (Water 24)
- EMF Study (TSSN-1 through TSSN 5)

Thank you!
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, September 13, 2024 3:11 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

Hi Hannah,

I have sent an invitation for Sept 17th. Our EMF staff are unable to attend so we can schedule that for another day. Can you provide some specifics on what data requests you have questions about.

Thanks,

Lisa

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Friday, September 13, 2024 1:50 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Fw: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

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Hi Lisa,

I hope you are having a great week! I wanted to check in and see if we could confirm this meeting on the 17th from 9:30-10am? Ideally, in this meeting we would like to just gain some clarify on the comments related to: cultural resources, civil engineering plans, traffic and the EMF study. The goal of our team is to provide our first data request responses by October 15th.

Thanks!
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Tuesday, September 10, 2024 4:41 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

Great, thank you! Would it be possible to do a meeting on the 17th and then we could do our next meeting on Oct 8th, so that it starts alternating with your other meetings? At the moment, I know we want to discuss cultural resources and traffic comments. If we could bring our technical specialists and have the CEC reviewers for these topic areas attend, that would be really helpful for establishing a path forward on our responses in these topic areas. I would be happy to send you a proposed agenda and attendee list on our side. Alternatively - if you have a different preference for the first meeting, just let me know.

I appreciate all your coordination in this project!

Thanks!
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, September 10, 2024 9:34 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

SMSP00549

Every two weeks is fine. Monday's are never good days for me. My schedule is pretty open. I was wondering if Tuesday from 9:30-10 would work for you beginning Sept 24th. Tuesdays are a good day as they are towards the start of the week. I have recurring meetings on Sept 17 for every two weeks so it would be helpful to meet on the odd weeks.

If that doesn't work for you, I could still meet on Sept 17th at that time or most times that week.

Thanks,

Lisa

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Tuesday, September 10, 2024 8:50 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

If we could start meeting next week, that would be ideal. Perhaps we could do a short check-in every two weeks? Or, if you prefer monthly, that is also fine.

Thank you for your coordination on this!

Best,
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, September 9, 2024 9:47 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

Thanks Hannah. What week would you like to start meeting and how frequently?

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Monday, September 9, 2024 8:56 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

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Hi Lisa,

I hope you had a great weekend! Yes, those are correct. We have 2 main points of contact for the CEC on this project: 1) Dustin Thaler, Applicant, dut@vcrenewables.com, and 2) Hannah Gbeh, Project Director hannah@resolutionenvironmental.com.

Thanks!
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, September 9, 2024 8:46 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: Soda Mountain Solar Project (24-OPT-03) Applicant contacts

Hi Hannah,

Our legal staff would like to confirm the email domain name for your contacts for this project. Right now we have [@resolutionenvionmental.com](mailto:hannah@resolutionenvironmental.com) and [@vcrenewables.com](mailto:dut@vcrenewables.com). Are there any others we should know?

This will assist us with our administrative record.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov





August 2, 2024

Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03)/
Request for Comments and Information

This letter serves as notice pursuant to the California Energy Commission (CEC) Memorandums of Understanding (MOUs) with California Department of Fish and Wildlife (CDFW), Department of Toxic Substances Control (DTSC), and California State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, the Water Boards) that Soda Mountain Solar, LLC ("Applicant"), has requested that the CEC staff commence data completeness review of the Soda Mountain Solar Project (project) (24-OPT-03) opt-in application. Files associated with the application were uploaded to the project docket (24-OPT-03) from July 23 through August 1, 2024. The associated fee for processing the application has been received by CEC. Based on the record present in the project docket, the effective filing date is confirmed as August 1, 2024. Pursuant to Public Resources Code, section 25545.4(a), CEC staff will review the application and the CEC's Executive Director will make a determination of completeness within 30 days of the filing of the application. The Executive Director will respond to the request for a completeness determination on or before September 3, 2024.

The project webpage can be accessed at the following link:

<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>. To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project's docket.

The entire application can be accessed at the following link:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>. Given the number of individual documents involved, sharing this link to the docket constitutes sharing the application files. Please contact us if you have trouble accessing any documents.

The CEC staff is now conducting a "Data Completeness" review of the application using data completeness worksheets that track information required under California Code of Regulations, title 20, section 1877 and data requests for any areas that are incomplete or require additional information, or a clarification of information is required.

Pursuant to the MOUs, your agency is obligated to provide information supporting the CEC staff's application completeness determination. This critical period is the opportunity that your agency has to ensure it has all the information it needs pursuant

to the MOU, including the baseline data and proposed mitigation to evaluate the project's direct, indirect and cumulative impacts and its compliance with applicable laws, ordinances, regulations, and standards, and provide permit conditions for this application. Also, during this period you will need to make all data requests for this project through CEC staff (e.g., clarification of information, requests for information, etc.) to ensure that the application has what your agency would need to issue a permit or for the CEC to issue an in-lieu permit. The CEC staff in the areas of Biological Resources, Water Resources, and Hazards and Hazardous Materials will reach out to you to coordinate on the data completeness review by the CEC and MOU agencies and are copied in this email.

The following is the relevant language on your agency's obligations to provide information supporting the CEC's completeness determination pursuant to the MOUs. Here is the relevant language from the CDFW MOU: "Within 15 days of receipt of an opt-in application, CDFW will review the opt-in application to determine whether it contains all the information required to assess compliance with applicable California Fish and Wildlife Laws; CDFW will identify and notify Energy Commission staff in writing of any data deficiencies and discuss proposed studies or outstanding data necessary to correct such deficiencies."

The applicable language for the Water Boards is: "Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies."

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

Please use the relevant portions of the Data Completeness sheets which correspond to the issues of interest to your agency and your permitting authorities, to guide your review of the application and preparation of data requests for areas of the application with incomplete or missing information. We will incorporate your data requests into the Executive Director's completeness determination. In addition, please provide any other information consistent with the language from the MOUs copied above.

For CDFW and the Water Boards, this information should be provided within 15 days per the MOUs, which falls on Friday August 16, 2024.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from Friday August 16 to Monday 26, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Lisa Worrall
Project Manager
California Energy Commission
lisa.worrall@energy.ca.gov

Sent: 9/10/2024 7:01:45 PM
To: Guerra, Christina@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3c08929c117e4da5bfb45f48fa749c0a-Waterboards]; Steinert, Tiffany@Waterboards [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fdbc9163bf404f4d84f0a53c6ed84ab0-Waterboards]
CC: White, Adam@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d64512c47c48429dbdcf6845422b6bd1-74f7464f-8c]; Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments
Attachments: SodaMountain_MOU Agencies Notice of Application Receipt.pdf

Hi Christina and Tiffany,

Adam forwarded your email to me inquiring about your agency's comments on the data completeness of the Opt in application for the Soda Mountain Solar Project.

We certainly received your comments and incorporated them into the data requests that were posted to the docket as part of the Determination of Incomplete Application package on September 3, 2024, consistent with the 30-completeness review schedule. Below is a link to the package.

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=258896&DocumentContentId=94970>

Once the applicant responds to data requests we have 30 days to review them and determine whether the responses are complete and that both the RWQCB and CEC have all that we need to prepare an EIR including permit conditions.

Here is a link to our Opt-in certification program: <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/opt-certification-program>

The website has helpful information about this new program.

Our staff will be coordinating with yours so that permit requirements are captured in the Draft and Final EIRs. An EIR is included in our Preliminary Staff Assessment and Final Staff Assessment.

Best,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Tuesday, September 10, 2024 11:53 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division
California Energy Commission
Website: www.energy.ca.gov
279-226-1045



From: Guerra, Christina@Waterboards <Christina.Guerra@waterboards.ca.gov>
Sent: Tuesday, September 10, 2024 10:59 AM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

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Hi Adam,

I'm looking at the Soda Mountain Project docket and I don't see Lahontan's email comments/response (below). I want to ensure receipt of our comments. Can you please confirm that our comments were received on August 16, 2024? When can we expect on comments to appear on the docket or formal record?

Thanks

Christina Guerra, P.G. 9475
Senior Engineering Geologist (Supervisor)

Land Disposal/401/Stormwater Unit
15095 Amargosa Road Bldg. 2, Ste 210
Victorville, CA 92394
Direct - (760) 241-7333, Cell - (760) 713-1380
christina.guerra@waterboards.ca.gov

SMSP00556



Lahontan Regional Water Quality Control Board

From: Guerra, Christina@Waterboards
Sent: Friday, August 16, 2024 11:32 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; McCann, Lisa@Waterboards <lisa.mccann@waterboards.ca.gov>; White, Adam@Energy <Adam.White@Energy.ca.gov>; Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Cc: Zimmerman, Jan@Waterboards <jan.zimmerman@waterboards.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>
Subject: Soda Mountain Solar Project (24-OPT-03) - Request for Regional Water Board Comments

CEC team, in response to email notification of receipt of an Opt-in application for Soda Mountain Solar Project, dated August 2, 2024, I am your primary point of contact for coordination with the Regional Board for this project.

Lahontan Regional Board staff have reviewed relevant portions of the Opt-in application for Soda Mountain Solar Project. Based on the MOA between the Regional Board and CEC, we are providing our initial comments on the project with respect to water quality, what permitting requirements might be applicable, and the additional information we need to complete our evaluation. Once the additional information we outline below has been provided, we respectfully request 30 days to complete our review and evaluation.

1. We request the Applicant provide specific end use/disposal for all liquid and solid waste streams, including but not limited to excavated soil, solar panel waste, battery energy storage system waste, sanitary waste, process water, panel wash water, waste oil, solvents, and fuels. Additionally, we request the Applicant provide a full characterization (chemical composition) of all liquid waste streams. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
2. The Opt-in application states an onsite wastewater treatment system (OWTS) septic system is proposed to support employee sanitary needs. Information is not provided on the OWTS. We request the Applicant provide information on the OWTS including but not limited to project description, flow sources, average, daily, and annual volumes and, system type. The Opt-in application also states any wastewater that cannot be treated by the septic system would be collected and treated or disposed of off-site. We request the Applicant provide information on how this wastewater would be identified and the determination made that the OWTS cannot treat it. This information is necessary to determine whether we would request the Applicant to submit a Report of Waste Discharge.
3. In order for the Lahontan Water Board to be able to issue our permits in line with the CEC we will need the applicant to complete a 401 Water Quality Certification/Dredge and Fill application which can be found here -
https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401/as.
4. Please provide a copy of construction plans that are at least 90% complete. This ensures that we've evaluated the final design and identified all significant permitting requirements with respect to water quality, including any additional impacts to surface waters.

5. The Water Boards preliminary mitigation ratio for this project is 3 to 1. This ratio assumes no temporal loss, in-kind mitigation, and loss of waters. We request the Applicant provide the compensatory mitigation plan. Additionally, we will need a restoration plan for temporary impacts.
6. The Jurisdictional Delineation report does not include maps of sufficient scale to identify waters of the state onsite or in the vicinity. We request the Applicant update this report to include appropriately scaled maps and supporting documentation. This information is necessary to determine whether waters of the state that may be present on site are included in the delineation as the Lahontan Water Board asserts jurisdiction over all channelized flow.
7. We request the Applicant provide a draft Storm Water Pollution Prevention Plan. This plan will help us better understand stormwater flow paths and capture for reuse and/or percolation, and aid in our determination of whether a National Pollutant Discharge Elimination System (NPDES) permit or an individual stormwater permit would be appropriate for this project.
8. Will the project include stormwater infiltration ponds? If so, please include those design plans that and ensure they show the capacity and where the pond would discharge should they overflow.
9. We request the Applicant provide a full characterization (chemical composition) of the process water and panel wash water. We request the Applicant provide a process water flow diagram and panel wash water management plan, to include wash frequencies and estimated volumes of water generation. This information is necessary to determine whether sufficient mitigations are in place and whether we would request the Applicant submit a Report of Waste Discharge.
10. The Opt-in application states the disposal method for process water and panel wash water is evaporation. Information is not provided as to how process water and panel wash water will be evaporated (e.g., evaporation pond). We request the Applicant provide information on how process water and panel wash water will be evaporated. This information is necessary to determine whether a waste management unit (pond) is needed, which would require the Applicant submit a Report of Waste Discharge for an evaporation pond. This pond must be constructed, maintained, monitored, and closed in accordance with California Code of Regulations, title 27.

Please pass this information request to the Applicant. And please, let me know if you have any questions.
Thank you.

Christina Guerra, P.G. 9475
Senior Engineering Geologist (Supervisor)

Land Disposal/401/Stormwater Unit
15095 Amargosa Road Bldg. 2, Ste 210
Victorville, CA 92394
Direct - (760) 241-7333, Cell - (760) 713-1380
christina.guerra@waterboards.ca.gov



Lahontan Regional Water Quality Control Board

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, August 2, 2024 8:39 AM
To: Crader, Phillip@Waterboards <Phillip.Crader@waterboards.ca.gov>; Zimmerman, Jan@Waterboards

<jan.zimmerman@waterboards.ca.gov>; Steinert, Tiffany@Waterboards <Tiffany.Steinert@Waterboards.ca.gov>;
McCann, Lisa@Waterboards <Lisa.McCann@waterboards.ca.gov>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Abulaban, Abdel-Karim@Energy <Abdel-Karim.Abulaban@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Waterboards Notification of Receipt of Opt-in application for Soda Mountain Solar Project (24-OPT-03) per MOU

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Hello,

This email serves as notification of receipt of an Opt-in application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and your responsibilities under Assembly Bill 205.

Adam White will be your technical staff contact for Water Resources. He will reach out to you to discuss the data completeness worksheet and data request format. We will include any data requests you have of the applicant in our Data Completeness Letter that will be posted to the proceeding's docket. Abdel-Karim (Karim) Abulaban is the unit supervisor.

If you have any technical questions, please contact Adam and Karim. If you have questions about the project in general or about the Opt-in process, please contact me.

This information should be provided within 15-days per the MOU, which falls on Friday August 16, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov





August 2, 2024

Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03)/
Request for Comments and Information

This letter serves as notice pursuant to the California Energy Commission (CEC) Memorandums of Understanding (MOUs) with California Department of Fish and Wildlife (CDFW), Department of Toxic Substances Control (DTSC), and California State Water Resources Control Board and the California Regional Water Quality Control Boards (collectively, the Water Boards) that Soda Mountain Solar, LLC ("Applicant"), has requested that the CEC staff commence data completeness review of the Soda Mountain Solar Project (project) (24-OPT-03) opt-in application. Files associated with the application were uploaded to the project docket (24-OPT-03) from July 23 through August 1, 2024. The associated fee for processing the application has been received by CEC. Based on the record present in the project docket, the effective filing date is confirmed as August 1, 2024. Pursuant to Public Resources Code, section 25545.4(a), CEC staff will review the application and the CEC's Executive Director will make a determination of completeness within 30 days of the filing of the application. The Executive Director will respond to the request for a completeness determination on or before September 3, 2024.

The project webpage can be accessed at the following link:

<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/soda-mountain-solar-project>. To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent via govDelivery when documents and notices are posted to the project's docket.

The entire application can be accessed at the following link:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-03>. Given the number of individual documents involved, sharing this link to the docket constitutes sharing the application files. Please contact us if you have trouble accessing any documents.

The CEC staff is now conducting a "Data Completeness" review of the application using data completeness worksheets that track information required under California Code of Regulations, title 20, section 1877 and data requests for any areas that are incomplete or require additional information, or a clarification of information is required.

Pursuant to the MOUs, your agency is obligated to provide information supporting the CEC staff's application completeness determination. This critical period is the opportunity that your agency has to ensure it has all the information it needs pursuant

to the MOU, including the baseline data and proposed mitigation to evaluate the project's direct, indirect and cumulative impacts and its compliance with applicable laws, ordinances, regulations, and standards, and provide permit conditions for this application. Also, during this period you will need to make all data requests for this project through CEC staff (e.g., clarification of information, requests for information, etc.) to ensure that the application has what your agency would need to issue a permit or for the CEC to issue an in-lieu permit. The CEC staff in the areas of Biological Resources, Water Resources, and Hazards and Hazardous Materials will reach out to you to coordinate on the data completeness review by the CEC and MOU agencies and are copied in this email.

The following is the relevant language on your agency's obligations to provide information supporting the CEC's completeness determination pursuant to the MOUs. Here is the relevant language from the CDFW MOU: "Within 15 days of receipt of an opt-in application, CDFW will review the opt-in application to determine whether it contains all the information required to assess compliance with applicable California Fish and Wildlife Laws; CDFW will identify and notify Energy Commission staff in writing of any data deficiencies and discuss proposed studies or outstanding data necessary to correct such deficiencies."

The applicable language for the Water Boards is: "Within 15 days of receipt of the application for certification, Water Boards' staff will review the application for certification to determine whether it contains all the information required to apply for the following permits, if applicable: Waste Discharge Requirements, NPDES Permits, and/or a Section 401 Certification or Waiver from the Regional Board; and Water Boards' staff will identify and notify Energy Commission staff of any data deficiencies."

The applicable language for DTSC is: "DTSC staff will make best efforts to review the application of certification within 15 to 25 days to determine whether it contains all the information required for an assessment of the following and whether applicable: waste generation and storage standards, site remediation, and waste reduction requirements; DTSC staff will identify and notify Energy Commission staff of any data deficiencies."

Please use the relevant portions of the Data Completeness sheets which correspond to the issues of interest to your agency and your permitting authorities, to guide your review of the application and preparation of data requests for areas of the application with incomplete or missing information. We will incorporate your data requests into the Executive Director's completeness determination. In addition, please provide any other information consistent with the language from the MOUs copied above.

For CDFW and the Water Boards, this information should be provided within 15 days per the MOUs, which falls on Friday August 16, 2024.

For DTSC this information should be provided within 15-25 days per the MOU, which ranges from Friday August 16 to Monday 26, 2024.

We appreciate your timely responses and look forward to coordinating with you as the evaluation moves forward.

Lisa Worrall
Project Manager
California Energy Commission
lisa.worrall@energy.ca.gov

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	259064
Document Title:	CEC response letter to Bureau of Land Management – Barstow Field Office’s Application for Confidentiality, dated August 1, 24
Description:	N/A
Filer:	Ngoc Tran
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	9/9/2024 11:52:22 AM
Docketed Date:	9/9/2024



September 9, 2024

Via Email

Alexis Francois
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, California 92311
afrancois@blm.gov

**Application for Confidential Designation: Soda Mountain Solar Project
Docket No. 24-OPT-03**

Dear Alexis Francois:

The California Energy Commission (CEC) has received Bureau of Land Management – Barstow Office’s Application for Confidentiality, docketed August 1, 2024, (TN 258263) covering the following records:

- Historical Resources Assessment Report for the Soda Mountain Solar Project, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024.
- Cultural Resources Inventory of a Segment of the Blue Bell Mine Road, Soda Mountain Solar Project San Bernardino County, California. BLM Report No. 680-09-24. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2013.
- Addendum – Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024.

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), “if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.”

Discussion

The applicant states the documents are mandated to be held in confidentiality under 36 Code of Federal Regulations part 800. The applicant states the records specifically identify areas of potential archaeological resources and sites of cultural significance. The applicant requests that the records be confidential in their entirety for an indefinite period to protect potential archaeological and cultural resources and sites. The applicant states that the public interest will be served by protecting the information from disclosure to prevent potential harm to, or destruction or looting of, the sites described in these documents.

The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations on public lands must be protected to preserve them. (54 U.S.C. § 306131.)

The California Government Code section 7922.000 provides that an agency may withhold information from disclosure where the public interest served by nondisclosure clearly outweighs the public interest of disclosure.

Executive Director's Determination

Protection of archeological and cultural resource location information to prevent looting and unauthorized collection is in the public interest and expressly covered under the law. The applicant has made a reasonable claim that the documents identified above, containing information on cultural and archeological resources, records, reports, and maps can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the documents listed above is granted.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

DOCKETED	
Docket Number:	24-OPT-03
Project Title:	Soda Mountain Solar
TN #:	258195
Document Title:	Confidential Docket Request -Soda Mountain_Bureau of Land Management
Description:	N/A
Filer:	Alexis Francois
Organization:	Bureau of Land Management
Submitter Role:	Public Agency
Submission Date:	7/30/2024 2:08:53 PM
Docketed Date:	7/30/2024

Confidential Docket Request

July 29, 2024

Via Docket Unit E-Filing System

California Energy Commission

715 P Street

Sacramento, CA 95814

RE: Soda Mountain Solar Project Application for Confidential Designation

To whom it may concern:

The Bureau of Land Management of the Department of the Interior, requests that the attached information be designated as confidential. This information is being supplied to the California Energy Commission (CEC) in the appendices listed below in support of the Applicant's Opt-In Application for the project.

To support the Application for Confidential Designation, the following information has been provided and is consistent with the information requested in the Application for Confidential Designation (20 CCR § 2505 et seq.)

Applicant: Bureau of Land Management Barstow Field Office

Address: 2601 Barstow Road. Barstow, California 92311.

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

- Addendum – Archaeological Resources Assessment of the Soda Mountain Solar Project for an Environmental Impact Report, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024.
- Historical Resources Assessment Report for the Soda Mountain Solar Project, San Bernardino County, California. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2024
- Cultural Resources Inventory of a Segment of the Blue Bell Mine Road, Soda Mountain Solar Project San Bernardino County, California. BLM Report No. 680-09-24. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. July 2013
- Cultural Resources Inventory of an Additional 335 Acres for the Soda Mountain Solar Project, San Bernardino County, California. BLM Report No. 680-09-24. Addendum to Cuke, Daron G., and Brandon Patterson [2009] Cultural Resources Inventory of 6,775 Acres for the Soda Mountain Solar Project, San Bernardino County, California. February 2013.
- Spatial data for surveys and archaeological recordation (Shapefile)

- Determination Letter from Bureau of Land Management to the California State Historic Preservation Office (Correspondence)
- Letter of concurrence from the California State Historic Preservation Office to the Bureau of Land Management (Correspondence)

1(b) Specify the parts of the record for which you request confidential designation.

