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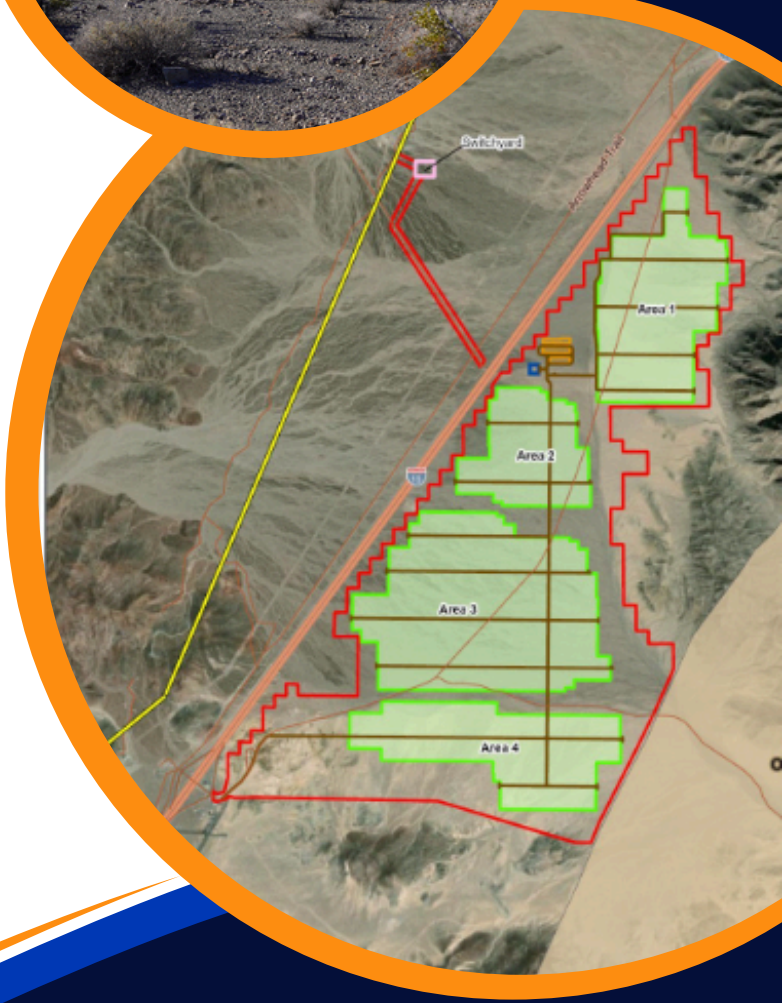
SODA MOUNTAIN SOLAR PROJECT (24-OPT-03)



CEC DATA RESPONSE SET #2

FEBRUARY 2025

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Soda Mountain Solar Project

CEC Data Request Response #2

February 10, 2025

1. Introduction

1.1 Introduction

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 document provides Data Request Response #2. Table 1 lists all Data Requests for which a response is provided in Response Set #2. Data Response Set #1 was submitted to the CEC in November 2024. The Response Set #2 submittal completes the Applicant team responses to the September 2024 Incomplete letter and addresses all identified deficiencies.

The responses within Data Request #2 are grouped by individual discipline or topic area and presented in the same order and with the same numbering provided by the CEC. All relevant reports and technical documents have been revised and re-docketed to address the information requested within the CEC data requests. CEC Staff has been provided redline versions of each report to show the specific areas of changes within each relevant report and technical document.

Table 1. Data Responses Included in Response Set #2

Data Request Resource Area	Data Request Number
Mandatory Opt-in Requirements	--
Air Quality (includes Greenhouse Gases)	--
Alternatives	ALT-1 through ALT-3
Biological Resources	BIO-1 through BIO-20
Cultural/Tribal Cultural Resources	CUL/TRI-1 through CUL/TRI-21
Executive Summary	--
Geological Hazards	--
Hazardous Materials Handling	--
Land Use	--
Paleontological Resources	--
Project Description	PD-1 through PD-3
Public Health	--
Socioeconomics	--
Soils	--
Traffic and Transportation	--
Transmission System Safety and Nuisance	TSSN-1 through TSSN-5
Transmission System Design	--
Visual Resources	VIS-1 through VIS-12
Waste Management	--
Water Resources	WATER-1 through WATER-30
Worker Safety	--
Note: All Data Request Resource Areas with -- were responded to within CEC Data Request Response Set #1.	

