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STATUTORY CEQA COMPLAINT: Fatal Omission of Subterranean C-Weighted Low-Frequency Acoustic Impacts on Protected Biological Resou

Additional submitted attachment is included below.

Date: November 9, 2026
To:
California Energy Commission (Docket Unit, MS-4, Docket No. 26-SPPE-01)

Subject: STATUTORY CEQA COMPLAINT: Fatal Omission of Subterranean C-Weighted Low-Frequency Acoustic Impacts on Protected Biological Resources for Docket No. 26-SPPE-01

To the Lead Agencies,
This formal filing provides specific, objective biological and acoustic engineering facts establishing that the current environmental documents submitted for the proposed 99-megawatt RB Inyokern Data Center project are legally deficient under the California Environmental Quality Act (CEQA). Specifically, the applicant's biological assessment relies on a deceptive, surface-level baseline that completely **omits** the **destructive subterranean path of C-weighted low-frequency noise (LFN) and infrasound on protected underground wildlife.**
While the developer’s application limits its biological mitigation to standard pre-construction surface surveys and exclusion fencing, it completely ignores the long-term, 24/7 operational footprint of the data center's cooling infrastructure and emergency generation grid. Because high-frequency sound scatters in open air, the developer’s A-weighted (dBA) modeling masks the true physical threat. High-intensity, long-wavelength C-waves travel through the ground with minimal atmospheric resistance, turning the loose alluvial desert soil into a primary conductor of intense vibroacoustic stress.

Because the **Western Burrowing Owl** (a newly designated candidate species under the California Endangered Species Act) and the **Agassiz's Desert Tortoise** (federally and state-threatened) are subterranean species that spend their lives underground, an unmitigated C-wave environment introduces catastrophic ecological impacts that have been entirely omitted from the project's record:

1. Destructive C-Wave Path and Biological Impacts on the Western Burrowing Owl

The Western Burrowing Owl nests up to 6 feet underground in loose desert soil. The introduction of continuous, 24/7 low-frequency pressure waves directly disrupts their survival mechanisms:

- **Acoustic Masking of Parental Danger Signaling:** Burrowing owls rely on low-frequency vocalizations and alarm calls to communicate with colonial networks and defend their territory. **The continuous data center C-wave drone creates a total masking effect that drowns out parental distress calls, leaving chicks entirely deaf to warnings when predators approach the burrow entrance.**
- **Depletion of the Primary Prey Base:** Burrowing owls collect animal dung and place it at their tunnel entrances to bait and attract crickets, beetles, and scorpions. **Because insects are highly sensitive to seismic waves, the constant, deep micro-shaking of the earth from the data center's cooling infrastructure will drive these prey**

species completely out of the zone, cutting off the owls' primary food supply.

- **Vibroacoustic Chronic Stress Chambers:** Low-frequency waves pass directly into dirt tunnels. **Trapped inside an underground burrow, the confined space acts as an acoustic resonance chamber that traps and amplifies the deep physical drone, inducing chronic systemic stress, elevated cortisol levels, and severe nesting disruptions that force permanent habitat abandonment.**

2. Destructive C-Wave Path and Biological Impacts on the Mojave Desert Tortoise

The Mojave Desert Tortoise spends up to 95% of its life underground, digging shelters up to 10 feet deep. The continuous seismic energy from the facility's cooling loops and 40 separate 3-megawatt diesel generators fundamentally compromises their anatomy:

- **Blinding of Seismic and Brachial Hearing:** Desert tortoises lack external ear flaps; their middle and inner ears are structurally engineered to capture low-frequency acoustic vibrations moving through the desert floor to alert them to approaching predators. **The data center's continuous 24/7 ground-vibrating infrasound will permanently blind the tortoise’s seismic sensory organs, rendering them completely incapable of detecting predators when they emerge from their shelters.**
- **Disorientation and Fatal Premature Brumation Emergence:** Tortoises rely on precise soil

temperature and vibrational cues to manage their seasonal deep sleep (brumation). **The continuous unmitigated noise pollution and thermal plumes traveling through the earth will disorient the tortoises' biological clocks, tricking them into emerging from their burrows weeks too early into sub-freezing desert winter nights where they face hypothermia and starvation before spring vegetation blooms.**

- **Seismic Burrow Structural Collapse:** Tortoise shelters require cohesive, compact loose soil to maintain structural integrity without caving in. **The high-energy ground vibrations discharged into the earth during generator testing cycles and grid faults will accelerate soil loosening in Inyokern's sandy alluvial terrain, introducing a severe risk of structural burrow collapse that will trap the threatened tortoises alive inside their own shelters.**

Formal Demands Under CEQA Guidelines

Under CEQA, a Lead Agency cannot issue a Small Power Plant Exemption when substantial evidence indicates that long-term operations will cause unmitigated, significant degradation to protected biological resources. We formally demand that the California Energy Commission and Kern County:

1. **Deny the Small Power Plant Exemption (SPPE)** and mandate a full Environmental Impact Report (EIR).
2. **Order a comprehensive Subterranean Acoustic and Soil-Vibration Modeling Study** using C-weighted (dBC) parameters to chart the physical

depth and reach of the low-frequency drone into underground nesting zones.

3. **Compel a formal consultation with the California Department of Fish and Wildlife (CDFW)** to evaluate the data center’s continuous ground-vibration footprint against the illegal "take" thresholds mandated under the California Endangered Species Act (CESA) for candidate and threatened species.

Sincere Stakeholder, Ratepayer, Taxpayer and Concerned Citizen of Eastern Kern County,
Bonnie DeRosa