All documents referenced in 1(a) in their entirety.

2. State and justify the length of time the Commission should keep the record confidential.

- The documents referenced above should be kept confidential indefinitely. If locations of protected archaeological resources and sites are released to the public domain, there is the potential for looting and/or destruction of these state and federally protected resources and sites.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

- The data being provided is mandated to be held in confidentiality per 36 CFR 800.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

- The public interest will be served by protecting the information in the documents listed above from disclosure to prevent potential harm to, or destruction or looting of, the cultural resources and sites described in these confidential documents. Such harm or destruction/looting would preclude scientific study of the sites to gain data about the cultural resources of the area.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.

This record may not be disclosed as all components contain sensitive information protected by 36 CFR 800.

5. State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.

The items in this record are the property of the Bureau of Land Management and are retained by the Bureau of Land Management Barstow Field Office.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge and I am authorized to make the application and certification on behalf of the applicant.

Signature

**ALEXIS
FRANCOIS** Digitally signed by
ALEXIS FRANCOIS
Date: 2024.07.29
15:15:39 -07'00'

From: Energy - ConfidentialityApplication [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=19A1DCD64C75492BB26F16BE163474E8-ENERGY - CO]
Sent: 9/13/2024 4:17:09 PM
To: afrancois@blm.gov
CC: Camberos, Blanca@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a468cc1041442469599fcd37b1744b6-9d3be3a1-fb]; Ponce, Mariah@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc5faa5d564c4cf3a2f49468b736b6c2-b2346f64-e7]
Subject: CEC Response to Soda Mountain Solar / BLM's application for confidential designation
Attachments: 09-13-24 CEC Response Letter to 07-30-24 Soda Mountain App for Confidentiality .pdf

Dear Bureau of Land Management, c/o Alexis Francois,

Please find the attached CEC Response letter to Bureau of Land Management, Soda Mountain Solar's application for confidential designation, filed with the CEC on 07/30/2024.

If you have any questions, please email, confidentialityapplication@energy.ca.gov

Kindly,

Marianna Brewer
Legal Analyst
Chief Counsel's Office
Advocacy & Compliance Division
279-250-8838

California Energy Commission
Website: www.energy.ca.gov



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From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 9/17/2024 4:12:30 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Re: Soda Mountain Solar Project meeting today- water staff not available

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No problem, thank you for letting me know!

Talk soon.

-Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, September 17, 2024 9:10 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: Soda Mountain Solar Project meeting today- water staff not available

Hi Hannah,

I was just notified that our water staff cannot attend today's meeting so we will need to reschedule the discussion of DR WATER-24.

Talk to you soon,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Energy - ConfidentialityApplication [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=19A1DCD64C75492BB26F16BE163474E8-ENERGY - CO]
Sent: 9/18/2024 10:06:44 PM
To: mci@vcrenewables.com
CC: Camberos, Blanca@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a468cc1041442469599fcd37b1744b6-9d3be3a1-fb]; Ponce, Mariah@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc5faa5d564c4cf3a2f49468b736b6c2-b2346f64-e7]
Subject: CEC Response to Application for Confidential Designation: Soda Mountain Solar Project
Attachments: 09-18-24 CEC Response Letter to Soda Mountain 08-15-24 App for Confidentiality.pdf

Dear Soda Mountain Solar, LLC, c/o Michael Cocchimiglio,

Please find the attached CEC Response to Soda Mountain LLC's application for confidential designation filed with the CEC on August 15, 2024.

If you have any questions, please email confidentialityapplication@energy.ca.gov

Kindly,

Legal Analyst
Chief Counsel's Office
Advocacy & Compliance Division
279-250-8838

California Energy Commission
Website: www.energy.ca.gov



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September 18, 2024

Via Email

Michael Cocchimiglio
Soda Mountain Solar, LLC
110 Edison Place, Suite 312
Newark, New Jersey 07102
mci@vcrenewables.com

**Application for Confidential Designation: Soda Mountain Solar Project
Docket No. 24-OPT-03**

Dear Michael Cocchimiglio:

The California Energy Commission (CEC) has received an Application for Confidentiality from Soda Mountain Solar, LLC (applicant), docketed August 15, 2024 (TN 258504) covering components of Appendix P, Socioeconomic Impacts on San Bernardino County of the Proposed Soda Mountain Project. Specifically, the applicant requests that highlighted text on pages 1-2, 15-17, 19-23 and 34-37 be kept confidential indefinitely.

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [California Energy] Commission to keep the record confidential."

Discussion

The applicant requests that Appendix P be kept confidential in part because it includes worker compensation estimates, local, county and state tax revenue estimates, construction and operations cost information. The applicant claims that Appendix P should be kept confidential indefinitely due to confidential agreements between the applicant and third parties, as well as due to the competitive nature of the renewable development industry.

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.705(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

Civil Code section 3426.1(d) defines "trade secret" as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain

economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Civ. Code, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.005, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505(a)(1)(D), states that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, the application shall state: (1) the specific nature of the advantage, (2) how the advantage would be lost, (3) the value of the information to the applicant, and (4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) by stating:

1. *The specific nature of the advantage* – The information includes estimates for the taxes generated during the construction and operational year of the Soda Mountain Project, which include estimated capital and/or operational cost(s) and/or pricing information and reflect the applicant’s forecasted economic standing. The information is a trade secret due to the private and confidential nature of applicant’s agreements with external parties. Favorable terms for these agreements are achieved through the negotiation process during which counterparties are only made aware of specific project cost details that are applicable to that counterparty.
2. *How the advantage would be lost* – Disclosure of the information would create a market disadvantage for the applicant by impacting the applicant’s bargaining position during contract negotiations, providing competitors an advantage, and compromising the applicant’s competitive position in the CAISO power market.
3. *The value of the information to the applicant* – Public disclosure of the information contained within Appendix P could harm the applicant’s existing and future commercial opportunities. Preventing public disclosure would allow the applicant to continue to negotiate commercially favorable agreements with counterparties and operate the project in the most commercially competitive manner possible.
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – This information is not publicly available and has not been disclosed to anyone other than the applicant’s employees, attorneys, or consultants and only once such parties have executed confidentiality agreements. The data cannot be disclosed even if aggregated or masked due to the nature of capital and operational costs included in estimated taxes.

The applicant filed a redacted version of Appendix P to the proceeding’s docket on August 15, 2024 (TN 258506). The CEC recognizes the need for confidentiality for the worker compensation estimates, local, county and state tax revenue estimates, and

construction and operations cost information to prevent reverse engineering by competitors and market disadvantage for the applicant.

Executive Director's Determination

The applicant has made a reasonable claim that the information listed above can be maintained as confidential indefinitely. As such, the applicant's request for confidential designation of the information listed above is granted.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/27/2024 11:01:13 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Roark, Gabriel@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed87ff1e22cd49f3aaff644c82538d46-Roark, Gabr]; Lauren DeOliveira [Ideoliveira@aspeneg.com]; Roger Hatheway [RHatheway@aspeneg.com]; Michael Hoke [MHoke@aspeneg.com]; Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Dustin Thaler [dut@vcrenewables.com]; Kara Laurenson-Wright [Kara.LaurensonWright@swca.com]; Pauline Roberts [PKRoberts@swca.com]; Tiffany Clark [Tiffany.Clark@swca.com]
Subject: Soda Mountain Solar Project Cultural/Tribal Resources continued meeting
Location: Microsoft Teams Meeting
Start: 10/2/2024 10:00:00 PM
End: 10/2/2024 11:00:00 PM
Show Time As: Busy
Required Attendees: Worrall, Lisa@Energy; Roark, Gabriel@Energy; Lauren DeOliveira; Roger Hatheway; Michael Hoke; Hannah Gbeh
Optional Attendees: Knight, Eric@Energy; Dustin Thaler; Kara Laurenson-Wright; Pauline Roberts; Tiffany Clark

Hi all,

The applicant would like to have a continuation of last week's cultural meeting for Soda Mountain Solar Project.

Microsoft Teams [Need help?](#)

Join the meeting now

Meeting ID: 240 070 409 861

Passcode: LW3hup

Dial in by phone

[+1 916-562-1816,,91282325#](#) United States, Sacramento

[Find a local number](#)

Phone conference ID: 912 823 25#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/27/2024 3:26:31 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Edirisuriya, Sudath@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a5d6cd74e9024972b122d8344f69b3a8-Edirisuriya]; Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdc630-Hughes, Jos]; Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Brian Rahman [brian@zglobal.biz]; Ziad Alaywan [ziad@zglobal.biz]
Subject: Soda Mountain Solar Project- Questions about EMF data request
Location: Microsoft Teams Meeting
Start: 9/30/2024 8:00:00 PM
End: 9/30/2024 8:30:00 PM
Show Time As: Tentative

Required Attendees: Worrall, Lisa@Energy; Edirisuriya, Sudath@Energy; Hughes, Joseph@Energy; Hannah Gbeh
Optional Attendees: Knight, Eric@Energy; Brian Rahman; Ziad Alaywan

The applicant would like to meet to discuss questions they have about the EMF data request for DR TSSN-1 to DR TSSN-4 related to EMF calculations.

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 210 959 053 239

Passcode: 6VhpZJ

Dial in by phone

[+1 916-562-1816,,618483772#](#) United States, Sacramento

[Find a local number](#)

Phone conference ID: 618 483 772#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

From: Negar Vahidi [NVahidi@aspeneg.com]
Sent: 9/27/2024 9:55:16 PM
To: Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Hannah Gbeh [hannah@resolutionenvironmental.com]; unnasch [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c174df7e5d104ce3bb49a121c6abd286-7ee415de-d9]; Brian Healy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a668474a1dac4761b0e16987b1a6c39d-d36f15d5-1e]; John Carrier [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d823054932c444d18fdb316ac77c6d07-b2cf4468-54]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Irene Kaufman [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f4ae9e57a76f4e0bb81d46c1217ee928-8b02fa12-20]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Hi Steve and Lisa,

All those slots work **except:**

- Friday Oct 4: 9-10, 10:30-12
- Wednesday Oct 9: 2-4:30

We will definitely need Stefan and/or Brian from LCA on the call as well. Please also include Irene Kaufman (cc'd here) from Aspen. Also, hopefully the applicant's representative on the call will be one of their team economists.

Thanks much,

Negar Vahidi

Executive Vice President
Planning & Public Policy Director
Aspen Environmental Group
(310) 387-6807 cell

From: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>
Sent: Friday, September 27, 2024 11:03 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspeneg.com>; Negar Vahidi <NVahidi@aspeneg.com>; Deaver, Paul@Energy <Paul.Deaver@energy.ca.gov>
Cc: eric.knight@energy.ca.gov
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

Hi Lisa, I'm including Aspen lead Negar Vahidi and CEC lead Paul Deaver for MAND-1 discussion too.

Thanks,
Steve

SMSP00577

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, September 27, 2024 10:40 AM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspeneg.com>

Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

Hi all,

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Tuesday Oct 8: 2:30-3, 3:30-4

Wednesday Oct 9: 8:30-11, 2-4:30

Thursday Oct 10: 8:30-9, 9:30-10, 10:30-11, 1-4:30

Let me know all the dates and times you can attend.

Thanks,

Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



From: Stefan Unnasch [unnasch@lifecycleassociates.com]
Sent: 9/27/2024 6:43:03 PM
To: John Carrier [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d823054932c444d18fdb316ac77c6d07-b2cf4468-54]
CC: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Hannah Gbeh [hannah@resolutionenvironmental.com]; Brian Healy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a668474a1dac4761b0e16987b1a6c39d-d36f15d5-1e]; Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Collin Crawford [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ebc874e994df437ba78978627476586f-c7d37eff-0f]
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Oct 4 2:30 to 4 works for Brian and me also.

Stefan

On Fri, Sep 27, 2024 at 11:27 AM John Carrier <jcarrier@aspeneg.com> wrote:

I'm available all those times EXCEPT

Oct 4: 2:30-4:30

Oct 8: all day



John L. Carrier, J.D.

Senior Project Manager

8801 Folsom Blvd., Suite 173

Sacramento, CA 95826

Office: (916) 235-9197; Cell: (916) 996-9349

jcarrier@aspeneg.com

www.aspeneg.com

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From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, September 27, 2024 10:40 AM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspenerg.com>

Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; eric.knight@energy.ca.gov

Subject: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Let me know all the dates and times you can attend.

Thanks,

Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



--

=====

Stefan Unnasch | Managing Director | Life Cycle Associates, LLC

office: 1.650.461.9048

mobile: 1.650.380.9504

unnasch@LifeCycleAssociates.com

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<http://LifeCycleAssociates.com/>

=====

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From: Collin Crawford [CCrawford@aspeneg.com]
Sent: 9/27/2024 6:36:55 PM
To: John Carrier [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d823054932c444d18fdb316ac77c6d07-b2cf4468-54]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Hannah Gbeh [hannah@resolutionenvironmental.com]; unnasch [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c174df7e5d104ce3bb49a121c6abd286-7ee415de-d9]; Brian Healy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a668474a1dac4761b0e16987b1a6c39d-d36f15d5-1e]
CC: Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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I can make myself available for all those dates and times.

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From: John Carrier <jcarrier@aspeneg.com>
Sent: Friday, September 27, 2024 11:27:03 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>
Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; eric.knight@energy.ca.gov <Eric.Knight@energy.ca.gov>; Collin Crawford <CCrawford@aspeneg.com>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

I'm available all those times EXCEPT
Oct 4: 2:30-4:30
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John L. Carrier, J.D.
Senior Project Manager

8801 Folsom Blvd., Suite 173
Sacramento, CA 95826
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SMSP00583

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, September 27, 2024 10:40 AM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspeneg.com>

Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; eric.knight@energy.ca.gov

Subject: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Let me know all the dates and times you can attend.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/27/2024 11:15:19 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]; unnasch@LifeCycleAssociates.com; Brian Healy [healy@lifecycleassociates.com]; John Carrier [jcarrier@aspenerg.com]; Negar Vahidi [nvahidi@aspenerg.com]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]
CC: Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Wednesday Oct 9: 8:30-11
Thursday Oct 10: 8:30-9, 9:30-10, 10:30-11, 1-4:30

Thanks,

Lisa

From: Worrall, Lisa@Energy
Sent: Friday, September 27, 2024 10:40 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch@LifeCycleAssociates.com; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspenerg.com>
Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Let me know all the dates and times you can attend.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 9/30/2024 3:36:54 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]; Kerr, Steven@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d0d5a66bed2249fca830918f58b3b921-Kerr, Steve]; John Carrier [jcarrier@aspeneg.com]; unnasch@LifeCycleAssociates.com; Negar Vahidi [nvahidi@aspeneg.com]; Brian Healy [healy@lifecycleassociates.com]; Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Serafini, Dino [dserafini@mbakerintl.com]; Collin Crawford [CCrawford@aspeneg.com]; Irene Kaufman [IKaufman@aspeneg.com]; Tatiana Inouye [TInouye@aspeneg.com]
Subject: Soda Mountain Solar Project- Discussion about SOCIO-1 to 10 and MAND-1
Location: Microsoft Teams Meeting
Start: 10/9/2024 4:00:00 PM
End: 10/9/2024 5:00:00 PM
Show Time As: Busy
Required Attendees: Worrall, Lisa@Energy; Deaver, Paul@Energy; Kerr, Steven@Energy; John Carrier; unnasch@LifeCycleAssociates.com;
Optional Attendees: Negar Vahidi; Brian Healy; Hannah Gbeh; Knight, Eric@Energy; Serafini, Dino; Collin Crawford; Irene Kaufman; Tatiana Inouye

Meet to discuss the applicant's questions about SOCIO-1 to SOCIO-10 and MAND-1 data requests.

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Meeting ID: 230 562 709 118

Passcode: pxGLQ7

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Phone conference ID: 633 205 57#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 9/30/2024 3:14:54 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; unnasch [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c174df7e5d104ce3bb49a121c6abd286-7ee415de-d9]; Brian Healy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a668474a1dac4761b0e16987b1a6c39d-d36f15d5-1e]; John Carrier [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d823054932c444d18fdb316ac77c6d07-b2cf4468-54]; Negar Vahidi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cb23cc0e70ac4e44ab61714491954981-4e241c75-c7]; Deaver, Paul@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=859b932c246d4ff98029b221c2bf8389-Deaver, Pau]
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Subject: Re: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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Hi Lisa,

The applicant team and our economist are available on Wednesday Oct 9, anytime between 8:30-11. We are also available Thursday Oct 10 from 1-2pm. I would suggest 45 minutes for this meeting, if possible.

Thank you!
Hannah

Hannah Gbeh
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, September 27, 2024 4:15 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch <unnasch@LifeCycleAssociates.com>; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspeneg.com>; Negar Vahidi <nvahidi@aspeneg.com>; Deaver, Paul@Energy <Paul.Deaver@energy.ca.gov>
Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Applicant questions about SOCIO-1 to SOCIO-10 and MAND-1

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SMSP00588

Wednesday Oct 9: 8:30-11

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Thanks,

Lisa

From: Worrall, Lisa@Energy

Sent: Friday, September 27, 2024 10:40 AM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>; unnasch@LifeCycleAssociates.com; Brian Healy <healy@lifecycleassociates.com>; John Carrier <jcarrier@aspeneg.com>

Cc: Kerr, Steven@Energy <Steven.Kerr@energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

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Let me know all the dates and times you can attend.

Thanks,

Lisa Worrall

Senior Environmental Planner

California Energy Commission

Siting, Transmission and Environmental Protection Division

715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



Sent: 10/2/2024 10:27:16 PM
To: Liang, Aron [Aron.Liang@lus.sbcounty.gov]; Saguan, Ivy [Ivy.Saguan@dph.sbcounty.gov]; Alaniz, David [David.Alaniz@dph.sbcounty.gov]
CC: Abulaban, Abdel-Karim@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c1ff1d38281a4068b2708271d22c0d94-Abulaban, A]; Hughes, Joseph@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7dd5e80572b644209e9607ba7bdcb630-Hughes, Jos]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

Hello all,

I am not sure if I got back to you on guidance seeking reimbursement. My apologies, if I didn't.

Local agencies may seek reimbursement from the CEC for reviewing Opt-in projects as well as for lost permit fees pursuant to Public Resources Code section 25538. California Code of Regulations, title 20, section 1715 implements Public Resources Code section 25538 and provides the process for local agencies to obtain reimbursement.

Note, the CEC is currently undergoing an emergency rulemaking clarifying part of section 1715 for the Opt-in regulations. The proposed regulations follow section 1715. The exact language can be found on the rulemaking's docket 24-OIR-02, TN 258232.

I hope this helps.

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Wednesday, August 14, 2024 12:57 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>; Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction
Importance: Low

Lisa- Please respond re: reimbursement. Thanks

Adam White

SMSP00590

Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Sent: Wednesday, August 14, 2024 11:48 AM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Thank you for the response. How do we go about requesting the reimbursement in pursuant to the PRC §25538?

Thank you,

David Alaniz, REHS
Program Manager
Division of Environmental Health Services
Phone: 909-387-5159



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From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Monday, August 12, 2024 1:40 PM
To: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguan, Ivy <Ivy.Saguan@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction
Importance: Low

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There is not a APN that I could find in the application, but I did look on CEQAnet and found 0543-231-16 (& 17 adjacent parcels) for the previous EIR. The application also state " The project site is located in portions of Sections 1 and 11–14, Township 12 North, Range 7 East; Sections 25 and 36, Township 13 North, Range 7

East; Sections 6, 7, 8, and 18, Township 13 North, Range 8 East, San Bernardino Meridian, California.” if that helps.

Aron- Can you call me at 916-297-0188 when you have a chance. Thanks

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Sent: Monday, August 12, 2024 12:34 PM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>; Saguean, Ivy <Ivy.Saguean@dph.sbcounty.gov>
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Thank you, Adam. Could you please provide the Assessor's Parcel Number(s) (APN) for the site? This information is essential for our records and will help us proceed efficiently.

Thank you,

David Alaniz, REHS
Program Manager
Division of Environmental Health Services
Phone: 909-387-5159



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From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Monday, August 12, 2024 7:50 AM
To: Alaniz, David <David.Alaniz@dph.sbcounty.gov>
Cc: Liang, Aron <Aron.Liang@lus.sbcounty.gov>
Subject: FW: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

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Here is the notice asking for comments from the County for the Soda Mountain Project.

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Friday, August 9, 2024 3:39 PM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Subject: Soda Mountain Solar Project (24-OPT-03) Notification to local jurisdiction

I sent this attached notice to local San Bernardino County agencies. The distribution list is on the last page.

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 10/2/2024 7:55:40 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Re: Today's continuation for Cultural Resources discussion for Soda Mountain Solar Project (24-OPT-03)

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Hi Lisa,

No problem. And yes, let's please reschedule the discussion for next week.

Thank you!
Hannah

Get [Outlook for iOS](#)

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Wednesday, October 2, 2024 12:52 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: FW: Today's continuation for Cultural Resources discussion for Soda Mountain Solar Project (24-OPT-03)

It turns out that our cultural resources staff are not ready to discuss cultural resources survey approach today, but would like to reschedule for next Wednesday, same time (3-4).