Table 2. Documents Updated and Docketed for Response Set #2.

Updated Document	Docket TN #	Data Request Number
Chapter 4 Alternatives		DR ALT-1 through DR ALT-3
Chapter 3.4 Biological Resources	261597	DR BIO-1 through DR BIO-20
Appendix D-1 Biological Resources Technical Report	261603	DR BIO-1 through DR BIO-20
Appendix D-2 Appendices to Biological Resources Technical Report	261590	DR BIO-1 through DR BIO-20
Appendix D-3 Restoration and Revegetation Plan	261589	DR Water-25
Appendix D4 – Incidental Take Permit Application	261593	DR BIO-1 through DR BIO-20
Appendix D4b – Appendices for Incidental Take Permit Application	261594	DR BIO-1 through DR BIO-20
Appendix D-5 Biologist Resumes	261591	DR BIO-1 through DR BIO-20
Appendix E-1 Aquatic Resources Delineation	261604	DR BIO-10, DR WATER-26
Appendix E-3 Request for Jurisdictional Determination	261606	DR WATER-10
Appendix E-4 Waste Discharge Requirements	261592	DR WATER-2, DR WATER-8, DR WATER-24
Appendix E-5 CDFW LSAA	261588	DR BIO-1 through DR BIO-20
Section 3.5, Cultural Resources	261596	DR CUL/TRI-1 through DR CUL/TRI-21
Section 3-18 Tribal Cultural Resources	261600	DR CUL/TRI-1 through DR CUL/TRI-21
Appendix F, Archaeological Resources Assessment	261464	DR CUL/TRI-1 through DR CUL/TRI-21
Appendix G, Historical Resources Assessment	261464	DR CUL/TRI-1 through DR CUL/TRI-21
Chapter 2. Project Description	261595	DR PD-1 through DR PD-3
Appendix Y. Electric and Magnetic Field Study	261586	DR TSSN-1 through DR TSSN-5
Appendix B Visual Technical Report	261602	DR VIS-1 through DR-VIS-12
3-1 Aesthetics	261598	DR VIS-1 through DR-VIS-12
Appendix J, Water Supply Report	261605	DR WATER-17, DR WATER-20, DR WATER-29, DR WATER-30
Section 3.10 Hydrology and Water Quality	261601	DR WATER-1 through DR WATER-30
Section 3-19 Utilities and Service Systems	261599	DR WATER-1 through DR WATER-30
Appendix X2 – FAA Informal Review Determination	261585	DR LAND-3
Appendix Z Mitigation Measure MM BIO-3	261587	DR BIO-10
Appendix AA Determination of Infeasibility for DR BIO-20		DR BIO-20
Appendix BB Stormwater Pollution and Prevention Plan		DR WATER-7

2. ALTERNATIVES

2.1 DATA REQUESTS DR ALT-1 THROUGH DR ALT-3

2.1.1 DR ALT-1: Please provide a discussion of the applicant's site selection criteria, any alternate sites considered for the project (including a location map) but rejected and the reason why, and the reasons why the applicant chose the proposed site.

Response: Chapter 4, Alternatives, has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, Section 4.3 Site Selection, describes

alternate sites considered for the project but rejected and the reason why, and the reasons why the applicant chose the proposed site.

2.1.2 DR ALT-2: Subsection 4.4 describes the No Project Alternative. Subsection 4.5, Visual Buffer Alternative, describes an alternative project configuration and provides a comparison of it to the proposed project. One option does not seem to provide a reasonable range of alternatives. Are there other alternative configurations or locations that deserve consideration?

