

| <b>DOCKETED</b>         |  |
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| <b>Docket Number:</b>   | 24-OPT-03  |
| <b>Project Title:</b>   | Soda Mountain Solar  |
| <b>TN #:</b>            | 257955   |
| <b>Document Title:</b>  | Application for Confidential Designation   |
| <b>Description:</b>     | <p>Application for Confidential Designation for:</p> <ul style="list-style-type: none"> <li>- EIR Appendix D-1, Soda Mountain Solar Project Biological Resources Technical Report – Appendix C, California Natural Diversity Database 10-Mile Search 1:6,000 Scale Map, June 2024, All Pages</li> <li>- EIR Appendix H, Paleontological Resources Technical Report for the Soda Mountain Solar Project, February 2024 <ul style="list-style-type: none"> <li>o Appendix A, Natural History Museum of Los Angeles County Paleontological Records Search, All Pages</li> <li>o Appendix B, San Bernardino County Museum Paleontological Records Search, All Pages</li> </ul> </li> </ul> |
| <b>Filer:</b>           | Hannah Gbeh  |
| <b>Organization:</b>    | Resolution Environmental   |
| <b>Submitter Role:</b>  | Applicant Consultant   |
| <b>Submission Date:</b> | 7/23/2024 12:48:43 PM  |
| <b>Docketed Date:</b>   | 7/23/2024  |

Confidential Docket Request

July 22, 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:

Soda Mountain Solar LLC, as applicant for the Soda Mountain Solar Project (project), requests that the attached information be designated as confidential pursuant to 20 California Code of Regulations (CCR) Section 2505. 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:** Soda Mountain Solar LLC

**Address:** 110 Edison Place, Suite 312, Newark, New Jersey, 07102

**1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.**

- EIR Appendix D-1, Soda Mountain Solar Project Biological Resources Technical Report – Appendix C, California Natural Diversity Database 10-Mile Search 1:6,000 Scale Map, June 2024, All Pages
- EIR Appendix H, Paleontological Resources Technical Report for the Soda Mountain Solar Project, February 2024
  - Appendix A, Natural History Museum of Los Angeles County Paleontological Records Search, All Pages
  - Appendix B, San Bernardino County Museum Paleontological Records Search, All Pages

**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.**

- Appendix C of EIR Appendix D-1
  - The document referenced above should be kept confidential indefinitely. If locations of rare biological resources are released to the public, individuals of the species or their

habitats may be harmed by collection or harvest or destroyed to avoid future compliance with regulatory requirements protecting these resources.

- Appendix A and Appendix B of EIR Appendix H
  - The documents referenced above should be kept confidential indefinitely. If locations of protected paleontological 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.**

- Appendix C of EIR Appendix D-1
  - The CNDDDB and its associated databases are proprietary databases owned by the California Department of Fish and Wildlife (CDFW), and their use is limited to subscribed users who, under the CNDDDB license agreement, may not release the data to the public or non-subscribers without permission from CDFW unless it is displayed in a way or at a scale (1:350,000 or greater) such that viewers cannot determine the precise location of the resources mapped. Refer to the license agreement for the CNDDDB, available at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75516&inline>
- Appendix A and Appendix B of EIR Appendix H
  - The documents referenced above specifically identify areas of potential cultural and historical significance. They are thus protected under California Government Code Sections 7927.300 and 7927.705. Protection provided is analogous to that given to Native American sacred places under Section 7927.000 of the Government Code. The Soda Mountain Solar Project is located on public lands administered by the BLM. At the request of the BLM, the appendix identified above should be kept confidential indefinitely.

**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.**

- Appendix C of EIR Appendix D-1
  - The public interest will be served by nondisclosure by preventing the potential harm and/or destruction of rare plants, animals, and natural communities. Harm to/destruction of these species and/or natural communities could impact the persistence of these resources, thus limiting future recreational viewing and/or scientific study.
- Appendix A and Appendix B of EIR Appendix H
  - 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.**

- Appendix C of EIR Appendix D-1
  - The information disclosed in the confidential report identified in 1(a) has been aggregated and summarized in Chapter 3.4 Biological Resources of the Opt-In Application for the project. However, aggregation of the confidential report itself would potentially hinder CEC staff when performing their review and analysis.
- Appendix A and Appendix B of EIR Appendix H
  - The information disclosed in the documents listed above have been aggregated and summarized in Section 3.5 Cultural Resources of the Opt-In Application for the Project. However, aggregation of the confidential information themselves would potentially hinder CEC staff when performing their review and analysis.

**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 information contained within the documents references in 1(a) has not been disclosed in a Project-specific context to any parties beyond Soda Mountain Solar LLC's employees, attorneys, or consultants working on behalf of Soda Mountain Solar LLC and who are directly associated with the proposed project and under confidentiality agreements.

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:



Michael Cocchimiglio  
CEO & Head of Development