Does that work for you and your staff?

If so, I can reschedule the meeting.

Thanks for your understanding

From: Worrall, Lisa@Energy
Sent: Wednesday, October 2, 2024 12:44 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: Today's continuation for Cultural Resources discussion for Soda Mountain Solar Project (24-OPT-03)

Hi Hannah,

Our cultural resources staff are wondering whether today's discussion needs to be rescheduled as they don't know what will be discussed.

Are you ready for this continued discussion? What DRs or topics did you want to discuss.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814

Direct: (916) 661-8367

Email: lisa.worrall@energy.ca.gov



From: Lopez, Maria [Maria.Lopez@dpw.sbcounty.gov]
Sent: 10/7/2024 10:31:07 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Cruz, Manikhone [Manikhone.Cruz@dpw.sbcounty.gov]; Sansonetti, Nancy [Nancy.Sansonetti@dpw.sbcounty.gov]; Alvarez, Alejandra - DPW [Alejandra.Alvarez@dpw.sbcounty.gov]; Chun, Arlene - DPW [Arlene.Chun@dpw.sbcounty.gov]
Subject: Outside Environmental Review: CA Energy Commission_Notice of Application_Soda Mt Solar Project_ 24-OPT-03
Attachments: CEQA Comment_CA Energy Commission_Notice of Application_Soda Mt Solar Project 24-OPT-03.pdf
Flag: Follow up

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Good afternoon Ms. Worrall,

Please see attached comment letter.

If you have any questions, please contact Manikhone Cruz.

Thank you,



Respectfully,

Maria Lopez
Office Assistant III
Environmental Management Division
Department of Public Works
909.387.7897
825 East Third Street, Room 123
San Bernardino, CA 92415-0835

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Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

www.SBCounty.gov

Noel Castillo, P.E.
Director

David Doublet, M.S., P.E.
Assistant Director

October 7, 2024

Transmitted Via Email

File: 10(ENV)-4.01

California Energy Commission
Attn: Lisa Worrall, Project Manager
715 P Street
Sacramento, CA 95814
lisa.worrall@energy.ca.gov

RE: PROJECT COMMENT – NOTICE OF APPLICATION FOR THE SODA MOUNTAIN SOLAR PROJECT (24-OPT-03) IN BARSTOW, SAN BERNARDINO COUNTY.

Dear Ms. Worrall:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on August 8, 2024**, and pursuant to our review, the following comments are provided:

Permits/Operations Support Division (Johnny Gayman, Engineering Manager, 909-387-7995):

The proposed Project site is located approximately 7 miles southwest of the community of Baker and approximately 50 miles northeast of Barstow, in unincorporated San Bernardino County, California.

1. The proposed Project in Barstow is adjacent to the San Bernardino County Maintained Road System (CMRS) along Razor Road. The applicant will need to obtain an encroachment permit if they are proposing any work within the CMRS. If you have any questions regarding this process, please contact the San Bernardino County Flood Control District, Permit Section at (909) 387-1863.
2. A Road Construction Permit will be required if any public road improvements are proposed within any County maintained road right-of-way on Razor Road. A Street Improvement Plan (SIP) permit may be required as a condition of approval for the Road Construction Permit.

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.)
Vice Chairman, First District

JESSE ARMENDAREZ
Second District

DAWN ROWE
Chair, Third District

CURT HAGMAN
Fourth District

JOE BACA, JR.
Fifth District

Luther Snoke
Chief Executive Officer

October 2, 2024

Page 2 of 2

3. An Excavation Permit will be required if any public off-site utility work such as sewer, water, gas, electric, telephone/television cable, etc. that involve trenching or boring are proposed within any County maintained road right-of-way on Razor Road.
4. An Encroachment Permit will be required if conditions require a tie into an existing utility that falls with the CMRS road along Razor Road.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Nancy Sansonetti

Nancy J. Sansonetti, AICP
Supervising Planner, Capital Improvement Section
Environmental Management Division

NJS:MC:ml

Cc: Manie Cruz, Planner II

From: Cruz, Manikhone [Manikhone.Cruz@dpw.sbcounty.gov]
Sent: 10/8/2024 1:55:57 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Lopez, Maria [Maria.Lopez@dpw.sbcounty.gov]
CC: Sansonetti, Nancy [Nancy.Sansonetti@dpw.sbcounty.gov]; Alvarez, Alejandra - DPW [Alejandra.Alvarez@dpw.sbcounty.gov]; Chun, Arlene - DPW [Arlene.Chun@dpw.sbcounty.gov]
Subject: RE: Outside Environmental Review: CA Energy Commission_Notice of Application_Soda Mt Solar Project_ 24-OPT-03

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Hi Lisa,

Our comments are public information. You are welcome to post the information.
Please contact me if I may further assist.

Regards,
Manie Cruz
Planner II – Capital Improvement Section
Department of Public Works; Environmental Management Division
Phone: (909) 387-8109, Fax: (909) 387-7876
825 East Third Street, Room 123
San Bernardino, CA 92415-0835



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From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, October 7, 2024 3:38 PM
To: Lopez, Maria <Maria.Lopez@dpw.sbcounty.gov>
Cc: Cruz, Manikhone <Manikhone.Cruz@dpw.sbcounty.gov>; Sansonetti, Nancy <Nancy.Sansonetti@dpw.sbcounty.gov>; Alvarez, Alejandra - DPW <Alejandra.Alvarez@dpw.sbcounty.gov>; Chun, Arlene - DPW <Arlene.Chun@dpw.sbcounty.gov>
Subject: RE: Outside Environmental Review: CA Energy Commission_Notice of Application_Soda Mt Solar Project_ 24-OPT-03

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Hello Maria,

Thank you for your comments. I would like to post them to the project' docket (online repository). This will help include your comments in the administrative record for this project.

Please let me know if I can post them to the docket.

Thanks kindly,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Lopez, Maria <Maria.Lopez@dpw.sbcounty.gov>
Sent: Monday, October 7, 2024 3:31 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Cruz, Manikhone <Manikhone.Cruz@dpw.sbcounty.gov>; Sansonetti, Nancy <Nancy.Sansonetti@dpw.sbcounty.gov>; Alvarez, Alejandra - DPW <Alejandra.Alvarez@dpw.sbcounty.gov>; Chun, Arlene - DPW <Arlene.Chun@dpw.sbcounty.gov>
Subject: Outside Environmental Review: CA Energy Commission_Notice of Application_Soda Mt Solar Project_ 24-OPT-03

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Worrall,

Please see attached comment letter.

If you have any questions, please contact Manikhone Cruz.

Thank you,



Respectfully,

Maria Lopez

Office Assistant III

Environmental Management Division

Department of Public Works

909.387.7897

825 East Third Street, Room 123

San Bernardino, CA 92415-0835

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From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 10/18/2024 6:23:06 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Chris Huntley [Chuntley@aspeneg.com]; Jamison Miner [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9a371186e0e402a994145a67d6e7684-546eb26e-f8]; Justin Wood [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=86ee559cfc814439b69a025b0961d2a2-536cef40-79]
Subject: Soda Mountain Solar Project (24-OPT-03) Details about off-site mitigation

Hi Hannah,

I checked with our biological resources staff regarding information regarding the off-site mitigation. They would like any detail you can provide as it is more helpful to staff with their analysis.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 10/16/2024 4:55:30 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Re: Helpful for Soda Mountain- Link to today's Dardan Clean Energy Project Environmental Scoping and Informational Meeting- 2 pm to 6:30 pm

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Thank you Lisa! - Hannah

Hannah Arkin
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Wednesday, October 16, 2024 9:16 AM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: Helpful for Soda Mountain- Link to today's Dardan Clean Energy Project Environmental Scoping and Informational Meeting- 2 pm to 6:30 pm

Hi Hannah,

Here a link to the events page for today's Environmental Scoping and Informational Meeting for the Dardan Clean Energy Project, an opt in project proposed in Fresno County.

[Environmental Scoping and Informational Meeting \(ca.gov\)](#)

I believe you will find it beneficial to listen in so you have a feel for what the Soda Mountain meeting may be like.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 10/22/2024 10:03:07 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Chris Huntley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=018948a34a3149c4a3833144594ae8b3-ff2eee5c-df]; Jamison Miner [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9a371186e0e402a994145a67d6e7684-546eb26e-f8]; Justin Wood [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=86ee559cfc814439b69a025b0961d2a2-536cef40-79]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) Details about off-site mitigation

Thanks Hannah.

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Tuesday, October 22, 2024 2:26 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Chris Huntley <chuntley@aspenerg.com>; Jamison Miner <jminer@aspenerg.com>; Justin Wood <jwood@aspenerg.com>
Subject: Re: Soda Mountain Solar Project (24-OPT-03) Details about off-site mitigation

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Thank you Lisa. We will do.

Also, we are planning to submit our first batch of data responses on Friday. Just wanted to give you a heads up.

Thank you!
Hannah

Hannah Arkin

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Friday, October 18, 2024 11:23 AM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Chris Huntley <chuntley@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>; Justin Wood <jwood@aspeneg.com>

Subject: Soda Mountain Solar Project (24-OPT-03) Details about off-site mitigation

Hi Hannah,

I checked with our biological resources staff regarding information regarding the off-site mitigation. They would like any detail you can provide as it is more helpful to staff with their analysis.

Thanks,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 10/25/2024 10:55:55 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
Subject: Soda Mt. Solar Submittal
Attachments: Data Request Response 1.pdf

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Hi Lisa,

I have docketed our Batch 1 responses for the Soda Mt. Solar Project. A total of 24 documents were docketed today to address 13 environmental topics, including: Air Quality, Greenhouse Gas Emissions, Executive Summary, Geologic Hazards, Hazardous Materials Handling, Land Use, Paleontological Resources, Public Health, Soils, Traffic and Transportation, Transmission System Design, Waste Management and Worker Safety. I've attached the data response matrix to this email for your convenience, and it is also docketed.

I have also shared 2 links to download the Air Quality modeling files with you. Please let me know if you don't receive these for any reason or cannot access the files.

We will also create a folder with redlines of our revisions, to assist your team with the review of our documents.

Our Batch 2 responses are expected to be submitted at the end of November and will address the remaining 8 environmental topics, which includes: Mandatory Opt-In, Alternatives, Biological Resources, Cultural/Tribal Resources, Project Description, Socioeconomics, Transmission System Safety and Nuisance and Visual Resources. The cultural resources survey update is our longest lead item in regards to schedule, as this submittal is dependent upon BLM review and approval prior to submission to CEC.

If you have any questions, please let me know.

Thank you!
Hannah

Hannah Arkin
CEO
Resolution Environmental
262 B. Avenue, Coronado, CA 92118
760-504-4109
hannah@resolutionenvironmental.com
www.resolutionenvironmental.com

Soda Mountain Solar Project
CEC Data Request Response #1
October 25, 2024

On September 3, 2024, Soda Mountain Solar LLC received a Determination of Incomplete Application and Request for Information from the California Energy Commission (CEC) for the Soda Mountain Solar Project (24-OPT-03). This transmittal provides Data Request Response #1. Table 1 below identifies the areas within the revised technical reports and environmental analysis documents where the CEC data requests have been addressed. Our team anticipates submitting our second set of data responses in late November 2024.

Table 1. Data Request Response #1 October 25, 2024	
AIR QUALITY	
CEC Data Request	Applicant Response
AQ-1	Appendix C-2 – Dust Control Plan
AQ-2	Section 3-3 Air Quality - October 2024 - Revision 1, Section 3.3.1, Existing Air Quality Conditions at the Project Site, Pages 3.3-19 – 3.3-21 (Tables 3.3-3, 3.3-4, 3.3-5, and 3.3.-6)
AQ-3	Appendix C-1 Air Quality and Greenhouse Gas Technical Report - October 2024 - Revision 1: [Appendix A - CalEEMod Results]
AQ-4	Appendix C-1 Air Quality and Greenhouse Gas Technical Report - October 2024 - Revision 1: [Appendix B - Baseline Environmental Consulting Air Quality Technical Report Memorandum]
AQ-5	Not applicable - Emergency generator removed from the project design.
AQ-6	Section 3-3 Air Quality - October 2024 - Revision 1, Section 3.3.5 Cumulative Impacts, Pages 3.3-31 – 3.3-32
GREENHOUSE GAS EMISSIONS (CLIMATE CHANGE)	
CEC Data Request	Applicant Response
GHG-1	Not applicable - Emergency generator removed from the project design.
GHG-2	Not applicable - Emergency generator removed from the project design.
GHG-3	Not applicable - Emergency generator removed from the project design.
GHG-4	Section 3-8 Greenhouse Gas Emissions - October 2024 - Revision 1, Section 3.8.3.2 Methodology, Pages 3.8-10 – 3.8-11
GHG-5	Section 3-8 Greenhouse Gas Emissions - October 2024 - Revision 1, Section 3.8.3.2 Methodology, Pages 3.8-10 – 3.8-11
GHG-6	Section 3-8 Greenhouse Gas Emissions - October 2024 - Revision 1, Section 3.8.3.2 Methodology, Page 3.8-11
GHG-7	Section 3-3 Air Quality - October 2024 - Revision 1, Section 3.3.3.4 Operations, Page 3.3-24; Section 3-8 Greenhouse Gas Emissions - October 2024 - Revision 1, Section 3.8.3.4 Impact Assessment, Page 3.8-14 Energy use related to cooling of the BESS is anticipated to be offset by the power generated by the project’s solar facilities.

Soda Mountain Solar Project (24-OPT-03).

EXECUTIVE SUMMARY	
CEC Data Request	Applicant Response
ES-1	Chapter 1 Executive Summary – Revision 1 - October 2024, Page 1-4, Figure 11. Project site location and existing conditions pre-construction, Page 1-4.
ES-2	Chapter 1 Executive Summary – Revision 1 - October 2024, Figure 1 2. Project simulation post-construction, Page 1-5.
ES-3	Appendix N Public Notice Package - October 2024 - Revision 1
ES-4	Chapter 1 Executive Summary – Revision 1 - October 2024, Section 1.5 Project Schedule, Page 1-2.
GEOLOGICAL HAZARDS	
CEC Data Request	Applicant Response
GEO-1	Section 3.7 Geology and Soils - October 2024 - Revision 1, Section 3.7.6 Laws, Ordinances, Regulations, and Standards, Page 3.7-25
GEO-2	Section 3.7 Geology and Soils - October 2024 - Revision 1, Section 3.7.7 Agencies Contacted and Permits and Standards, Page 3.7-25 – 3.7-26
HAZARDOUS MATERIALS HANDLING	
CEC Data Request	Applicant Response
HAZ-1	Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.3.4 Impact Assessment, Table 3.9-3. Hazardous Materials Generated during Construction and Table 3.9-4. Hazardous Materials Generated Annually during Operation, Pages 3.9-30 – 3.9-32.
HAZ-2	Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Figures 9.2, 9.3, 9.4, Pages 3.9-20 -3.9-22.
HAZ-3	Appendix Q Worker Safety - October 2024 - Revision 1, Sections 1.3.2, page 33. A Risk Management Plan is not required for the project.
HAZ-4	Appendix Q Worker Safety - October 2024 - Revision 1, Sections 1.2.4.1.3, Section 1.2.4.2.2 and Section 1.2.4.2.4. Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.3.4, Impact HAZ-2
HAZ-5	Appendix Q Worker Safety - October 2024 - Revision 1, Sections 1.2.4.1.3, Section 1.2.4.2.2 and Section 1.2.4.2.4. Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.3.4, Impact HAZ-2
HAZ-6	Appendix Q Worker Safety - October 2024 - Revision 1, Table E, page 22-31 Appendix R Waste Management Plan - October 2024 - Revision 1, Table E, pages 22-25 Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.6 Laws, Ordinances, Regulations, and Standards, 3.9-42 – 3.9-45
HAZ-7	Appendix R Waste Management Plan - October 2024 - Revision 1, Table G, page 30 Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.7 Agencies Contacted and Permits, Pages 3.9-45 – 3.9-46
HAZ-8	Appendix R Waste Management Plan - October 2024 - Revision 1, Table F, page 29

Soda Mountain Solar Project (24-OPT-03).

	Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.7 Agencies Contacted and Permits, Pages 3.9-45 – 3.9-46
HAZ-9	Appendix Q Worker Safety - October 2024 - Revision 1, Table G, page 36. Correspondence with the Fire Department is included on pages 40-43.
LAND USE	
CEC Data Request	Applicant Response
LAND-1	Appendix W, BLM Record of Decision
LAND-2	Section 3-11 Land Use and Planning - October 2024 - Revision 1, Page 3.11-7
LAND-3	Section 3-11 Land Use and Planning - October 2024 - Revision 1, Section 3.11.3.4 Impact Assessment, Impact, Impact LUP-2, Pages 3.11-11
LAND-4	Appendix X – FAA Informal Review Request
LAND-5	The project applicant is currently processing an amended POD, including completing the applicable NEPA analysis, with the Bureau of Land Management. The schedule for the amended POD, NEPA document and ROW Grant authorization are concurrent with the CEC approval process with final BLM approvals estimated for Summer of 2025.
PALEONTOLOGICAL RESOURCES	
CEC Data Request	Applicant Response
PALEO-1	Section 3-22 Paleontological Resources, Section 3.22.1.1, Applicant-Proposed Measures, Page 3.22-1; Section 3.22.3.3 Impact Assessment, Pages 3.22-12-3.22-13; Section 3.22.4 Mitigation Measures, Page 3.22-13
PALEO-2	Section 3-22 Paleontological Resources
PALEO-3	Section 3-22 Paleontological Resources, Section 3.22.6 Laws, Ordinances, and Regulations, Page 3.22-14
PALEO-4	Section 3-22 Paleontological Resources, Section 3.22.7, Agencies Contacted and Permits, Page 3.22-15
PUBLIC HEALTH	
CEC Data Request	Applicant Response
PH-1	Section 3-21 Public Health
PH-2	Section 3-21 Public Health, Section 3.21.1.1, Public Health Data in the Project Vicinity, Pages 3.21-11 – 3.21-12
PH-3	Section 3-21 Public Health, Section 3.21.1.1, Public Health Data in the Project Vicinity, Pages 3.21-11 – 3.21-12 Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.2.6, Valley Fever, Page 3.9-24
PH-4	Section 3-21 Public Health, Section 3.21.2.1, Sensitive Receptors, Page 3.21-9 (Figure 3.21-1. Sensitive Receptor Location)
PH-5	Section 3-21 Public Health, Section 3.21.1.1, Public Health Data in the Project Vicinity, Pages 3.21-11 – 3.21-12 Section 3-9 Hazards and Hazardous Materials - October 2024 - Revision 1, Section 3.9.2.6, Valley Fever, Page 3.9-24
PH-6	Appendix C-1 Air Quality and Greenhouse Gas Technical Report - October 2024 - Revision 1: [Appendix B - Baseline Environmental Consulting Air Quality Technical Report Memorandum, Page 2]

Soda Mountain Solar Project (24-OPT-03).

PH-7	Section 3-21 Public Health, Section 3.21.3.4, Impact Analysis, Pages 3.21-14 – 3.21-16); and Appendix C-1 Air Quality and Greenhouse Gas Technical Report - October 2024 - Revision 1: [Appendix B - Baseline Environmental Consulting Air Quality Technical Report Memorandum]
PH-8	Appendix C-1 Air Quality and Greenhouse Gas Technical Report - October 2024 - Revision 1: [Appendix B - Baseline Environmental Consulting Air Quality Technical Report Memorandum (Attachment D)]
PH-9	Section 3-21 Public Health, Section 3.21.6, Laws, Ordinances, Regulations, and Standards, Page 3.21-17; and Section 3.21.7, Agencies Contacted and Permits, Page 3.21-18
PH-10	Section 3-21 Public Health, Section 3.21.6, Laws, Ordinances, Regulations, and Standards, Page 3.21-17; and Section 3.21.7, Agencies Contacted and Permits, Page 3.21-18
SOILS	
CEC Data Request	Applicant Response
SOILS-1	Appendix R Waste Management Plan - October 2024 - Revision 1, pages 8 and 9 and Table C, page 10
SOILS-2	Appendix R Waste Management Plan - October 2024 - Revision 1, Attachment 1, pages 35-40
SOILS-3	Appendix I Phase I Environmental Site Assessment - October 2024 - Revision 1
Traffic and Transportation	
TRANS-1	Section 3-17 Transportation - October 2024 - Revision 1, Section 3.17.2.1 Regional and Local Roadway Facilities, Page 3.17-12
TRANS-2	Appendix M Transportation Analysis - October 2024 - Revision 1, Vehicle Miles Traveled Assessment, Pages 21-22
TRANS-3	Appendix M Transportation Analysis - October 2024 - Revision 1, Data Collection, Pages 13-18 PeMS graphical data is provided in Appendix C Traffic Counts and the corresponding analysis volumes in the Vistro reports in Appendix D Vistro Reports. Both are appendices of Appendix M Transportation Analysis - October 2024 - Revision 1.
TRANS-4	Appendix M Transportation Analysis - October 2024 - Revision 1, Data Collection, Pages 15-18
TRANS-5	Appendix M Transportation Analysis - October 2024 - Revision 1, Data Collection, Pages 13
TRANS-6	Appendix M Transportation Analysis - October 2024 - Revision 1, Off-Ramp Queuing Analysis, Pages 18-19. While Caltrans was not consulted on the matter, we conducted operational analyses using HCM methodologies which are consistent with Caltrans methodologies. Additionally, the project would not impact access to Caltrans facilities.
TRANS-7	Section 3-3 Air Quality - October 2024 - Revision 1, Section 3.3.3.5 Applicant-Proposed Measures, Pages 3.3-26 – 3.3-27 The project proposes improvement of a portion of Razor Road, which would include grading to widen or level the existing road and importing and compacting materials, such as soil and gravel. The Razor Road improvements may also expand the roadway width up to approximately 26 feet wide. In combination with the dust control measures, the improvements would control dust from construction vehicles.
TRANS-8	Chapter 3.1 Aesthetics, Section 3.1.3.3 Impact Assessment, Impact AES-4, Pages 3.1-31 – 3.1-34. Appendix E ForgeSolar Glare Analysis Report of EIR Appendix B Visual Resources Report
TRANS-9	Section 3-17 Transportation - October 2024 - Revision 1, Section 3.17.3.3 Impact Assessment, Impact TR-1, Page 3.17-15
TRANS-10	Chapter 3-16 Recreation, Section 3.16.3.4 Impact Assessment, Pages 3.16-10 – 3.16-11.