Response: Chapter 4, Alternatives, has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Feasible project alternatives analyzed within this chapter include the following: No Project Alternative, Visual Buffer Alternative, Reduced Building Size Alternative, and No Outdoor Lighting Alternative.

2.1.3 DR ALT-3: Please identify an environmentally superior alternative and compare it to the proposed project.

Response: Chapter 4, Alternatives, has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, Section 4.7, Environmentally Superior Alternative states that the No Project Alternative is considered the Environmentally Superior Alternative. CEQA Guidelines Section 15126.6(e)(2) requires that if the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. For the reasons discussed in Section 4.6 the Reduced Building Size Alternative is considered the Environmentally Superior Alternative.

3. Biological Resources

3.1 Data Requests DR BIO-1 through DR BIO-20

3.1.1 DR BIO-1 Update the discussion in Section 3.4 Biological Resources (TN 257926), Subsection 3.4.1.2 page 3.4-5 and in Appendix D1 Biological Resources Technical Report (TN 257902) about fully protected species under California Fish and Game Code Sections 3511, 4700, 5050, and 5515 to reflect new legislation allowing take of some fully protected species under Senate Bill (SB) 147.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources have been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix D-1 Section 2.2.3.1 Fully Protected Species, Page 12 and EIR Chapter 3.4, Biological Resources, Section 3.4.1.2 State, Page 3.4-5 to 3.4-6.

The section has been updated to add that Senate Bill No. 147, effective as of July 10, 2023, amends Sections 395, 3511, 4700, 5050, and 5515 of the Fish and Game Code and adds Section 2081.15. This legislation allows the CDFW to issue Incidental Take Permits (ITPs) for fully protected species under specific and limited circumstances, including for photovoltaic (PV) solar projects and related infrastructure (Appendix D-1). The section has also been updated to state that under Section 460 of the California Fish and Game Code (FGC), desert kit fox (Vulpes macrotis arsipus) may not be taken at any time. Under Sections 4000-4003 of the FGC, it is unlawful to conduct activities that would result in the taking, possessing, or destroying of any fur-bearing mammals, including kit foxes, without prior authorization from the CDFW. Please refer to the docketed reports for the fully revised text and analysis.

3.1.2 DR BIO-2: In Subsection 3.4.3.4, page 3.4-11 and 12, one California Rare Plant Rank List 4 plant may have been overlooked during the surveys. The Flora Compendium (Attachment B) in the Rare Plant Survey and Vegetation Mapping Report for the Soda Mountain Solar Project (Appendix E, TN 258460) included an unidentified muilla (*Muilla* sp.). This plant should have been identified to species because crowned muilla (*Muilla coronata*) is known from within approximately 10 miles of the project site. Crowned muilla has a California Rare Plant Rank of 4.2 and has a limited range in California. Crowned

muilla is the only species of muilla known within 40 miles of the project site. Please address this species in these technical reports and disclose the locations and abundance of these observations.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section 3.4.3.4 Special-Status Plants, pgs. 3.4-11 to 3.4-12. It can also be found within Appendix D-1 BRTR Executive Summary, Page i; Section 4.3.1 Special-Status Plants, Table 3, Page 38; Section 4.3.1.13 Muilla Species, Page 42-43; Figure 10, Page 46; Appendix P, Photograph P-30-33, Page P-21 - P-24. The additional information provided in these reports addresses these species and discloses the location and abundance of these observations. Please refer to the docketed reports for the fully revised text and analysis.