Soda Mountain Solar Project (24-OPT-03).

	The project would close Razor Road during the approximately 18 months of project construction for site security. During that time, public access to the Razor OHV recreation area would be maintained from the Basin Road exit on I-15.
TRANS-11	Section 3-17 Transportation - October 2024 - Revision 1, Section 3.17.6 Laws, Ordinances, Regulations, and Standards, Page 3.17-23
TRANS-12	Section 3-17 Transportation - October 2024 - Revision 1, Section 3.17.7 Agencies Contacted and Permits, Page 3.17-23 – 3.17-24
TRANSMISSION SYSTEM DESIGN	
CEC Data Request	Applicant Response
TSD-1	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Figure 1, Substation One-Line Diagram
TSD-2	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Figure 2, Switchyard One-Line Diagram
TSD-3	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Figure 3, Gen-tie Structure Configuration and Section 1.1.4, Facility Description, Overhead Generator Tie-Line, pages 3 and 4.
TSD-4	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Section 1.1.4, Facility Description, Overhead Generator Tie-Line, pages 3 and 4.
TSD-5	Please see Confidential Appendix O3, Interconnection Facilities Study Report – Supplement No 2 and Confidential Appendix O4, System Impact Restudy
TSD-6	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Section 1.1.2, Improvement Measures, page 2 and Section 1.1.4, Facility Description, Overhead Generator Tie-Line, pages 3 and 4.
TSD-7	Appendix A1 Engineering Generation Facility Description, Design and Operation - October 2024 - Revision 1, Section 1.1.4, Facility Description, page 3. There are no offsite transmission upgrades required due to downstream impacts. The only items that are required in terms of upgrades are related to protection settings at the Mead and Adelanto substations, which do not involve physical improvements or environmental impacts. No other upgrades are required.
WASTE MANAGEMENT	
CEC Data Request	Applicant Response
WASTE-1	Appendix R Waste Management Plan - October 2024 - Revision 1, Table E, pages 22-25
WORKER SAFETY	
WS-1	Appendix Q Worker Safety - October 2024 - Revision 1, Section 1.2.4.1.2, Construction Heat Illness Prevention Plan, page 9
WS-2	Appendix Q Worker Safety - October 2024 - Revision 1, Section 1.2.4.5.2, BESS Hazard Mitigation Analysis and Fire Suppression, pages 18-20
WS-3	Appendix Q Worker Safety - October 2024 - Revision 1, Section 1.2.4.5.2, BESS Hazard Mitigation Analysis and Fire Suppression, pages 18-20
WS-4	Appendix Q Worker Safety - October 2024 - Revision 1, Section 1.4, Table F, page 35

From: Jeff Ruesch [jruesch@MojaveWater.org]
Sent: 10/28/2024 5:18:17 PM
To: White, Adam@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d64512c47c48429dbdcf6845422b6bd1-74f7464f-8c]
Subject: RE: --EXTERNAL-- RE: Soda Mountain Solar Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Adam,
I hope you can help me understand the process a little better. I received several notices regarding this solar project over the weekend, one of which was their “Dust Control Plan”. It states that the water supply source is from Eagle Well Drilling’s well. Are they still planning on using his well in Newberry Springs?

Jeff



Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency

“I’m a great believer in luck, and I find that the harder I work, the more I have of it.” — **Thomas Jefferson**

From: White, Adam@Energy <Adam.White@Energy.ca.gov>
Sent: Friday, July 26, 2024 12:12 PM
To: Jeff Ruesch <jruesch@MojaveWater.org>
Subject: --EXTERNAL-- RE: Soda Mountain Solar Project
Importance: Low

[EXTERNAL EMAIL]

Thanks Jeff. I will make sure you are noticed as the CEC moves forward.

Adam White
Associate Civil Engineer
Geo Sciences Unit
Siting, Transmission and Environmental Protection Division

California Energy Commission
Website: www.energy.ca.gov



From: Jeff Ruesch <jruesch@MojaveWater.org>
Sent: Friday, July 26, 2024 12:09 PM
To: White, Adam@Energy <Adam.White@Energy.ca.gov>
Subject: Soda Mountain Solar Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Adam,

It was a pleasure speaking with you this morning. The reference that I mentioned in our phone call can be found on page 23, paragraph 17 in the Judgment (https://www.mojavewater.org/wp-content/uploads/2022/06/Judgment_After_Trial_with_2002_Amendment.pdf). It states “Except upon further order of the Court, each and every Party, its officers, agents, employees, successors and assigns, is ENJOINED AND RESTRAINED from transporting water hereafter Produced from the Basin Area to areas outside the Basin Area.”

Please let me know if you have any further questions or concerns.

Regards,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

“I’m a great believer in luck, and I find that the harder I work, the more I have of it.” — **Thomas Jefferson**

From: Cusato, Anthony@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=92BB3E53FA2C490D87929B4B84CE28C9-B8359C82-60]
Sent: 10/31/2024 1:09:47 AM
To: Rozzell, Lara R [Lara_R_Rozzell@nps.gov]
CC: Hughson, Debra [Debra_Hughson@nps.gov]; Bailey, Jodi L [Jodi_Bailey@nps.gov]; Lee, Lena FS [Lena_Lee@nps.gov]; Anderson, Kari@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2a783549590f4febb0eb8d96a79b60aa-Anderson, K]; Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]; Kelsey, Tanner@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad103077f815400c88cfa8e9576c5f0c-6b814579-63]
Subject: RE: [EXTERNAL] RE: Soda Mountain Solar geodata

I just sent an invite for 2-2:30pm on Friday.

Best,
Anthony

From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Wednesday, October 30, 2024 5:47 PM
To: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: Re: [EXTERNAL] RE: Soda Mountain Solar geodata

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Sounds great, please do send the invite.

thanks,
Lara

From: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Sent: Wednesday, October 30, 2024 17:27
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: [EXTERNAL] RE: Soda Mountain Solar geodata

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Lara,

SMSP00615

Yes, it looks we are available between 2 and 3:30pm on Friday. I can send a Teams invite if that works for you?

Best,
Anthony

From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Wednesday, October 30, 2024 4:48 PM
To: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: Re: Soda Mountain Solar geodata

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Anthony,

Thank you for the quick response. We are available on Friday between 1:30 and 3:30 pm. Is there a time in there that would work for you? Would you like to send the clarifying questions ahead so we can ensure we have the correct staff and information lined up?

Thanks,
Lara

From: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Sent: Wednesday, October 30, 2024 16:03
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: [EXTERNAL] RE: Response requested: Soda Mountain Solar geodata

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Hi Lara,

Thank you for reaching out to the California Energy Commission. We have received your request for GIS files for the Soda Mountain project. We have some clarifying questions for your request that we would like to discuss. Would you and your colleagues be available for a quick call later this week or next week?

Best,

Anthony

Anthony Cusato

Attorney

Chief Counsel's Office

California Energy Commission

Website: www.energy.ca.gov



From: Hannah Gbeh [hannah@resolutionenvironmental.com]
Sent: 10/29/2024 10:59:52 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: Re: Soda Mt. Solar Submittal

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Hi Lisa,

No problem. I will create a file to address this request and docket it.

Thanks!
Hannah

[Get Outlook for iOS](#)

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, October 29, 2024 3:52:04 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Soda Mt. Solar Submittal

Hi Hannah,

Thank you for the matrix. We really need responses to be made directly below the request. See the attached data response from the Darden Clean Energy Project for the format that we need.

While we appreciate the revised sections of the application, what is more important is to clearly see the responses to the requests.

By the way, I will be out of the office from November 1 and return on November 25th. I am not sure right now who will keep an eye on Soda Mountain, but please include Eric Knight in any project email.

Thanks,

Lisa

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Friday, October 25, 2024 3:56 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Soda Mt. Solar Submittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

I have docketed our Batch 1 responses for the Soda Mt. Solar Project. A total of 24 documents were docketed today to address 13 environmental topics, including: Air Quality, Greenhouse Gas Emissions, Executive Summary, Geologic Hazards, Hazardous Materials Handling, Land Use, Paleontological Resources, Public Health, Soils, Traffic and Transportation, Transmission System Design, Waste Management and Worker Safety. I've attached the data response matrix to this email for your convenience, and it is also docketed.

I have also shared 2 links to download the Air Quality modeling files with you. Please let me know if you don't receive these for any reason or cannot access the files.

We will also create a folder with redlines of our revisions, to assist your team with the review of our documents.

Our Batch 2 responses are expected to be submitted at the end of November and will address the remaining 8 environmental topics, which includes: Mandatory Opt-In, Alternatives, Biological Resources, Cultural/Tribal Resources, Project Description, Socioeconomics, Transmission System Safety and Nuisance and Visual Resources. The cultural resources survey update is our longest lead item in regards to schedule, as this submittal is dependent upon BLM review and approval prior to submission to CEC.

If you have any questions, please let me know.

Thank you!
Hannah

Hannah Arkin

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Jeff Ruesch [jruesch@MojaveWater.org]
Sent: 10/28/2024 5:38:12 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,

I sent an email to Adam and received an automatic reply that he was no longer with the CEC. I hope that you can help me out.

I received several notices regarding the Soda Mountain Solar Project over the weekend, one of which was their "Dust Control Plan". It states that the water supply source is from Eagle Well Drilling's well. Are they still planning on using his well in Newberry Springs?

Regards,
Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it." — **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, August 13, 2024 10:37 AM
To: Jeff Ruesch <jruesch@MojaveWater.org>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Jeff,

Thank you for your comments and coordinating with Adam. These are very helpful. I would like to submit these to the project's docket (electronic repository).

Thank you,

Lisa

Lisa Worrall
Senior Environmental Planner

SMSP00620

California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Jeff Ruesch <jruesch@MojaveWater.org>
Sent: Tuesday, August 13, 2024 9:18 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,

Thank you for the information on the Soda Mountain Solar Project. I spoke with Adam White regarding the water supply assessment for this project on July 26, 2024.

The Mojave Basin Area is an adjudicated basin with our final Judgment being entered in 1996. Page 23, paragraph 17 in the Judgment (https://www.mojavewater.org/wp-content/uploads/2022/06/Judgment_After_Trial_with_2002_Amendment.pdf) states "Except upon further order of the Court, each and every Party, its officers, agents, employees, successors and assigns, is ENJOINED AND RESTRAINED from transporting water hereafter Produced from the Basin Area to areas outside the Basin Area." Raymond Ward is a Party to the Judgment and the owner of record of the land and well listed as the water supplier for the project. He is also the owner of Eagle Well Drilling & Pump Service.

The Soda Mountain Solar Project area is approximately 20 miles outside of the adjudicated area and the source of water indicated is located inside of the adjudicated area and as such is not a viable source of water for this project. Accordingly, pursuant to the aforesaid terms of the Judgment, Mr. Ward is "ENJOINED" from transporting groundwater outside the Basin area.

The Mojave Water Agency is a State Water Contractor and has an allocation of 89,800 acre-feet of Table "A" water rights. However, this allocation is for use only within our service area (~20 miles from the project area).

Please let me know if you have any questions or if you need more information.

Regards,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027

SMSP00621

(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it." — **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Wednesday, August 7, 2024 1:09 PM

To: Pagaling, Reginald@NAHC <Reginald.Pagaling@nahc.ca.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Sandy, Martha@OEHHA <Martha.Sandy@oehha.ca.gov>; Graham, Courtney@ARB <courtney.graham@arb.ca.gov>; Fancher, Rebecca@ARB <rebecca.fancher@arb.ca.gov>; Camarillo, James@DOT <james.camarillo@dot.ca.gov>; Brega, Liz@EPA <elizabeth.brega@calepa.ca.gov>; bradp@mdaqmd.ca.gov; CHP-835AMail <835AMail@chp.ca.gov>; DIR DOSHREG6SantaAna <DOSHREG6SantaAna@DIR.ca.gov>; Fulcher, David@CALFIRE <David.Fulcher@fire.ca.gov>; plenys.thomas@epa.gov; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Katherine.kennedy@faa.gov; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; james.a.booth@usda.gov; peter_sanzenbacher@fws.gov; psamples@blm.gov; icordes@blm.gov; jdonnell@blm.gov; bganderson@blm.gov; Jeff Ruesch <jruesch@MojaveWater.org>; Dennis.Lei@ladwp.com; Faranak.Sarbaz@ladwp.com; Sunaja.Lakshman@ladwp.com; Tin.Ha@ladwp.com

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

You don't often get email from lisa.worrall@energy.ca.gov. [Learn why this is important](#)

[EXTERNAL EMAIL]

Hello,

This email serves as notification of receipt of an Opt-In Application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and the reasons under Assembly Bill 205 why we are contacting you.

If you have questions, please contact me.

I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



SMSP00622

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 10/29/2024 11:00:33 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: Soda Mt. Solar Submittal

Great. Thank you.

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Tuesday, October 29, 2024 4:00 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: Re: Soda Mt. Solar Submittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

No problem. I will create a file to address this request and docket it.

Thanks!
Hannah

Get [Outlook for iOS](#)

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, October 29, 2024 3:52:04 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: Soda Mt. Solar Submittal

Hi Hannah,

Thank you for the matrix. We really need responses to be made directly below the request. See the attached data response from the Darden Clean Energy Project for the format that we need.

While we appreciate the revised sections of the application, what is more important is to clearly see the responses to the requests.

By the way, I will be out of the office from November 1 and return on November 25th. I am not sure right now who will keep an eye on Soda Mountain, but please include Eric Knight in any project email.

Thanks,

Lisa

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Friday, October 25, 2024 3:56 PM

SMSP00624

To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Subject: Soda Mt. Solar Submittal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

I have docketed our Batch 1 responses for the Soda Mt. Solar Project. A total of 24 documents were docketed today to address 13 environmental topics, including: Air Quality, Greenhouse Gas Emissions, Executive Summary, Geologic Hazards, Hazardous Materials Handling, Land Use, Paleontological Resources, Public Health, Soils, Traffic and Transportation, Transmission System Design, Waste Management and Worker Safety. I've attached the data response matrix to this email for your convenience, and it is also docketed.

I have also shared 2 links to download the Air Quality modeling files with you. Please let me know if you don't receive these for any reason or cannot access the files.

We will also create a folder with redlines of our revisions, to assist your team with the review of our documents.

Our Batch 2 responses are expected to be submitted at the end of November and will address the remaining 8 environmental topics, which includes: Mandatory Opt-In, Alternatives, Biological Resources, Cultural/Tribal Resources, Project Description, Socioeconomics, Transmission System Safety and Nuisance and Visual Resources. The cultural resources survey update is our longest lead item in regards to schedule, as this submittal is dependent upon BLM review and approval prior to submission to CEC.

If you have any questions, please let me know.

Thank you!

Hannah

Hannah Arkin

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 10/29/2024 10:52:04 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: RE: Soda Mt. Solar Submittal
Attachments: TN254670_20240223T164337_CEC Data Request Response Set 1_Darden Clean Energy.pdf

Hi Hannah,

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To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Soda Mt. Solar Submittal

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item in regards to schedule, as this submittal is dependent upon BLM review and approval prior to submission to CEC.

If you have any questions, please let me know.

Thank you!
Hannah

Hannah Arkin

CEO

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760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	254670
Document Title:	CEC Data Request Response Set 1_Darden Clean Energy
Description:	This section provides the first set of data responses to the CEC's data request on 23-OPT-02. Responses are provided for data requests for cultural and tribal cultural resources, geologic hazards, land use, noise, soils, visual resources, and worker safety.
Filer:	Evelyn Langsdale
Organization:	Rincon Consultants
Submitter Role:	Applicant Consultant
Submission Date:	2/23/2024 4:43:48 PM
Docketed Date:	2/23/2024



Darden Clean Energy Project (23-OPT-02)

CEC Data Request Response Set #1

prepared by

IP Darden I, LLC and Affiliates
c/o Intersect Power, LLC
9450 SW Gemini Drive, PMB #68743
Beaverton, Oregon 97008

prepared with the assistance of

Rincon Consultants, Inc.
7080 North Whitney Avenue, Suite 101
Fresno, California 93720

February 2024



RINCON CONSULTANTS, INC. SINCE 1994

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1 Introduction

1.1 Introduction

On December 11, 2023, IP Darden I, LLC and Affiliates (Applicant) received a Determination of Incomplete Application and Request for Information from the California Energy Commission (CEC) for the Darden Clean Energy Project (23-OPT-02) in response to the Applicant's application filed on November 10, 2023. This document provides the Applicant's first set of responses to the Data Requests received from the CEC. Table 1 lists all Data Requests for which a response is provided in Response Set #1.

Table 1 Data Responses Included in Response Set #1

Data Request Resources Area	Data Request Number
Air Quality	--
Biological Resources	--
Cultural and Tribal Cultural Resources	CUL/TRI-1 through CUL/TRI-17
Efficiency, Energy and Energy Resources	--
Geologic Hazards	GEO-1 and GEO-2
Greenhouse Gas Emission (Climate Change)	--
Hazardous Materials Handling	--
Land Use	LAND-1 through LAND-5
Noise	NOISE-1
Project Description	--
Public Health	--
Socioeconomics	--
Soils	SOIL-1
Traffic and Transportation	--
Transmission System Design	--
Visual Resources	VIS-1
Waste Management	--
Water Resources	--
Worker Safety	WS-1 through WS-6

The responses are grouped by individual discipline or topic area and are presented in the same order and with the same numbering provided by the CEC. New or revised graphics, tables, or attachments are provided throughout and as appendices to this document. The responses included in this document are considered complete responses to the corresponding individual Data Requests.

Table 2 provides a list of all remaining Data Requests received from the CEC that have not been addressed in Response Set #1.

Table 2 Data Responses Not Included in Response Set #1

Data Request Resources Area	Data Request Number
Air Quality	AQ 1 through AQ-12
Biological Resources	BIO-1 through BIO-47
Cultural and Tribal Cultural Resources	--
Efficiency, Energy and Energy Resources	EEF-1 through EEF-3
Geologic Hazards	--
Greenhouse Gas Emission (Climate Change)	GHG-1 through GHG-9
Hazardous Materials Handling	HAZ-1 through HAZ-7
Land Use	--
Noise	--
Project Description	PD-1 through PD-16
Public Health	PH-1 through PH-5
Socioeconomics	SOCIO-1 through SOCIO-8
Soils	--
Traffic and Transportation	TRANS-1 through TRANS-9
Transmission System Design	TSD-1 through TSD-8
Visual Resources	--
Waste Management	WASTE-1
Water Resources	WATER-1 through WATER-22
Worker Safety	--

Supplemental Data Request Response Sets will be provided to the CEC in response to the Data Requests not addressed in this document.

2 Cultural and Tribal Cultural Resources

2.1 Data Requests DR CUL/TRI-1 through DR CUL/TRI-17

2.1.1 Data Request DR CUL/TRI-1

DR CUL/TRI-1: Provide bibliographic information for these text citations: Bean 1968, California Geological Survey 2002, Chin et al. 1993, Fredrickson 1974, and Rolle 2003.

Response: The cultural resources technical report has been revised to include the references listed above. The updated confidential Appendix I Cultural Resources Technical Report will be uploaded to the Project docket concurrent with submittal of this response set.

2.1.2 Data Request DR CUL/TRI-2

DR CUL/TRI-2: Page 5.1-1 cites Waters (1983) but the References only lists Waters (1992, not cited in text). Please reconcile.

Response: The correct reference is Waters (1992). This has been reconciled in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.3 Data Request DR CUL/TRI-3

DR CUL/TRI-3: Page 5.1-10 cites DAHP without a publication year. Page 5.1-51, References, provides 2023 as the publication year (Washington State Department of Archaeology & Historic Preservation (DAHP) 2023). Please add the publication year to the text citation if 2023 is correct.

Response: The reference is a web page without a clear publication date. The reference was accessed in 2023, with link provided. Since the publication date is unclear, no date (n.d.) has been provided as the publication year in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.4 Data Request DR CUL/TRI-4

DR CUL/TRI-4: Page 5.1-7 cites Kyle (2002) instead of Hoover et al. (2002); see page 5.1-48, References. Please change the text citation of Kyle (2002) to Hoover et al. (2002).

Response: The text citation of Kyle (2002) has been changed to Hoover et al. (2002) in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.5 Data Request DR CUL/TRI-5

DR CUL/TRI-5: The digital object identifiers/universal resource locaters (DOI/URL) for two sources do not work. Please supply working DOIs/URLs for these references: Andreano (1970) and Fresno County General Plan (2000).

Response: The URLs for Andreano (1970) and Fresno County General Plan (2000) have been replaced to current, live links in references listed in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.6 Data Request DR CUL/TRI-6

DR CUL/TRI-6: The bibliographic entry for Hinton (2008) on page 5.1-48 gives the volume number of this source as 11, when it should read 111. Please correct the bibliographic entry.

Response: Bibliographic entry corrected in the updated cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.7 Data Request DR CUL/TRI-7

DR CUL/TRI-7: Provide the maps that are missing from Dallas. (1985)

Response: Dallas 1985 (FR-00367) was provided by the Southern San Joaquin Valley Information Center (SSJVIC). Missing pages cannot be located by the SSJVIC or Rincon, as confirmed by SSJVIC Coordinator Celeste Thompson by email on January 4, 2023.

2.1.8 Data Request DR CUL/TRI-8

DR CUL/TRI-8: Provide a copy of the table of contents and pages 3, 4, and 48 missing from Hector et al. (2003)

Response: Hector et al. 2003 (FR-01955) was provided by the Southern San Joaquin Valley Information Center (SSJVIC). Missing pages cannot be located by the SSJVIC or Rincon, as confirmed by SSJVIC Coordinator Celeste Thompson by email on January 4, 2023.

2.1.9 Data Request DR CUL/TRI-9

DR CUL/TRI-9: Figure 9 indicates that the 200-foot buffer surrounding the project site was not surveyed. If this is correct, explain why the buffer area was not surveyed. Reconcile the figure if necessary.

Response: The archaeological survey did not include a 200-foot buffer surrounding the Project site due to a lack of permission to access properties adjacent to the Project site. This explanation has been added to the survey results section (5.5) of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above. A historic architecture field reconnaissance ("windshield survey") was completed within 0.5-mile of the Project site, allowing for non-intensive field inventory of the Project vicinity. Since ground-disturbing work will only occur within the extent of the Project site, the archaeological survey within the Project site and the windshield survey within 0.5-mile of the Project site provide a comprehensive inventory of cultural resources and archaeological surveys within the 200-foot buffer surrounding the Project site are not necessary.

2.1.10 Data Request DR CUL/TRI-10

DR CUL/TRI-10: If the pedestrian archaeological survey did not include the 200-foot buffer around the Solar Facility or Utility Switchyard Parcel, please direct qualified archaeologists to survey the 200-foot buffer areas of the archaeological study area.

- a. Space survey transects at 33 to 50-foot intervals.
- b. Report survey methods and results in an addendum to the cultural resources report and section of the application.
- c. The archaeologists shall record any cultural resources identified as a result of the survey on the appropriate Department of Parks and Recreation 523 forms.

- d. Submit any sensitive cultural resources information, such as the location of archaeological resources and tribal cultural resources, under request for confidential designation.

Response: The archaeological survey did not include a 200-foot buffer surrounding the proposed solar facility or utility switchyard parcel due to a lack of permission to access properties adjacent to the Project site. However, historic architecture field reconnaissance ("windshield survey") was completed within 0.5-mile of the Project site, allowing for non-intensive field inventory of the Project vicinity. No archaeological sites were identified at or near the boundary of the Project site, therefore no additional surveys beyond the Project boundary were warranted. The cultural resources identified during the architectural field reconnaissance were recorded on the appropriate Department of Parks and Recreation 523 forms.

2.1.11 Data Request DR CUL/TRI-11

DR CUL/TRI-11: List the relevant USGS topographic quadrangles as well as the acreage of the study area on the cover/title page of the report (COHP 1990, page 5).

Response: The USGS 7.5-minute quadrangles and acreage of the study area has been added to the title page of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.12 Data Request DR CUL/TRI-12

DR CUL/TRI-12: Describe the approximate acreage of cultural resources study area, including the gen-tie line (COHP, page 7).

Response: The Project site, comprising the cultural resources study area, consists of approximately 9,500 acres in total, including the gen-tie line. Information has been added to Section 1.2, Location, of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.13 Data Request DR CUL/TRI-13

DR CUL/TRI-13: Add the quadrangle names to Figure 9, per COHP (1990, page 7).

Response: The quadrangle names have been added to Figure 9 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.14 Data Request DR CUL/TRI-14

DR CUL/TRI-14: Several citations lack bibliographic entries in the References section of the report (Ogaz et al. 2023). The References section contains numerous entries that are not cited in the text. References and text citations suffer from inconsistencies as well.

- a. Add bibliographic information to References for Bean (1968), Frame Finder (2023), Fredrickson (1974), Hoover et al. (1966), NPS (1997), Rolle (2003), and USGS (1956, 2022, 2023).
- b. The report cites Waters (1983), but the References only lists Waters (1992, not cited in text). Please reconcile.

Response: Waters (1992) and Hoover et al. (2002) have been corrected. The USGS citation references an online database of topographic maps, Topoview, which is regularly maintained and published online as of 2023. Therefore, the online citation has been noted as a 2023 publication

date. The other references listed have been added to bibliographic references of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.15 Data Request DR CUL/TRI-15

DR CUL/TRI-15: Several citations lack bibliographic entries in the References section of the research design (Rincon 2022). Add bibliographic information to References for Bean (1968), Borejsa et al. (2014), Dibblee (1971), Dibblee and Minch (2007), GWH-WCM (1939), NETR Online (2022), Rolle (2003), USGS (2022), and Waters (1992).

Response: Citations have been added to the References section of research design (Rincon 2022), Appendix I-3 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above. The Borejsa et al. 2014 citation has been removed, as preferred by the authors of the 2014 report.

2.1.16 Data Request DR CUL/TRI-16

DR CUL/TRI-16: Table 4 and Figure 10 of the Cultural Resources Technical Report shows a newly recorded archaeological resource, Darden-ISO-MRL-75, with no corresponding Department of Parks and Recreation 523 form provided. Please submit a copy of the Department of Parks and Recreation 523 form for Darden-ISO- MRL-75.

Response: A Department of Parks and Recreation 523 form has been provided for Darden-ISO-MRL-75, in Appendix I-4 of the cultural resources technical report. Refer to the response to DR CUL/TRI-1 above.

2.1.17 Data Request DR CUL/TRI-17

DR CUL/TRI-17: Per Subsection 5.1.6.2 and Table 5.1-5 of the application, the project would be subject to Section 7050.5 of the California Health and Safety Code which states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined if the remains are subject to the Coroner's authority. Please include in Table 5.1-6: The name, title, phone number, address (required), and email address (if known), of contact person for the Fresno County Coroner's office.

Response: Table 5.1-6, of the Opt-In Application, has been updated below with name, title, and phone number for previously missing contacts. The Fresno County Coroner's office primary contact is Lieutenant Jon Alvarado, Commander of Fresno County Sheriff Coroner's Office, 559-600-3400, coroner@fresnosheriff.org. The physical and mailing address for the primary contact is 3333 E. American Avenue, Suite G, Fresno, California 93725.

Table 5.1-6 Agency Contacts for Cultural Resources

Issue	Agency	Contact
Native American Tribal Cultural Resources, Traditional Cultural Properties, Most Likely Descendant Designation	Native American Heritage Commission	1550 Harbor Blvd. Suite 100, West Sacramento, CA 95691 (916) 373-3710
Local Regulatory Requirements	Fresno County Planning Department	2220 Tulare St #6, Fresno, CA 93721 (559) 600-4230
Human Remains	Fresno County Sheriff Coroner’s Office	Lieutenant Jon Alvarado 3333 E. American Avenue, Suite G, Fresno, California 93725 (559) 600-3400

3 Geologic Hazards

3.1 Data Requests DR GEO-1 through DR GEO-2

3.1.1 Data Request DR GEO-1

DR GEO-1: Please provide a copy of the Darden Solar Facility Preliminary Geotechnical Engineering Report, prepared by Terracon, dated October 13, 2023, referenced in Section 5-16 Geological Hazards and Resources.

Response: This report, as well as the Geotechnical Engineering Report for the utility switchyard, is attached to this document as Appendix A.

3.1.2 Data Request DR GEO-2

DR GEO-2: Please explain which of the two maps, Figure 5.15-1 or Figure 5.16-1a, is correct regarding geologic unit names and locations of geologic contacts in the western end of the project or explain the discrepancy in the mapping. app

Response: Figure 5.15-1 is the correct map regarding geologic unit names and locations of geologic contacts in the western end of the Project, because it was created using a higher-resolution reference map for the western end of the Project. Figure 5.15-1 combines two different published geology maps—Jennings & Strand 1958 and Dibblee and Minch 2007. The Jennings & Strand 1958 geology map covers the majority of the Project site within the valley and was used for the entire Figure 5.16-1a. The Dibblee and Minch 2007 geology map covers the western-most part of the Project area and is a higher scale map (1:24,000 vs. 1:250,000) and covers a more restrictive area (7.5-foot quadrangle vs. 1 x 2-degree area) than the Jennings & Strand 1958 map.

4 Land Use

4.1 Data Requests DR LAND-1 through DR LAND-5

4.1.1 Data Request DR LAND-1

DR LAND-1: Please confirm that the plan referenced is “Westside Subbasin Groundwater Sustainability Plan” (clarified and amended GSP) dated July 2022, and provide the website address of the plan. If not available on a website, please provide the document.

Response: The plan referenced is the Westside Subbasin Groundwater Sustainability Plan dated July 2022. The plan can be accessed at the California Department of Water Resources’ SGMA Portal at the following link: <https://sgma.water.ca.gov/portal/gsp/preview/8>

4.1.2 Data Request DR LAND-2

DR LAND-2: Please provide the page numbers of the Groundwater Sustainability Plan that identify the project area as part of the agricultural land the Westlands Water District is planning to retire.

Response: Page 1 of Addendum C of the Westside Subbasin Groundwater Sustainability Plan states Westlands Water District is actively pursuing retirement of 100,000 acres of agricultural land within its boundaries. Parcels within the Project site are included as part of this retirement pursuant to the Saguospe Settlement Agreement, executed September 15, 2015, which is discussed in Section 5.2.5.2 and included as a reference in Section 5.2.8 of the Opt-In Application.

4.1.3 Data Request DR LAND-3

DR LAND-3: Please provide the total acreage of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land (FMMP agricultural land designations) impacted for each of the following project scenarios (shown in Figure 5.2-6a of the application on page 5.2-34):

- FMMP agricultural land designations by acreage for the entire project if “Option 1” is chosen (including the gen-tie line);
- FMMP agricultural land designations by acreage for the entire project if “Option 2” is chosen (including the gen-tie line);
- FMMP agricultural land designations by acreage for the entire project if “Option 1” and “Alternate Green Hydrogen Site” are combined; and
- FMMP agricultural land designations by acreage for the entire project if “Option 2” and “Alternative Green Hydrogen Site” are combined

Response: Farmland acreages for each of the scenarios are provided below:

1. FMMP agricultural land designations by acreage for the entire Project if “Option 1” is chosen (including the gen-tie line).

Under this scenario, the Project would impact approximately 99 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

2. FMMP agricultural land designations by acreage for the entire project if “Option 2” is chosen (including the gen-tie line).
 Under this scenario, the Project would impact approximately 99 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.
3. FMMP agricultural land designations by acreage for the entire project if “Option 1” and “Alternate Green Hydrogen Site” are combined.
 Under this scenario, the Project would impact approximately 200 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.
4. FMMP agricultural land designations by acreage for the entire project if “Option 2” and “Alternative Green Hydrogen Site” are combined.
 Under this scenario, the Project would impact approximately 200 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance.

4.1.4 Data Request DR LAND-4

DR LAND-4: Please provide an analysis of the project’s consistency with General Plan policies LU-A.3 and LU-B.3.

Response: The Project’s consistency with Fresno County General Plan policies LU-A.3 and LU-B.3 is provided in Table 3 below.

Table 3 DR LAND-4 Fresno County General Plan Land Use Policies Consistency Matrix

Policy	Consistency
<p>Policy LU-A.3 The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:</p> <ol style="list-style-type: none"> a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics; b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity; c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius; d. A probable workforce should be located nearby or be readily available; e. For proposed agricultural commercial center uses the following additional criteria shall apply: <ol style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers 	<p>Consistent. Policy LU-A.3 recognizes that uses listed in Table LU-3 may be allowed by special permit. The uses listed in Table LU-3 are not exclusive but instead are described as “typical.” (See Fresno County General Plan Policy Document, Agriculture and Land Use Element . p. 2-7 “Primary Land Use Designations”: “Agriculture: This designation provides for the production of crops and livestock, and for location of necessary agriculture commercial centers, agricultural processing facilities, and certain nonagricultural activities. (See Table LU-3 for list of typical uses). Typical is understood to mean showing characteristics of a particular kind of thing and not necessary the thing itself.</p> <p>Solar energy generation is not specifically listed in Table LU-3 but it is similar in scope, character and impact to other uses listed, including “electrical substations” and “mineral extraction and oil and gas development” and thus could be allowed by special permit as “typical” of the non-agricultural uses allowed. Fresno County has granted special permits to multiple solar energy generation projects on lands designated Agriculture indicating that it interprets LU-A.3 as allowing such facilities on land</p>

Policy	Consistency
<p>should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community.</p> <p>3. New commercial uses should be located within or adjacent to existing centers.</p> <p>4. Sites should be located on a major road serving the surrounding area.</p> <p>5. Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences;</p> <p>f. For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and</p> <p>g. For proposed churches and schools, the evaluation under criteria LU-A.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p> <p>h. When approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5</p>	<p>designated for Agriculture. Examples include the Scarlet Solar Project and the Little Bear Solar Project.^{1 2}</p> <p>Fresno County's General Plan allows certain non-agricultural uses on agricultural lands if the uses are sited to be consistent with the criteria in LU-A.3. The Project, due to its size, requires location in a non-urban area, consistent with Policy LU-A.3(a). Consistent with Policy LU-A.3(b), the Project would be sited primarily on land that is designated to be retired from agricultural use due to existing site and water constraints. As described in Section 5.13, <i>Water Resources</i>, of the Opt-In Application, the Project would not result in a detrimental impact on water resources and therefore would be consistent with Policy LU-A.3(c). As described in Section 5.6, <i>Socioeconomics</i>, local and regional workforces are available for the construction and operation of the Project, consistent with Policy LU-A.3(d). As the Project is not an agricultural commercial center, value-added agricultural processing facility, church, school, or existing commercial use, Policy LU-A.3(e), Policy LU-A.3(f), Policy LU-A.3(g), and Policy LU-A.3(h) are not applicable to the Project.</p>
<p>Policy LU-B.3 The County may allow by discretionary permit in areas designated Westside Rangeland special agricultural uses and agriculturally-related activities, and certain non-agricultural uses listed in Table LU-4. Approval of these or similar uses in areas designated Westside Rangeland shall be subject to the following criteria:</p> <p>a. The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or requires location in a non-urban area because of unusual site requirements or operational characteristics.;</p> <p>b. The use should not be sited on productive agricultural lands if less productive land is available in the vicinity;</p> <p>c. The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one quarter (1/4) mile radius;</p>	<p>Consistent. Policy LU-B.3 recognizes that uses listed in Table LU-4 may be allowed by special permit. The uses listed in Table LU-4 are not exclusive but instead are described as "typical." (See Fresno County General Plan Policy Document, Agriculture and Land Use Element . p. 2-7 "Primary Land Use Designations": "Westside Rangeland: This designation provides for grazing and other agricultural operations, mining, oil and gas development, wildlife habitat, various recreational activities, and other appropriate open space uses. (See Table LU-4 for list of typical uses). Typical is understood to mean showing characteristics of a particular kind of thing and not necessary the thing itself.</p> <p>Solar energy generation is not specifically listed in Table LU-4 but it is similar in scope, character and impact to other uses listed, including "substations" and "mineral extraction and oil and gas development" and thus could be allowed by special permit as "typical" of the non-agricultural uses allowed. Fresno County has granted</p>

¹ County of Fresno. 2021. Scarlet Solar Energy Project Draft Environmental Impact Report No. 7230. <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/55418-scarlet-solar-draft-eir.pdf> (accessed February 2024).

² County of Fresno. 2018. Little Bear Solar Project Draft Environmental Impact Report No. 7225. <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/30154-little-bear-solar-deir.pdf> (accessed February 2024).

Policy	Consistency
<p>d. A probable workforce should be located nearby or be readily available;</p> <p>e. For proposed commercial uses the following additional criteria shall apply:</p> <ol style="list-style-type: none"> 1. Commercial uses should be clustered in centers instead of single uses. 2. To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community. 3. New commercial uses should be located within or adjacent to existing centers. 4. Sites should be located on a major road serving the surrounding area. 5. Commercial centers should not encompass more than one quarter (1/4) mile of road frontage, or one eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences; <p>f. For proposed churches and schools, the evaluation under criteria LU-B.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.</p> <p>g. When approving a discretionary permit for an existing use, the criteria listed above shall apply except for LU-B.3b, e2, e4, and e5.</p>	<p>special permits to solar energy generation projects on lands designated Westside Rangelands indicating that it interprets LU-B.3 as allowing such facilities on land designated Westside Rangelands. An example includes CUP 3607.³</p> <p>Fresno County's General Plan allows certain non-agricultural uses on areas designated Westside Rangeland if the uses are sited to be consistent with the criteria in LU-B.3. The Project, due to its size, requires location in a non-urban area, consistent with Policy LU-B.3(a). Consistent with Policy LU-B.3(b), the Project would be sited primarily on land that is designated to be retired from agricultural use due to existing site and water constraints. As described in Section 5.13, <i>Water Resources</i>, of the Opt-In Application, the Project would not result in a detrimental impact on water resources and therefore would be consistent with Policy LU-B.3(c). As described in Section 5.6, <i>Socioeconomics</i>, local and regional workforces are available for the construction and operation of the Project, consistent with Policy LU-B.3(d). As the Project is not proposed commercial use, church, school, or existing use, Policy LU-B.3(e), Policy LU-B.3(f), and Policy LU-A.3(g), are not applicable to the Project.</p>

4.1.5 Data Request DR LAND-5

DR LAND-5: Please discuss how the project would meet the County's Conditional Use Permit findings listed in Chapter 4, Section 873 (F.) of the County of Fresno Zoning Code. Include an itemized discussion that addresses each requirement of the County of Fresno Solar Facility Guidelines (as revised by the Board of Supervisors on 12/12/17).

Response: The Project's consistency with the County's Conditional Use Permit findings listed in Chapter 4, Section 873 (F.) of the County of Fresno Zoning Code is discussed in Table 4 below.

³ County of Fresno. 2019. Initial Study CUP 3607. <https://files.ceqanet.opr.ca.gov/251775-2/attachment/T6DUTviHX4rohD0HMPooN-R0BXSxcusOHmlRNkUfUxZESIM-aEAEAviquhMcMvQeU0Okiz9yZty0xS-O0> (accessed February 2024).

Table 4 DR LAND-5 Fresno County Conditional Use Permit Findings Consistency Matrix

Guideline	Consistency
That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Division, to adjust said use with land and uses in the neighborhood.	Consistent. The Project site is adequate in size and shape to accommodate the Proposed Project and all features required to construct and operate the Proposed Project.
That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.	Consistent. Section 5.4, <i>Traffic and Transportation</i> , of the Opt-In Application discusses the Project's circulation system. As described therein, the Project would not involve changes to existing roadways or intersections surrounding the Project site that would introduce hazards and would include the annual reconditioning of interior roadways as part of operational site maintenance activities.
That the proposed use will have no adverse impact on abutting property and surrounding neighborhood or permitted use thereof.	Consistent. The Opt-In Application includes an analysis of the potential for the Project to impact surrounding land uses, including noise, air quality, and traffic. As described therein, the Project would not result in an adverse impact to surrounding land uses.
That the proposed development is consistent with the General Plan.	Consistent. As described in Section 5.2, <i>Land Use</i> , of the Opt-In application, the Project would be consistent with the Fresno County General Plan.
<p>That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:</p> <ol style="list-style-type: none"> a. Special yards, spaces and buffers. b. Fences and walls. c. Surfacing or parking areas subject to specifications. d. Requiring street dedications and improvements (or bonds) subject to the provisions of "Site Plan Review," Section 874, including service roads or alleys when practical. e. Regulation of points of vehicular ingress and egress. f. Regulation of signs. g. Requiring landscaping and maintenance thereof. h. Requiring maintenance of the grounds. i. Regulation of noise, vibration, odors, etc. j. Regulation of time for certain activities. k. Time period within which the proposed use shall be developed (See Section 873-l). l. A bond for removal of such use within a specified period of time. m. A request for a site plan for purposes of review, said site plan to be submitted by the applicant. n. And such other conditions as will make possible the development of the County in an orderly and efficient manner and in conformity with the intent and purposes set forth in this Division. 	Not Applicable. This section pertains to conditions that the County would implement in their resolution approving the special use. Given the authority granted to the CEC by AB 205, a Conditional Use Permit will not be required for the Project and no resolution will be prepared by the County. However, the Project is consistent with the intent and purposes of the zoning code, as the Project has incorporated design measures to minimize potential impacts to public health, safety, and general welfare, as described throughout the Opt-In application.

The Project’s consistency with the County’s Solar Facilities Guidelines is discussed in Table 5 below.

Table 5 DR LAND-5 Fresno County Solar Facilities Guidelines Consistency Matrix

Guideline	Consistency
Information shall be submitted regarding the historical agricultural operational/usage of the parcel, including specific crop type and crop yield, for the last ten years (if no agricultural operation in the last ten years, specify when land was last in agricultural use);	Consistent. Table 5.2-1 of Section 5.2, <i>Land Use</i> , provides information on agricultural operations of the Project site for the past ten years.
Information shall be submitted that identifies the source of water for the subject parcel (surface water from irrigation district, individual well(s), conjunctive system). If the source of water is via district delivery, the applicant shall submit information documenting the allocations received from the irrigation district and the actual disposition of the water (i.e. utilized on-site or moved to other locations) for the last ten years. If an individual well system is used, provide production capacity of each well, water quality data and data regarding the existing water table depth;	Consistent. Appendix S, <i>Water Supply Assessment</i> , of the Opt-In Application identifies the source of water for the subject parcels.
Identify the current status of the parcel (Williamson Act Contract, Conservation Easement, retired land, etc.), the purpose of any easement and limitations of the parcel. The applicant shall submit a Title Report or Lot Book Guarantee for verification.	Consistent. Figure 5.2-7a through Figure 5.2-7h show parcels currently subject to a Williamson Act Contract, based upon a review of Title reports and the Fresno County Assessor’s parcel maps. Title reports are available upon request.
Identify (with supporting data) the current soil type and mapping units of the parcel pursuant to the standards of the California State Department of Conservation and the Natural Resources Conservation Service;	Consistent. Table 5.14-1 and Figure 5.14-1a through 5.14-1h in Section 5.14, <i>Soils</i> , provides current soil type and mapping units of soils within the Project site.
List all proposed measures and improvements intended to create a buffer between the proposed solar facility and adjacent agricultural operations (detailed information must be shown on Site Plan) and provide factual/technical data supporting the effectiveness of said proposed buffering measures;	Consistent. As described in Section 2.3.1, <i>Project Description</i> , the Project would achieve a minimum 50-foot buffer to adjacent properties by excluding structural improvements and equipment (excluding fencing) from within 50 feet of the outside boundary of the Project site, in accordance with the Fresno County Solar Facility Guidelines.
Provide a Reclamation Plan detailing the lease life, timeline for removal of the improvements and specific measures to return the site to the agricultural capability prior to installation of solar improvements;	Consistent. A Reclamation Plan has been submitted as Appendix H of the Opt-In Application and contains the anticipated Project life, timeline for decommissioning, and measures for returning the Project site to its previous agricultural capability.
Provide information documenting efforts to locate the proposed solar facility on non-agricultural lands and non-contracted parcels and detailed information explaining why the subject site was selected.	Consistent. Section 6, <i>Alternatives</i> , provides information on Project site selection, including efforts to avoid conflicts with existing agriculture.
Develop and submit a project site Pest Management Plan to identify methods and frequency to manage weeds, insects, disease and vertebrate pests that may impact adjacent sites.	Consistent. A Pest Management Plan will be developed prior to construction of the Project, that includes methods and frequency to manage weeds, insects, disease and vertebrate pests on and adjacent to the Project site.

Guideline	Consistency
<p>The applicant must acknowledge the County’s Right to Farm Ordinance and shall be required to record a Right to Farm Notice prior to issuance of any permits. This shall be included as a recommended Condition of Approval of the land use entitlement.</p>	<p>Consistent. The Applicant hereby acknowledges the County’s Right to Farm Ordinance within the County’s Solar Facilities Guidelines as applicable to the Project.</p>
<p>Note: The life of the approved land use permit will expire upon expiration of the initial life of the solar lease. If the solar lease is to be extended, approval of new land use permit will need to be obtained.</p>	<p>Not Applicable. The Applicant is seeking Project approval from the California Energy Commission under the Opt-In Application process and will not be obtaining a land use permit from the County of Fresno.</p>
<p>If the project is approved, the applicant shall make all reasonable efforts to establish a point of sale in Fresno County for equipment and construction related items necessary for the project.</p>	<p>Consistent. The Applicant hereby acknowledges this stipulation within the County’s Solar Facilities Guidelines as applicable to the Project.</p>
<p>If the project is approved, the applicant shall make all reasonable efforts to conduct local recruitment efforts and/or coordinate with employment agencies in an attempt to hire from the local workforce.</p>	<p>Consistent. The Applicant hereby acknowledges this stipulation within the County’s Solar Facilities Guidelines as applicable to the Project.</p>
<p>In addition to disclosing the number of trips in the required project Operational Statement, the applicant shall disclose the weight of the shipments anticipated to the site. If the project is approved, pursuant to the CEQA analysis and based upon the existing road conditions and the weight/frequency of shipments to the site, the applicant shall mitigate impacts to County roads.</p>	<p>Consistent. The Applicant acknowledges the stipulation to mitigate impacts to County roads that directly result from operational shipments to the facilities.</p>
<p>If the project is approved, the applicant shall make all reasonable efforts to purchase products and equipment from local (Fresno County) manufacturing facilities and/or vendors.</p>	<p>Consistent. The Applicant hereby acknowledges this stipulation within the County’s Solar Facilities Guidelines as applicable to the Project.</p>

5 Noise

5.1 Data Request DR NOISE-1

5.1.1 Data Request DR NOISE-1

DR NOISE-1: Please provide a range of anticipated noise levels from the operation of the green hydrogen facility for each option.

Response: Specific noise levels will be determined as continued detailed design and engineering progresses and are not available at this time. The green hydrogen facility will be designed with consideration for Occupational Safety and Health Administration regulations and all noise-generating equipment, such as compressors, will be specified and procured to 85 dBA or less at a three-foot distance. Acoustic insulation will be used where needed to meet such noise levels in the facility. A plant-wide noise level study will be performed during the design phase to identify any locations within the facility that require further noise control and to confirm that sound levels at the fence line are compliant with all federal, state, and local regulations.

6 Soils

6.1 Data Request DR SOIL-1

6.1.1 Data Request DR SOIL-1

DR SOIL-1: DR SOIL-1. Please revise Figures 5.14-1b to 5.14-1h to include agricultural land use at a scale of 1:24,000.

Response: Agricultural uses within the Project site are shown at a scale of 1:24,000 in Figures 5.2-5b through 5.2-5h of Section 5.2, *Land Use* of the Opt-In Application.

7 Visual Resources

7.1 Data Request DR VIS-1

7.1.1 Data Request DR VIS-1

DR VIS-1: Provide an electronic file via Kiteworks containing all key observation point(s) (KOP) photograph(s) and photo-realistic simulation(s) capable of 11" x 17" color print at a minimum 600 dpi output resolution.

Response: KOP photographs and photo-realistic simulations meeting these specifications were provided via Kiteworks on February 13, 2024.

8 Worker Safety

8.1 Data Requests DR WS-1 through DR WS-6

8.1.1 Data Request DR WS-1

DR WS-1: Please include a discussion of the implementation of California Code of Regulations, Title 8, section 3395 Heat Illness Prevention in Outside Places of Employment.

Response: Title 8, Section 3395 of the California Code of Regulations includes requirements that address heat illness prevention. As noted on page 5.10-4 of Section 5.10 of the Opt-In Application, heat illness prevention during general construction activities would be addressed in the Construction IIPP and Construction PPE Programs. As noted on page 5.10-6 of Section 5.10, heat illness prevention during general Project operations would be addressed in the O&M IIPP and O&M PPE Programs. Thus, the Project would comply with the requirements set forth in 8 CCR § 3395, et seq.

Table 5.10-5 from Section 5.10, *Worker Safety*, of the Opt-In Application has been updated to include a row for CCR Title 8, Section 3395, which is provided as the last row in the table.

Table 5.10-5 LORS Applicable to Worker Health and Safety

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Federal	29 CFR Part 1910	Contains the minimum occupational safety and health standards for general industry in the United States	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with 29 CFR Part 1910
Federal	29 CFR Part 1926	Contains the minimum occupational safety and health standards for the construction industry in the United States	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with 29 CFR Part 1926
Federal	National Institute for Occupational Safety and Health (NIOSH)	Conducts research and makes recommendations for prevention of work-related injury and illness	Throughout this Opt-In Application	The Project would comply with the health and safety requirements set forth by NIOSH

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Federal	American National Standards Institute (ANSI) / American Society of Mechanical Engineers (ASME), Boiler and Pressure Vessel Code	Specifications and requirements for pressure vessels	Throughout this Opt-In Application	The use of pressure vessels associated with the Project would comply with the requirements set forth in the Boiler and Pressure Vessel Code
Federal	ANSI/ASME, B31.2	Specifications and requirements for fuel gas piping	Throughout this Opt-In Application	The Project would comply with the requirements for fuel gas piping set forth in American National Standards Institute, B31.2
Federal	29 CFR Part 1910	Outlines procedures for employees in the event of an emergency	Section 5.10, <i>Worker Safety</i> Section 5.9, <i>Hazardous Materials Handling</i>	The Project would comply with the requirements set forth in 29 CFR Part 1910 to prepare an Emergency Action Plan
State	California HSC § 25500, et seq. And the related regulations of 19 CCR 2620 et seq.	Outlines identified hazardous materials, emergency response procedures for releases of hazardous materials, and training requirements	Section 5.10, <i>Worker Safety</i> Section 5.11, <i>Waste Management</i> Section 5.9, <i>Hazardous Materials Handling</i>	The Project would implement a Hazardous Materials Business Plan to comply with California HSC 25500
State	California Occupational Safety and Health Act of 1973	Establishes minimum safety and health standards for construction and general industry operations in California	Throughout this Opt-In Application	The Project would implement occupational safety and health protocols during construction, operation, and decommissioning activities in compliance with the California Occupational Safety and Health Act of 1973
State	8 CCR § 339	Requires list of hazardous chemicals relating to the Hazardous Substance Information and Training Act	Section 5.9, <i>Hazardous Materials Handling</i> Section 5.11, <i>Waste Management</i>	Hazardous chemicals stored at the facility would be reported in accordance with the requirements set forth in 8 CCR § 339
State	8 CCR § 450	Addresses hazards associated with pressurized vessels	Section 5.9, <i>Hazardous Materials Handling</i>	Design, construction, installation, inspection, operation, and repair activities applying to compressed and liquefied natural gas or air tanks would be conducted in compliance with the requirements set forth in 8 CCR § 450

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 750	Addresses hazards associated with high-pressure steam	Section 5.9, <i>Hazardous Materials Handling</i>	Design, construction, installation, inspection, operation, and repair activities applying to pressurized vessels would be conducted in compliance with the requirements set forth in 8 CCR § 750
State	8 CCR, Construction Safety Orders, § 1500	Establishes safety orders for construction work	Throughout this Opt-In Application	Construction activities would comply with the applicable requirements set forth in 8 CCR § 1500
State	8 CCR § 1509	Addresses requirements for construction, accident, and prevention plans	Throughout this Opt-In Application	An IIPP would be prepared and implemented for Project construction activities in compliance with 8 CCR § 1509
State	8 CCR § 1528, et seq., and § 3380, et seq.	Requirements for PPE	Section 5.7, <i>Air Quality</i> Section 5.9, <i>Hazardous Materials Handling</i>	Respiratory protection would be required under circumstances defined in 8 CCR § 1528, et seq., and § 3380, et seq. When required, respiratory protection would comply with 8 CCR § 1528, et seq., and § 3380, et seq.
State	8 CCR § 1597, et seq., and § 1590, et seq.	Requirements addressing the hazards associated with traffic accidents and earthmoving	Section 5.4, <i>Traffic and Transportation</i>	Vehicle usage during construction, operation, and decommissioning activities associated with the Project would comply with the requirements set forth in 8 CCR § 1597, et seq., and § 1590, et seq.
State	8 CCR § 1604, et seq.	Requirements for construction hoist equipment	Throughout this Opt-In Application	The use of personnel hoists during construction and maintenance activities associated with the Project would comply with the requirements set forth in 8 CCR § 1604, et seq.
State	8 CCR § 1620, et seq., and § 1723, et seq.	Addresses miscellaneous hazards	Throughout this Opt-In Application	Construction of roofing and railings associated with temporary and permanent structures at the Project site would comply with the requirements set forth in 8 CCR § 1620, et seq., and § 1723, et seq.
State	8 CCR § 1709, et seq.	Requirements for steel reinforcing, concrete pouring, and structural steel erection operations	Throughout this Opt-In Application	Construction of facilities associated with the Project would comply with the requirements set forth in 8 CCR § 1709, et seq.
State	8 CCR § 1900, et seq.	Requirements for use of helicopters	Section 5.4, <i>Traffic and Transportation</i>	Helicopter usage associated with construction activities at the Project site would comply with the requirements set forth in 8 CCR § 1900, et seq.

IP Darden I, LLC and Affiliates
Darden Clean Energy Project (23-OPT-02)

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 1920, et seq.	Requirements for fire protection systems	Throughout this Opt-In Application	A Fire Protection and Prevention Plan would be prepared for both construction and O&M activities associated with the Project that would comply with the requirements set forth in 8 CCR § 1920, et seq.
State	8 CCR, Electrical Safety Orders § 2300, et seq., and § 2320, et seq.	Requirements for addressing low-voltage electrical hazards	Throughout this Opt-In Application	Electrical equipment used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2300, et seq., and § 2320, et seq.
State	8 CCR § 2395, et seq.	Addresses electrical installation requirements	Throughout this Opt-In Application	Electrical equipment connected by cord and plug used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2395, et seq.
State	8 CCR § 2700, et seq.	Addresses high-voltage electrical hazards	Throughout this Opt-In Application	High voltage electrical equipment used during construction, operation, and decommissioning activities would be operated in compliance with the requirements set forth in 8 CCR § 2700, et seq.
State	8 CCR, § 5139, et seq.	Requirements for control of hazardous substances	Section 5.7, <i>Air Quality</i> Section 5.9, <i>Hazardous Materials Handling</i>	Handling of hazardous substances during construction, operation, and decommissioning of the Project would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR, General Industry Safety Orders § 3200, et seq.	Requirements for control of hazardous substances	Throughout this Opt-In Application	Handling of hazardous substances during construction, operation, and decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3200, et seq.
State	8 CCR § 3203, et seq.	Requirements for operational accident prevention programs	Throughout this Opt-In Application	An IIPP would be prepared and implemented for O&M activities associated with the Project in compliance with 8 CCR § 3203
State	8 CCR § 3270, et seq.	Requirements for the use of compressed air or gases	Section 5.9, <i>Hazardous Materials Handling</i>	The use of compressed air or gases during construction, operation, or decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3270, et seq.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 3209, et seq.	Requirements for evacuation plans and procedures	Throughout this Opt-In Application	Evacuation procedures associated with Project activities would comply with the requirements set forth in 8 CCR § 3209, et seq.
State	8 CCR § 3301, et seq.	Requirements for addressing miscellaneous hazards, including hot pipes, hot surfaces, compressed air systems, relief valves, enclosed areas containing flammable or hazardous materials, rotation equipment, pipelines, and vehicle-loading dock operations	Section 5.9, <i>Hazardous Materials Handling</i>	The use of compressed air or gases during construction, operation, or decommissioning of the Project would comply with the requirements set forth in 8 CCR § 3301, et seq.
State	8 CCR § 3360, et seq.	Addresses requirements for sanitary conditions	Throughout this Opt-In Application	Access to sanitary facilities would be provided during construction, operation, and decommissioning of the Project and facilities would comply with the requirements set forth in 8 CCR § 3360, et seq.
State	8 CCR § 3511, et seq., and § 3555, et seq.	Requirements for addressing hazards associated with stationary engines and compressors, as well as portable, pneumatic, and electrically powered tools	Throughout this Opt-In Application	The usage of stationary engines and compressors associated with the Project would comply with the requirements set forth in 8 CCR § 3511, et seq., and § 3555, et seq.
State	8 CCR § 3649, et seq., and § 3700, et seq.	Requirements for addressing hazards associated with field vehicles	Throughout this Opt-In Application	The Project would comply with the requirements set forth in 8 CCR § 3649, et seq., and § 3700, et seq.
State	8 CCR § 3940, et seq.	Requirements for addressing hazards associated with power transmission, compressed air, and gas equipment	Throughout this Opt-In Application	Power transmission associated with the Project would comply with the requirements set forth in 8 CCR § 3940, et seq.
State	8 CCR § 5095, et seq.	Requirements for controlling noise exposure	Section 5.3, <i>Noise</i>	Noise exposure would be controlled in compliance with the requirements set forth in 8 CCR § 5095, et seq.
State	8 CCR § 5109, et seq.	Requirements for addressing construction accident and prevention programs	Throughout this Opt-In Application	The IIPP prepared for the Project would include provisions related to construction accident and prevention programs and would comply with the requirements set forth in 8 CCR § 5109, et seq.

IP Darden I, LLC and Affiliates
Darden Clean Energy Project (23-OPT-02)

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 5110, et seq.	Requirements for the implementation of an ergonomics program	Throughout this Opt-In Application	The IIPP prepared for the Project would include provisions related to ergonomics and would comply with the requirements set forth in 8 CCR § 5110, et seq.
State	8 CCR § 5139, et seq.	Requirements for employee exposure to dusts, fumes, mists, vapors, and gases	Section 5.3, <i>Noise</i>	The IIPP prepared for the Project would include provisions related to dust, fumes, mists, vapors, and gases and would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR § 5139, et seq.	Requirements for addressing hazards associated with welding, sandblasting, grinding, and spray-coating	Throughout this Opt-In Application	Welding, sandblasting, grinding, and spray-coating activities associated with the Project would comply with the requirements set forth in 8 CCR § 5139, et seq.
State	8 CCR § 5156, et seq.	Requirements for confined space entry	Throughout this Opt-In Application	Confined space entry that would occur in association with the Project would comply with the requirements set forth in 8 CCR § 5156, et seq.
State	8 CCR § 5155, et seq.	Requirements for use of respirators and for controlling employee exposure to airborne contaminants	Throughout this Opt-In Application	Employee exposure to airborne contaminants would be minimized through the use of respirators in compliance with the requirements set forth in 8 CCR § 5155, et seq.
State	8 CCR § 5160, et seq.	Requirements for addressing hot, flammable, poisonous, corrosive, and irritant substances	Throughout this Opt-In Application	Hot, flammable, poisonous, corrosive, and/or irritant substances used during construction, operation, maintenance, or decommissioning activities associated with the Project would comply with the requirements set forth in 8 CCR § 5160, et seq.
State	8 CCR § 5184 and § 5185	Requirements for storage battery systems and charging storage batteries	Throughout this Opt-In Application	Storage battery systems associated with the Project would comply with the requirements set forth in 8 CCR § 5184 and § 5185
State	8 CCR § 5189, et seq.	Requirements regarding process safety management of acutely hazardous materials.	Throughout this Opt-In Application	Training for construction, operation, and maintenance processes would occur under the Construction IIPP, O&M IIPP, and the HMBP.

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	8 CCR § 5192, et seq.	Requirements for conducting emergency response procedures	Throughout this Opt-In Application	Emergency response procedures would be included in the IIPP prepared for the Project and would be developed and implemented in compliance with the requirements set forth in 8 CCR § 5192, et seq.
State	8 CCR § 5193, et seq.	Requirements for controlling employee exposure to bloodborne pathogens associated with exposure to raw sewage water and bodily fluids associated with first aid/cardiopulmonary resuscitation (CPR) duties	Throughout this Opt-In Application	Exposure to bloodborne pathogens would be controlled through implementation of requirements set forth in 8 CCR § 5193, et seq.
State	8 CCR § 5405, et seq.; § 5426, et seq.; § 5465 et seq.; § 5500, et seq.; § 5530, et seq.; § 5531, et seq.; § 5545, et seq.; § 5554, et seq.; § 5565, et seq.; § 5583, et seq.; § 5606, et seq.	Requirements for flammable liquids, gases, and vapors	Section 5.9, <i>Hazardous Materials Handling</i>	Use of flammable liquids, gases, and vapors associated with the Project would comply with the requirements set forth in 8 CCR § 5405, et seq., § 5426, et seq., § 5465, et seq., § 5500, et seq., § 5530, et seq., § 5531, et seq., § 5545, et seq., § 5554, et seq., § 5565, et seq., § 5583, et seq., § 5606, et seq.
State	8 CCR § 5583, et seq.	Requirements for design, construction, and installation of venting, diking, valving, and supports	Throughout this Opt-In Application	Design, construction, and installation of venting, diking, valving, and supports associated with flammable liquids, gases, and vapors would comply with the requirements set forth in 8 CCR § 5583, et seq.
State	8 CCR § 6150, et seq.; § 6151, et seq.; § 6165, et seq.; § 6170, et seq.; § 6175, et seq.; § 6183, et seq.; § 6184, et seq.	Requirements for fire protection	Throughout this Opt-In Application	A Fire Prevention and Protection Plan would be developed in compliance with the requirements set forth in 8 CCR § 6150, et seq.; § 6151, et seq.; § 6165, et seq.; § 6170, et seq.; § 6175, et seq.; § 6183, et seq.; § 6184, et seq.
State	24, Part 3, California Electrical Code	Requirements for electrical safety, which include the Uniform Electrical Code, Title 24, Part 3	Throughout this Opt-In Application	Electrical work associated with the Project would comply with the requirements set forth in the California Electrical Code, Title 24, Part 3

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
State	24, Part 9, California Fire Code, Chapter 12, § 1205 through § 1207	Requirements for solar photovoltaic power systems, stationary fuel cell power systems, and electrical energy storage systems (ESS)	Throughout this Opt-In Application	The Project would comply with the requirements for photovoltaic power systems and energy storage systems set forth in the California Fire Code, Title 24, Part 9, Chapter 12, Sections § 1205 through § 1207
State	California Health and Safety Code (HSC) § 25500 through § 25541	Requirements for the preparation of a HMBP that details emergency response plans for a hazardous materials emergency at the facility	Section 5.9, <i>Hazardous Materials Handling</i>	An HMBP would be prepared in accordance with HSC Sections § 25500 through § 25541
Local	Fresno County General Plan Policy HS A.1- HS-A.4	Outlines policies, standards, and programs to related to emergency management and response.	<ul style="list-style-type: none"> ▪ Section 5.10.3.3 ▪ Section 5.10.3.4 	The Project would include preparation and implementation of an Emergency Action Plan during construction and O&M activities that would be consistent with these General Plan policies.
Local	Fresno County General Plan Policy HS B.1- HS-B.13	Outlines policies, standards, and programs to related to fire hazards.	<ul style="list-style-type: none"> ▪ Section 5.10.3.3 ▪ Section 5.10.3.4 	The Project would include preparation and implementation of Fire Protection and Prevention Plans during construction and O&M activities that would be consistent with these General Plan policies.
Local	Fresno County General Plan Policy HS F.1- HS-F.8	Outlines policies, standards, and programs to related to hazardous materials.	Section 5.9, <i>Hazardous Materials Handling</i>	The Project’s conformity with these policies is discussed in Section 5.9, <i>Hazardous Materials Handling</i> .
Local	Fresno County General Plan Policy HS G.1- HS-G.9	Outlines policies, standards, and programs to related to noise.	Section 5.3, <i>Noise</i>	The Project’s conformity with these policies is discussed in Section 5.3, <i>Noise</i> .
Local	Fresno County Code of Ordinances, Title 8	Establishes minimum health and safety standards for Fresno County	Throughout this Opt-In Application	The Project would conform with the health and safety requirements set forth in the Fresno County Code of Ordinances, Title 8

Jurisdiction	LORS	Applicability	Opt-In Application Reference	Project Conformity
Local	Fresno County Code of Ordinances, Title 15	Establishes minimum building and construction standards for Fresno County	Section 5.10, <i>Worker Safety</i> Section 5.11, <i>Waste Management</i> Section 5.16, <i>Geological Hazards and Resources</i> Section 5.9, <i>Hazardous Materials Handling</i>	The Project would conform with the requirements set forth in the Fresno County Code of Ordinances, Title 15
State	8 CCR § 3395, et seq.	Addresses heat illness prevention in outside places of employment.	Throughout this Opt-In Application	Heat illness prevention would be addressed in the Construction IIPP, Construction PPE Program, O&M IIPP, and O&M PPE Program. The Project would comply with the requirements set forth in 8 CCR § 3395, et seq.

Source: Code of Federal Regulations, California Occupational Safety and Health Act of 1973, CCR, California Health and Safety Code, American National Standards Institute/American Society of Mechanical Engineers

8.1.2 Data Request DR WS-2

DR WS-2: Please provide a complete description of how the project would comply with California Code of Regulations, Title 8, section 5189 Process Safety Management including training and section (e) of the standard regarding Process Hazard Analysis.

Response: Title 8, Section 5189 of the California Code of Regulations includes requirements regarding process safety management of acutely hazardous materials. Training for construction, operation, and maintenance processes would occur under the Construction IIPP, O&M IIPP, and the HMBP, and would include initial training, refresher and supplemental training, training certification, and testing procedures, which would directly satisfy CCR Title 8, Section 5189(g). In accordance with Title 8, Section 5189 (e), the hazards analysis will address process hazards, engineering and administrative controls, consequences of failure of these controls, facility siting, human factors, possible health and safety effects of failure, and identification of previous incidents. The hazards analysis will be conducted prior to operation of the Project, and updated and revalidated every five years, as stipulated by CCR Title 8, Section 5189.

8.1.3 Data Request DR WS-3

DR WS-3: Please provide schematic engineering drawings detailing the location and type of all proposed fire detection, fire suppression, water supply and leak detection equipment for the BESS and Green Hydrogen portions of the project, and the location of hydrants, post indicator valves, and monitors for the fire water loop. Please provide this information for all proposed alternative

locations or state that these systems will be the same. Additionally, please provide how any explosion hazards would be mitigated at the Green Hydrogen and BESS portions of the project.

Response: The fire protection philosophy for the hydrogen facility is provided in Appendix P of the Opt-In Application. Design and layout of the facility and safety components will be determined as the engineering and design advances; schematic engineering drawings are not available at this time.

The fire detection drawings for the Project BESS will be developed as detailed engineering continues. The BESS yard will have thermal detection cameras installed externally on battery containers and will be strategically placed in optimal locations to detect fires. These cameras will be remotely monitored 24 hours a day. There will be up to four emergency 15,000-gallon water tanks for the Project, based on final layout. A typical BESS fire protection layout is provided in Figure 1 below and is discussed in the response to DR HAZ-7. The final number and location of water tanks for emergency use will be determined in accordance with California Fire Code and be reviewed/approved by the local or State Fire Marshal.

The BESS equipment selected for the Project will be tested pursuant to UL 9540A standards, and the Project will be designed and built pursuant to UL and NFPA codes. The BESS equipment to be used will be tested to demonstrate that they do not require built-in smoke, gas, or fire detection or suppression devices.

The BESS equipment will be designed to minimize the risk of an over-pressure event and deflagration through the use of over-pressure vents and a sparker system. These safety features will be tested pursuant to UL 9540A standards to demonstrate their effectiveness in preventing deflagration in a large-scale fire.

8.1.4 Data Request DR WS-4

DR WS-4: Please provide schematic engineering drawings for the stored oxygen option and provide a detailed description of how the oxygen would be stored (cryogenically or compressed), how it would be transported offsite, and a discussion of potential impacts to worker health and safety. Please detail any detection and fire protection systems that would be used for the oxygen storage system.

Response: Following further analysis conducted by the Applicant, it has been determined that oxygen will not be captured, stored, or sent offsite to an off taker.

8.1.5 Data Request DR WS-5

DR WS-5: Please provide information as to whether the project would have a private fire brigade on site. If so, please provide a description of the training and responsibilities of the private fire brigade.

Response: The Project would not have a private fire brigade. Reference to 8 CCR, § 3401 – 3411 should be removed. Revisions to the text on page 5.10-13 of Section 5.10 of the Opt-In Application are shown in strikethrough and underline below:

~~In accordance with 8 CCR, § 3401 – 3411, a~~ A PPE Program would be developed and implemented during Project O&M activities. The O&M PPE Program would include the following elements:

- Identification of physical and health hazards specific to the workplace
- Outline of appropriate and adequate PPE for Project personnel for the specific O&M activities to be conducted at the Project site
- Outline of training on the use, inspection, storage, cleaning, and limitations of the PPE
- Outline of training on the maintenance of PPE, including replacing worn or damaged PPE
- Establishment of periodic reviews to update and evaluate the effectiveness of the PPE Program

8.1.6 Data Request DR WS-6

DR WS-6: Please provide the missing names of contacts found in Table 5.10-6.

Response: Table 5.10-6 from Section 5.10, *Worker Safety*, of the Opt-In Application has been updated with the name, title, and phone number for the previously missing contacts, and is provided below.

Table 5.10-5 Agency Contacts for Worker Health and Safety

Issue	Agency	Contact
Worker Health and Safety	Cal/OSHA, Region 2, Fresno District Office	William Estakhri Regional Manager 2550 Mariposa Street, Rm 4000 Fresno, CA 93721 (916) 263-2803
CUPA for HMBP and Risk Management Plan (RMP)	Fresno County Environmental Health – Hazardous Materials Compliance Program	Matthias Bier-Stanberry County-Wide Safety Officer 1221 Fulton Street Fresno, CA 93775 (559) 600-1850

Issue	Agency	Contact
Emergency Response for Hazardous Materials Spills and Fires	Fresno County, Office of Emergency Services	Terri Meorado, Office of Emergency Services Manager (559) 600-4068 OES@fresnocountyca.gov
Fire Hazards	Fresno County Fire Protection District	Seth Brown, Battalion Chief (559) 493-4300
Hazardous Materials and Noise	Fresno County, Department of Community Health	Vincent Mendez Division Manager (559) 600-3200 ex.03048

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From: Worrall, Lisa@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E4BBC7048B38485084BDB03FB494B25B-WORRALL, LI]
Sent: 10/29/2024 4:51:18 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
Subject: RE: Soda Mountain Solar Project (24-OPT-03) B:LM POD

Thanks Hannah.

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Tuesday, October 29, 2024 9:50 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: Re: Soda Mountain Solar Project (24-OPT-03) B:LM POD

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lisa,

We have submitted 2 versions of the updated POD to BLM (July 2024 and September 2024) and received additional comments back last week. We anticipate resubmitting a revised POD to the BLM within the next 2 weeks. We are hoping for a concurrent approval process with BLM and CEC.

Thanks!
Hannah

Hannah Arkin

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Monday, October 28, 2024 4:04 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Subject: Soda Mountain Solar Project (24-OPT-03) B:LM POD

Hi Hannah,

Thank you for batch 1 of your data responses. I see you estimate submitting batch 2, the final batch, to the docket late November. I was wondering if an updated Plan of Development has been submitted to the BLM, and if so, when was it submitted. If not submitted, when do you anticipate submitting it to the BLM?

Thanks,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



Sent: 10/28/2024 10:37:33 PM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
Subject: FW: Response requested: Soda Mountain Solar geodata

Hi Hannah,

We have received this request from the National Park Service. Is this something you would be willing to share with the Park Service?

Please let me know if you

From: Energy - STEP Siting <STEPsiting@energy.ca.gov>
Sent: Monday, October 28, 2024 2:59 PM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Subject: FW: Response requested: Soda Mountain Solar geodata

From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Monday, October 28, 2024 12:51 PM
To: Energy - STEP Siting <STEPsiting@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>
Subject: Response requested: Soda Mountain Solar geodata

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To the project manager for Soda Mountain Solar,

The National Park Service has been engaged with the NEPA and CEQA processes for the proposed Soda Mountain Solar project since the early 2000's.

We are preparing analyses to inform the new NEPA and CEQA processes. It would be very helpful to have GIS files for the new proposed boundaries. I don't find GIS files in the project docket. Could you provide those files or direct us to a consultant or other source?

Let us know if we can assist with bighorn analysis or other CEQA contributions.

Thank you,
Lara

Natural Resources Justice, Equity, Diversity, and Inclusion Site

Lara Rozzell * External Energy & Minerals Coordinator

NATIONAL PARK SERVICE Interior Regions 8,9,10, 12 (legacy Pacific West Region)

SMSP00666

[Natural Resources - Home \(sharepoint.com\)](#)

From: Roark, Gabriel@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ED87FF1E22CD49F3AAFF644C82538D46-ROARK, GABR]
Sent: 10/31/2024 2:44:05 PM
To: 'Francois, Alexis N' [afrancois@blm.gov]
CC: Larson, William@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7d9e60624bc84728ab89022ad74408dc-aff4008d-d8]
Subject: RE: Soda Mountain SWCA Re-Survey

Good morning, Alexis,

Please coordinate with Bill Larson, Senior Environmental Planner (Archaeologist) of my unit. I reassigned Soda Mountain to Bill.

Many thanks,

Gabriel Roark (he/him/his)
Supervisor & Assistant Tribal Liaison
Siting, Transmission, and Environmental Protection Division

From: Francois, Alexis N <afrancois@blm.gov>
Sent: Thursday, October 31, 2024 7:38 AM
To: Roark, Gabriel@Energy <gabriel.roark@energy.ca.gov>
Subject: Soda Mountain SWCA Re-Survey

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Hi Gabriel,
Rafa and Tiffany Clark from SWCA have reached out to me regarding the resurvey for Soda Mtn to meet the needs of the CEC for the Opt In Program. I wanted to briefly discuss with you what you have identified as an adequate survey methodology for this endeavor and how the review process will take place. I have a meeting with them this coming Monday to discuss their plans for the survey.

Best,
Alexis Francois, M.A.
Archaeologist, BLM-Barstow Field Office
2601 Barstow Rd. Barstow, CA 92311
(760) 252-6015-Office
Call Sign: 6880
I work a Maxi-flex schedule, with Mon-Thurs, 6:30 am - 5 pm as my core hours

From: Rozzell, Lara R [Lara_R_Rozzell@nps.gov]
Sent: 11/13/2024 1:06:42 AM
To: Cabrera, Crystal@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed6e32a127144ccfa19a6f4347765a9e-00a33618-ff]
CC: Hughson, Debra [Debra_Hughson@nps.gov]; Bailey, Jodi L [Jodi_Bailey@nps.gov]; Lee, Lena FS [Lena_Lee@nps.gov]; Anderson, Kari@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2a783549590f4febb0eb8d96a79b60aa-Anderson, K]; Kelsey, Tanner@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad103077f815400c88cfa8e9576c5f0c-6b814579-63]; Cusato, Anthony@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92bb3e53fa2c490d87929b4b84ce28c9-b8359c82-60]
Subject: RE: Soda Mountain Solar geodata

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Hi Crystal and all,

Thank you! A point of clarification on the federal situation. The federal Lead Agency is most likely already meeting with CEC. Such coordination is standard whenever there are parallel CEQA and NEPA processes happening on the same project.

In many cases, as with Soda Mountain, NPS is a NEPA Cooperating Agency with special expertise rather than a federal Lead Agency. We need to open collaboration with the federal and state Lead Agencies in the permitting process as early as possible to provide accurate resource data to the permitting agencies and the applicant. Within the federal NEPA process, our Cooperating Agency status provides opportunities to share sensitive data early, before the process is open to public comment. It seems we could use something similar to "Cooperating Agency with special expertise" in the AB205 process.

We talked about this on a joint BLM-CEC-USFW-NPS renewable energy call this morning, and Carol Watson from Siting will take the question to her supervisor for followup. Let us know if there's any way we can assist in the meantime.

Thanks,
Lara

From: Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>
Sent: Thursday, November 7, 2024 08:50
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>; Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Subject: RE: [EXTERNAL] RE: Soda Mountain Solar geodata

Hi Lara,

To follow up on Anthony's response, I also wanted to let you know that we contacted the CEC Soda Mountain Project Manager as well as the Program Manager for the CEC Siting and Environmental Branch and we recommend that coordination meetings be set up between the CEC and the lead federal agencies for this project. We also provided your contact information to them.

Please let us know if we can be of further assistance.

SMSP00669

Thank you,

Crystal Cabrera
Attorney III
Chief Counsel's Office
California Energy Commission
(916) 909-2542



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From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Thursday, November 7, 2024 8:22 AM
To: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>; Ubaldo, Christina@Energy <Christina.Ubaldo@Energy.ca.gov>; Brewer, Marianna@Energy <Marianna.Brewer@Energy.ca.gov>
Subject: Re: [EXTERNAL] RE: Soda Mountain Solar geodata

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Hi Anthony,

Thank you! Accurate information on the boundaries is key to understanding how bighorn would move. We look forward to further collaboration in the permitting process. As you suggested, we will follow up with the Perkins BLM project manager to learn how federal/state collaboration is working in their AB205 process.

Best,
Lara

From: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Sent: Wednesday, November 6, 2024 15:02
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>; Ubaldo, Christina@Energy <Christina.Ubaldo@Energy.ca.gov>; Brewer, Marianna@Energy <Marianna.Brewer@Energy.ca.gov>
Subject: RE: [EXTERNAL] RE: Soda Mountain Solar geodata

Hi Lara,

SMSP00670

We have located the requested Soda Mountain boundary shape files. They are in the attached zip file. Please let us know if you have any questions or if these are not the files you are looking for.

Best,
Anthony

Anthony Cusato
Attorney
Chief Counsel's Office
California Energy Commission
Website: www.energy.ca.gov



From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Wednesday, October 30, 2024 5:47 PM
To: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: Re: [EXTERNAL] RE: Soda Mountain Solar geodata

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Sounds great, please do send the invite.

thanks,
Lara

From: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Sent: Wednesday, October 30, 2024 17:27
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: [EXTERNAL] RE: Soda Mountain Solar geodata

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Hi Lara,

Yes, it looks we are available between 2 and 3:30pm on Friday. I can send a Teams invite if that works for you?

Best,
Anthony

SMSP00671

From: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Sent: Wednesday, October 30, 2024 4:48 PM
To: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: Re: Soda Mountain Solar geodata

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Hi Anthony,

Thank you for the quick response. We are available on Friday between 1:30 and 3:30 pm. Is there a time in there that would work for you? Would you like to send the clarifying questions ahead so we can ensure we have the correct staff and information lined up?

Thanks,
Lara

From: Cusato, Anthony@Energy <anthony.cusato@energy.ca.gov>
Sent: Wednesday, October 30, 2024 16:03
To: Rozzell, Lara R <Lara_R_Rozzell@nps.gov>
Cc: Hughson, Debra <Debra_Hughson@nps.gov>; Bailey, Jodi L <Jodi_Bailey@nps.gov>; Lee, Lena FS <Lena_Lee@nps.gov>; Anderson, Kari@Energy <Kari.Anderson@Energy.ca.gov>; Cabrera, Crystal@Energy <Crystal.Cabrera@Energy.ca.gov>; Kelsey, Tanner@Energy <Tanner.Kelsey@energy.ca.gov>
Subject: [EXTERNAL] RE: Response requested: Soda Mountain Solar geodata

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Lara,

Thank you for reaching out to the California Energy Commission. We have received your request for GIS files for the Soda Mountain project. We have some clarifying questions for your request that we would like to discuss. Would you and your colleagues be available for a quick call later this week or next week?

Best,
Anthony

Anthony Cusato
Attorney
Chief Counsel's Office
California Energy Commission
Website: www.energy.ca.gov



From: Jeff Ruesch [jruesch@MojaveWater.org]
Sent: 11/12/2024 10:42:41 PM
To: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]
CC: Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Lee McElhaney [lmcElhaney@bmkLawplc.com]
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,

Just a follow-up on my email from October 28, 2024. There continues to be movement on the Soda Mountain Solar Project and so far, everything that mentions water use, states the well in Newberry Springs as the source for that water. I previously discussed this issue with our attorney, Lee McElhaney (CC'd in this email). He and I were discussing this issue today and we are not sure if the Mojave Water Agency or Watermaster needs to take further actions. The Riverside Superior Court has jurisdiction over our Adjudication (Case No. CIV208568).

Please let me know if what we have provided is sufficient or if further action is needed.

Thank you,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it." — **Thomas Jefferson**

From: Jeff Ruesch
Sent: Monday, October 28, 2024 10:38 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

Hi Lisa,

I sent an email to Adam and received an automatic reply that he was no longer with the CEC. I hope that you can help me out.

I received several notices regarding the Soda Mountain Solar Project over the weekend, one of which was their "Dust Control Plan". It states that the water supply source is from Eagle Well Drilling's well. Are they still planning on using his well in Newberry Springs?

Regards,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager

SMSP00674

Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it."— **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Sent: Tuesday, August 13, 2024 10:37 AM
To: Jeff Ruesch <jruesch@MojaveWater.org>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>; Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Jeff,

Thank you for your comments and coordinating with Adam. These are very helpful. I would like to submit these to the project's docket (electronic repository).

Thank you,

Lisa

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Jeff Ruesch <jruesch@MojaveWater.org>
Sent: Tuesday, August 13, 2024 9:18 AM
To: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>
Cc: White, Adam@Energy <Adam.White@Energy.ca.gov>
Subject: RE: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

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Hi Lisa,

Thank you for the information on the Soda Mountain Solar Project. I spoke with Adam White regarding the water supply assessment for this project on July 26, 2024.

The Mojave Basin Area is an adjudicated basin with our final Judgment being entered in 1996. Page 23, paragraph 17 in the Judgment (https://www.mojavewater.org/wp-content/uploads/2022/06/Judgment_After_Trial_with_2002_Amendment.pdf) states "Except upon further order of the Court, each and every Party, its officers, agents, employees, successors and assigns, is ENJOINED AND RESTRAINED from transporting water hereafter Produced from the Basin Area to areas outside the Basin Area." Raymond Ward is a Party to the Judgment and the owner of record of the land and well listed as the water supplier for the project. He is also the owner of Eagle Well Drilling & Pump Service.

The Soda Mountain Solar Project area is approximately 20 miles outside of the adjudicated area and the source of water indicated is located inside of the adjudicated area and as such is not a viable source of water for this project. Accordingly, pursuant to the aforesaid terms of the Judgment, Mr. Ward is "ENJOINED" from transporting groundwater outside the Basin area.

The Mojave Water Agency is a State Water Contractor and has an allocation of 89,800 acre-feet of Table "A" water rights. However, this allocation is for use only within our service area (~20 miles from the project area).

Please let me know if you have any questions or if you need more information.

Regards,

Jeff

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
(760) 946-7000 Ext. 7027
(760) 240-4523 Fax
<http://www.mojavewater.org>
jruesch@mojavewater.org

"I'm a great believer in luck, and I find that the harder I work, the more I have of it." — **Thomas Jefferson**

From: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>

Sent: Wednesday, August 7, 2024 1:09 PM

To: Pagaling, Reginald@NAHC <Reginald.Pagaling@nahc.ca.gov>; Lakin, Matt (he/him/his) <Lakin.Matthew@epa.gov>; Sandy, Martha@OEHHA <Martha.Sandy@oehha.ca.gov>; Graham, Courtney@ARB <courtney.graham@arb.ca.gov>; Fancher, Rebecca@ARB <rebecca.fancher@arb.ca.gov>; Camarillo, James@DOT <james.camarillo@dot.ca.gov>; Brega, Liz@EPA <elizabeth.brega@calepa.ca.gov>; bradp@mdaqmd.ca.gov; CHP-835AMail <835AMail@chp.ca.gov>; DIR DOSHREG6SantaAna <DOSHREG6SantaAna@DIR.ca.gov>; Fulcher, David@CALFIRE <David.Fulcher@fire.ca.gov>; plenys.thomas@epa.gov; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Katherine.kennedy@faa.gov; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; james.a.booth@usda.gov; peter_sanzenbacher@fws.gov; psamples@blm.gov; icordes@blm.gov; jdonnell@blm.gov; bganderson@blm.gov; Jeff Ruesch <jruesch@MojaveWater.org>; Dennis.Lei@ladwp.com; Faranak.Sarbaz@ladwp.com; Sunaja.Lakshman@ladwp.com; Tin.Ha@ladwp.com

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Subject: --EXTERNAL-- Federal, State, and other agency Notice of Receipt of Opt-In Application for Soda Mountain Solar Project (24-OPT-03) /Request for Comments and Information

SMSP00676

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[EXTERNAL EMAIL]

Hello,

This email serves as notification of receipt of an Opt-In Application under Public Resources Code 25519 for the proposed Soda Mountain Solar Project (24-OPT-03). This project is proposed in San Bernardino County, California. The attached letter outlines project information and the reasons under Assembly Bill 205 why we are contacting you.

If you have questions, please contact me.

I appreciate your timely responses and look forward to coordinating with you as the project moves forward.

Thank you,

Lisa Worrall
Senior Environmental Planner
California Energy Commission
Siting, Transmission and Environmental Protection Division
715 P Street, MS-40, Sacramento, CA 95814
Direct: (916) 661-8367
Email: lisa.worrall@energy.ca.gov



From: Chris Huntley [Chuntley@aspeneg.com]
Sent: 11/21/2024 3:58:12 AM
To: Hannah Gbeh [hannah@resolutionenvironmental.com]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]
CC: Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Justin Wood [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=86ee559cfc814439b69a025b0961d2a2-536cef40-79]; Jamison Miner [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9a371186e0e402a994145a67d6e7684-546eb26e-f8]
Subject: Re: Soda Mountain Bio Observations

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I can be available.

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From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>
Sent: Wednesday, November 20, 2024 5:17:34 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>; Chris Huntley <Chuntley@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <JMiner@aspeneg.com>
Subject: RE: Soda Mountain Bio Observations

That works for me

From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Wednesday, November 20, 2024 5:16 PM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Chris Huntley <chuntley@aspeneg.com>
Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>
Subject: Re: Soda Mountain Bio Observations

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Hi Chris and Eric,

The SWCA biology team can meet tomorrow from 1-2pm, if that still works for you. Otherwise, we will need to wait until after the holiday.

Thank you!
Hannah

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From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Wednesday, November 20, 2024 4:44:49 PM
To: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Chris Huntley <chuntley@aspeneg.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>

Subject: Re: Soda Mountain Bio Observations

Great, thanks! I'm checking with our biology team now to see if they can do the Tuesday time slot.

Hannah

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From: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>

Sent: Wednesday, November 20, 2024 4:43:15 PM

To: Chris Huntley <chuntley@aspeneg.com>; Hannah Gbeh <hannah@resolutionenvironmental.com>

Cc: Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>

Subject: RE: Soda Mountain Bio Observations

Hi Hannah – I'm available when Chris is available. Lisa will be back on Monday. Thanks, Eric

From: Chris Huntley <Chuntley@aspeneg.com>

Sent: Wednesday, November 20, 2024 12:55 PM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>

Cc: Knight, Eric@Energy <Eric.Knight@energy.ca.gov>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <jminer@aspeneg.com>

Subject: RE: Soda Mountain Bio Observations

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Hannah,

Most of the team's availability is pretty tight with the upcoming holidays. However, I can be available today after 4, tomorrow from 1-2, and Tuesday 10-1. I have potential jury duty starting on the Dec 2nd.

I can show your team what we saw in the field and we can set up a meeting or site visit as needed.

Best,

Chris

From: Hannah Gbeh <hannah@resolutionenvironmental.com>

Sent: Wednesday, November 20, 2024 12:24 PM

To: Chris Huntley <Chuntley@aspeneg.com>

Cc: eric.knight@energy.ca.gov; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <JMiner@aspeneg.com>

Subject: Re: Soda Mountain Bio Observations

Hi Chris,

Thank you for your email. We appreciate all this information. Yes, a call to discuss sounds like a great idea. Could you please provide some days/times that would work well for your team?

Thanks!

Hannah

Hannah Arkin

CEO

Resolution Environmental

262 B. Avenue, Coronado, CA 92118

760-504-4109

hannah@resolutionenvironmental.com

www.resolutionenvironmental.com

From: Chris Huntley <Chuntley@aspeneg.com>

Sent: Monday, November 18, 2024 6:00 PM

To: Hannah Gbeh <hannah@resolutionenvironmental.com>

Cc: eric.knight@energy.ca.gov <Eric.Knight@energy.ca.gov>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <JMiner@aspeneg.com>

Subject: Soda Mountain Bio Observations

Hannah,

I am supporting the CEC on the Soda Mountain project and wanted to send this email out for Lisa who will be out of the office until November 25th.

My colleague Justin and I conducted a site visit to get familiar the project site and found a few items we would like to discuss with your team. We were hoping to get this data in front of your team prior to submitting any associated responses (e.g., DR BIO-10 and DR BIO-13).

Here are some of our initial questions, observations, and notes:

- Is there data on waters and bio associated with the proposed use of the existing DWP/SCE access road north of the site? I do not see any data in the BRTR.
 - There should be data on bio, waters etc. along this route especially if you need to do any maintenance or other improvements.
- The waters appear to be under mapped on the project site, t-line, and there is no data for the access roads which will likely have to be improved to support construction.
 - Can we get access to GIS data to verify. There appears to be some very large drainages missed along with many that would be considered CDFW jurisdictional.
 - An LSA was issued for the old project, but I would consider this not valid any longer and more importantly we should update to reflect conditions we found in the field.
- There appears to be a very sparse paloverde woodland in the primary wash and a few other veg mapping questions we are investigating.
- The fringe toed lizard habitat on the project site in the southern array looks poor and we will likely concur with your team that there is a low potential to occur.

Also, during the site visit we observed that the DWP access road to access the switchyard does not appear to be able to handle the construction equipment needed to construct the switchyard. On further review of the project description, I saw that in Project Description- Section 2.4.4.3 p. 2-15, it states that north of I-15, the existing LADWP/SCE transmission maintenance road would be upgraded for access to the LADWP switchyard. A Caltrans access road may also be used for construction of the gen-tie line.” We will need to know what the upgrades will be so we can analyze potential impacts from that upgrade. Depending upon the nature of the upgrade, that could affect air quality, socioeconomics (labor), cultural/tribal resources, to name a few technical areas, in addition to transportation. We need to know the following:

- Vegetation mapping along any proposed access roads (whether or not upgrades are required) north of I-15. This should be mapped to the Manual of California Vegetation Alliance Level and include a 50-foot buffer.
- Information for all drainages that cross any proposed access roads (whether or not upgrades are required) north of I-15. This should include maps and drainage types.
- Biological survey data for any special-status plant or wildlife species (including, but not limited to, desert tortoise, burrowing owl, etc.) along any proposed access roads (whether or not upgrades are required) north of I-15. Again, this should include any mapped resources within a 250-foot buffer to account for the recent candidacy status of burrowing owl.

I realize this is a lot to digest. We wanted to bring this to your attention before you file any responses that could be affected by these observations and data needs. We certainly don't want to hold up your filing responses that would not be affected. We would like to set up a call and perhaps a site visit to go over our findings and seek resolution on these topics.

If you have questions about this, please contact me or Eric Knight.

Best,

Chris



Chris Huntley
Executive Vice President
Biological Resources Director
www.aspeneg.com

5020 Chesebro Road, Suite 200
Agoura Hills, CA 91301
Cell: 818-292-2327

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From: Brewer, Marianna@Energy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C039786A84774BF4B196875ECD262646-5409B387-13]
Sent: 11/20/2024 7:33:08 PM
To: mci@vcrenewables.com
CC: Camberos, Blanca@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9a468cc1041442469599fcd37b1744b6-9d3be3a1-fb]; Kelsey, Tanner@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad103077f815400c88cfa8e9576c5f0c-6b814579-63]
Subject: Application for Confidential Designation: Soda Mountain Solar
Attachments: 11.20.24 CEC Response Letter to Soda Mountain Application 10.25.24.pdf

Dear Michael Cocchimiglio ,

Please find the attached CEC Response letter to Soda Mountain Solar's Application for confidential designation, filed with the CEC on October 25, 2024.

If you have any questions, please email, confidentialityapplication@energy.ca.gov.

Kindly,

Marianna Brewer
Legal Analyst
Chief Counsel's Office
Advocacy & Compliance Division
279-250-8838

California Energy Commission
Website: www.energy.ca.gov



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November 20, 2024

Via Email

Michael Cocchimiglio
Soda Mountain Solar LLC
110 Edison Place, Suite 312
Newark, New Jersey 07102
mci@vcrenewables.com

**Application for Confidential Designation: Soda Mountain Solar
Docket No. 24-OPT-03**

Dear Michael Cocchimiglio:

The California Energy Commission (CEC) received Soda Mountain Solar LLC (applicant) Application for Confidentiality (TN 259692), dated October 25, 2024, regarding the following documents:

- Appendix O3 Interconnection Facilities Study Report. Generation Interconnection. May 2013, All pages
- Appendix O4 Interconnection Facilities Study Report – Supplement No 1. Generation Interconnection. Final. May 15, 2017, All Pages
- Appendix O5 Interconnection Facilities Study Report – Supplement No 2. Large Generation Interconnection. Final. May 31, 2024, All Pages

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A) “if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential.”

The applicant requests the above documents be kept confidential indefinitely pursuant to California Code of Regulations, title 20, section 2505 (b). Section 2505 (b) states:

“When another federal, state, regional, or local agency or state-created private entity, such as the California Independent System Operator, possesses information pertinent to the responsibilities of the Commission that has been designated by the agency as confidential under the Public Records Act, or the Freedom of Information Act, the Commission, the Executive Director, or the Chief Counsel may request, and the agency shall submit the information to the Commission without an application for confidential designation. The Commission shall designate this information confidential.”

The applicant indicated that the above referenced documents have been designated as confidential by the California Independent System Operator.

Executive Director's Determination

Here, the applicant indicated that CAISO has designated Appendix O3, O4, and O5 as confidential and the information is pertinent to the responsibilities of the CEC. Therefore, the applicant has made a reasonable showing that the information contained in the study documents should be maintained as confidential due to CAISO's designation, in accordance with California Code of Regulations, title 20, section 2505(b). CEC designates the Appendix 3A and 3B confidential indefinitely but may be disclosed upon approval from CAISO.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director

From: Chris Huntley [Chuntley@aspeneg.com]
Sent: 11/26/2024 4:10:49 PM
To: Kara Laurenson-Wright [Kara.LaurensonWright@swca.com]
CC: Hannah Gbeh [hannah@resolutionenvironmental.com]; Pauline Roberts [PKRoberts@swca.com]; Bonnie Rogers [bonnie.rogers@swca.com]; Worrall, Lisa@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e4bbc7048b38485084bdb03fb494b25b-Worrall, Li]; Knight, Eric@Energy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=be42548337f44852a291a9845f226f62-Knight, Eri]; Jamison Miner [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e9a371186e0e402a994145a67d6e7684-546eb26e-f8]; Justin Wood [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=86ee559cfc814439b69a025b0961d2a2-536cef40-79]; Anton Kozhevnikov [Akozhevnikov@aspeneg.com]
Subject: RE: Soda Mountain Aquatic Resources Data

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Kara,

Many thanks for sending this out. I appreciate your teams effort to help with the waters data. We will take a look and we can set up another call one we have digested the data.

Best regards,

Chris

From: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>
Sent: Monday, November 25, 2024 12:06 PM
To: Chris Huntley <Chuntley@aspeneg.com>
Cc: Hannah Gbeh <hannah@resolutionenvironmental.com>; Pauline Roberts <PKRoberts@swca.com>; Bonnie Rogers <bonnie.rogers@swca.com>; Lisa@Energy <Lisa.Worrall@energy.ca.gov>; eric.knight@energy.ca.gov; Jamison Miner <JMiner@aspeneg.com>; Justin Wood <jwood@aspeneg.com>
Subject: Soda Mountain Aquatic Resources Data

Good morning Chris,

Thank you for meeting with our team last week to discuss biological/aquatic resources for the Soda Mountain Solar Project. Our geodatabase for the JD is available for download here: [Aquatic Resources](#). We are happy to have a follow-up meeting once you've been able to review.

Best,

Kara Laurenson-Wright, AICP

CEQA/NEPA Project Manager
SWCA Environmental Consultants
Cell 415.599.6464
kara.laurensonwright@swca.com

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From: Hannah Gbeh <hannah@resolutionenvironmental.com>
Sent: Monday, November 18, 2024 6:03 PM
To: Kara Laurenson-Wright <Kara.LaurensonWright@swca.com>; Pauline Roberts <PKRoberts@swca.com>; Dustin Thaler <dut@vcrenewables.com>
Subject: Fw: Soda Mountain Bio Observations

Hi Kara and Pauline,

Please see the email below from CEC. If you could please let me know when you have some time this week to discuss these issues, I would appreciate it.

- Hannah

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From: Chris Huntley <Chuntley@aspeneg.com>
Sent: Monday, November 18, 2024 6:00:31 PM
To: Hannah Gbeh <hannah@resolutionenvironmental.com>
Cc: eric.knight@energy.ca.gov <Eric.Knight@energy.ca.gov>; Worrall, Lisa@Energy <Lisa.Worrall@energy.ca.gov>; Justin Wood <jwood@aspeneg.com>; Jamison Miner <JMiner@aspeneg.com>
Subject: Soda Mountain Bio Observations

Hannah,

I am supporting the CEC on the Soda Mountain project and wanted to send this email out for Lisa who will be out of the office until November 25th.

My colleague Justin and I conducted a site visit to get familiar the project site and found a few items we would like to discuss with your team. We were hoping to get this data in front of your team prior to submitting any associated responses (e.g., DR BIO-10 and DR BIO-13).

Here are some of our initial questions, observations, and notes:

- Is there data on waters and bio associated with the proposed use of the existing DWP/SCE access road north of the site? I do not see any data in the BRTR.
 - There should be data on bio, waters etc. along this route especially if you need to do any maintenance or other improvements.
- The waters appear to be under mapped on the project site, t-line, and there is no data for the access roads which will likely have to be improved to support construction.
 - Can we get access to GIS data to verify. There appears to be some very large drainages missed along with many that would be considered CDFW jurisdictional.
 - An LSA was issued for the old project, but I would consider this not valid any longer and more importantly we should update to reflect conditions we found in the field.
- There appears to be a very sparse paloverde woodland in the primary wash and a few other veg mapping questions we are investigating.
- The fringe toed lizard habitat on the project site in the southern array looks poor and we will likely concur with your team that there is a low potential to occur.

Also, during the site visit we observed that the DWP access road to access the switchyard does not appear to be able to handle the construction equipment needed to construct the switchyard. On further review of the project description, I saw that in Project Description- Section 2.4.4.3 p. 2-15, it states that north of I-15, the existing LADWP/SCE transmission maintenance road would be upgraded for access to the LADWP switchyard. A Caltrans access road may also be used for construction of the gen-tie line.” We will need to know what the upgrades will be so we can analyze potential impacts from that upgrade. Depending upon the nature of the upgrade, that could affect air quality, socioeconomics (labor), cultural/tribal resources, to name a few technical areas, in addition to transportation. We need to know the following:

- Vegetation mapping along any proposed access roads (whether or not upgrades are required) north of I-15. This should be mapped to the Manual of California Vegetation Alliance Level and include a 50-foot buffer.
- Information for all drainages that cross any proposed access roads (whether or not upgrades are required) north of I-15. This should include maps and drainage types.
- Biological survey data for any special-status plant or wildlife species (including, but not limited to, desert tortoise, burrowing owl, etc.) along any proposed access roads (whether or not upgrades are required) north of I-15. Again, this should include any mapped resources within a 250-foot buffer to account for the recent candidacy status of burrowing owl.

I realize this is a lot to digest. We wanted to bring this to your attention before you file any responses that could be affected by these observations and data needs. We certainly don't want to hold up your filing responses that would not be affected. We would like to set up a call and perhaps a site visit to go over our findings and seek resolution on these topics.

If you have questions about this, please contact me or Eric Knight.

Best,

Chris



Chris Huntley

Executive Vice President

Biological Resources Director

www.aspeneg.com

5020 Chesebro Road, Suite 200

Agoura Hills, CA 91301

Cell: 818-292-2327

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Subject: CEC Response to Soda Mountain Solar, LLC's Application for Confidential Designation - Appendix P, Socioeconomic Impacts
Attachments: 12.05.24 CEC Response Letter to Soda Mountain's app for Confidential Designation.pdf

Dear Soda Mountain Solar LLC's, c/o, Michael Cocchimiglio,

Please find the attached CEC Response to Soda Mountain Solar, LLC's Application for Confidential Designation - Appendix P, Socioeconomic Impacts, filed with the CEC on November 04, 2024.

If you have any questions, please email, confidentialityapplication@energy.ca.gov

Kindly,

Marianna Brewer

Legal Analyst
Chief Counsel's Office
Advocacy & Compliance Division
279-250-8838

California Energy Commission

Website: www.energy.ca.gov



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December 05, 2024

Via Email

Michael Cocchimiglio
Soda Mountain Solar LLC
110 Edison Place, Suite 312
Newark, New Jersey 07102
mci@vcrenewables.com

**Application for Confidential Designation: Soda Mountain Solar
Docket No. 24-OPT-03**

Dear Michael Cocchimiglio:

The California Energy Commission (CEC) received Soda Mountain Solar LLC's (applicant) Application for Confidentiality (TN 259878), dated November 4, 2024, regarding the following documents:

- Appendix P, Socioeconomic Impacts ON San Bernardino County of the Proposed Soda Mountain Project

A properly filed application for confidentiality shall be granted under California Code of Regulations, title 20, section 2505(a)(3)(A) "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential."

The applicant requests confidentiality for all project specific financial information and economic values identified within pages 1-70 of Appendix P. Specifically, the requested confidential information includes worker compensation estimates, annual economic impact estimates, local, county, and state tax revenue estimates, and construction and operations cost information. The applicant requests confidentiality for this information indefinitely and asserts the data contains trade secrets, the disclosure of which would cause a loss of a competitive advantage.

The California Public Records Act allows for the non-disclosure of trade secrets including, among others, those records exempt from disclosure under the Uniform Trade Secrets Act. (Gov. Code, §§ 7927.705(k), 7930.005, 7930.205; Civ. Code, § 3426.1; Evid. Code, § 1060.)

Civil Code section 3426.1(d) defines "trade secret" as:

[I]nformation, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential,

from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(Civ. Code, § 3426.1(d); See also Gov. Code, §§ 7927.705, 7930.005, 7930.205; Evid. Code, § 1061(a); *Uribe v. Howie* (1971) 19 Cal.App.3d 194, 207.)

California Code of Regulations, title 20, section 2505(a)(1)(D), states that if an applicant for confidential designation believes that the record should not be disclosed because it contains trade secrets, the application shall state: (1) the specific nature of the advantage, (2) how the advantage would be lost, (3) the value of the information to the applicant, and (4) the ease or difficulty with which the information could be legitimately acquired or duplicated by others.

The application addresses the four elements in California Code of Regulations, title 20, section 2505(a)(1)(D) by stating:

1. *The specific nature of the advantage* – The information contains commercially sensitive data and trade secrets. Favorable agreements with counterparties, such as competing developers, financing agreements, and capital purchasing agreements are achieved through the negotiation process during which information is disclosed to other parties only as needed.
2. *How the advantage would be lost* – Disclosure of any of the cost information identified above, or derivatives of this cost information, would enable counterparties to reverse-engineer expected returns, capital cost components, or other key details of the project that would lessen Applicant's negotiating power.
3. *The value of the information to the applicant* – Nondisclosure of the information would preserve Applicant's ability to negotiate commercially favorable agreements with a number of counterparties and to operate the project in the most commercially competitive manner as possible. Applicant has carefully assembled its estimates for taxes, capital and operational cost figures, and leveraged myriad internal resources, including commercial partnerships, existing agreements, proprietary in-house knowledge, and prior project experience.
4. *The ease or difficulty with which the information could be legitimately acquired or duplicated by others* – The information referenced above cannot be legitimately acquired or duplicated by others. The information is not publicly available and has not been disclosed to anyone other than employees, attorneys or consultants working with Applicant and Applicant discloses this information to such parties only after executing a non-disclosure agreement.

Executive Director's Determination

Here, the applicant has made a reasonable showing that the information referenced above in Appendix P satisfies the requirements of a trade secret, in accordance with California Code of Regulations, title 20, section 2505(a)(1)(D). Therefore, the CEC designates worker compensation estimates, annual economic impact estimates, local, county, and state tax revenue estimates, and construction and operations cost information in Appendix P as confidential indefinitely.

Be advised that persons may petition to inspect or copy records that have been designated as confidential, the executive director may disclose, or release records previously designated as confidential in certain circumstances, and the CEC may hold a hearing to determine the confidentiality of its records on its own motion or on a motion by CEC staff. The procedures and criteria for disclosing or releasing, filing, reviewing, and acting upon such petitions or motions are set forth in the California Code of Regulations, title 20, sections 2506 through 2508.

Any related subsequent submittals can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have questions, please email confidentialityapplication@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director