3.1.3 DR BIO-3a: In Section 3.4, Subsection 3.4.3.5 page 3.4-13 concludes that Crotch's bumble bees are absent from the project area based on the field surveys, and indicates it is outside the known range. Staff notes the project is outside the known range of the species; however, this species has been observed in Death Valley as indicated on the range maps and recent iNaturalist records and recent surveys are detecting this species in new areas. Also, Appendix F Crotch's Bumble Bee Focused Survey Report for the Soda Mountain Solar Project / SWCA Project No. 68347 (TN 258460) notes two unidentified Bombus species were observed near the gen-tie line and as discussed in DR BIO-3, surveys have missed a period when more abundant floral resources were detected. Please change the occurrence potential for this species to Low rather than Absent.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section 3.4.3.5 Special-Status Wildlife, pgs. 3.4-13 – 3.4-14; Section 3.4.4.4 Impact Assessment, pgs. 3.4-34 to 3.4-35. It can also be found within Appendix D-1 BRTR Section 4.4.2 Special-Status Wildlife, Table 4, Page 49; Section 4.4.2.1.1 Crotch's Bumble Bee, Page 53. These revisions and additional information include changing the occurrence potential for this species to Low rather than Absent. Please refer to the docketed reports for the fully revised text and analysis.

3.1.3.1 DR BIO-3b: Appendix F stated that teams of three to four SWCA biologists performed four focused surveys during the colony active period (April to August) to allow for the highest probability of detection. Surveys were performed on May 22 to 26, June 14 to 16, July 16 to 18, and August 14 to 26, 2023. The surveys were focused on areas with the highest abundance of plants that may provide nectar for foraging bumble bees, specifically along the largest washes (See Appendix D, Figure 4, TN 258460). Nectar plants were recorded using a handheld global positioning system (GPS) unit. No bumble bees were captured or handled during survey efforts.

Please describe why no surveys were conducted during the early flight season (Feb, March, April, and most of May) when many foraging plants would be in bloom. Many annual species including Phacelias, Chaenactis, Asclepias, Amsinckia, Lupines, Eriogonums, and Salvia were detected during botanical surveys conducted by SWCA (see The Flora Compendium (Attachment B from Appendix D, TN 258460) of the Rare Plant Survey and Vegetation Mapping Report for the Soda Mountain Solar Project (Appendix E, TN 258460). These plants can be used by this species. The survey areas identified in the report (See Figures 4, 5, and 6) appear to have focused on the remaining late season flowering plants. While staff concurs it is best to focus on the most likely areas, it appears the surveys may have overlooked an important period when flowering plants would have been abundant.

Please clarify if all the identified foraging plants (Fig 6) were subject to surveys. It appears based on the survey maps (Fig 4 and 5) that a large area on the southern portion of the site was not subject to surveys. Please also clarify how many surveys were conducted in each area (i.e., one pass only, twice, multiple, etc.). Staff noted that the second round of surveys focused on a specific wash.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Page 3.4-13 – 3.4-14. It can also be found within Appendix D-1 BRTR Section 3.2.3 Crotch's Bumble Bee Survey, Page 21-22. The information added to these reports add clarification regarding surveys completed for the project. Please refer to the docketed reports for the fully revised text and analysis.

3.1.3.1 DR BIO-3c: Please revise the Crotch's bumble bee conclusions in Section 3.4 of Subsection 3.4.3.5, page 3.4-13 given observation of this species in Death Valley as indicated on the range maps and the recent iNaturalist records and recent surveys are detecting this species in new areas. Furthermore, the two unidentified Bombus species noted as being near the gen-tie line and surveys missed a period when more abundant floral resources were detected.

The application did not clearly state if the applicant is seeking incidental take authorization as described in Fish and Game Code section 2081(b) and no mitigation measures were proposed. Will the applicant be applying for incidental take authorization for take of Crotch's bumble bee? Should a bumble bee nest be detected during preconstruction surveys on the project site, work would be paused until take authorization could be granted. If take authorization will be sought, data that shall be provided includes:

a. Common and scientific names of the species to be covered by the incidental take permit (ITP) and the species' status under the California Endangered Species Act (CESA).
b. A complete description of the project or activity for which the permit is sought.
c. The location where the project or activity is to occur or to be conducted.
d. An analysis of whether and to what extent the project or activity for which the permit is sought could result in the taking of species to be covered by the permit.
e. An analysis of the impacts of the proposed taking on the species.
f. An analysis of whether issuance of the ITP would jeopardize the continued existence of the species. A complete, responsive jeopardy analysis shall include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of:

i. Known population trends;
ii. ii. Known threats to the species; and
iii. iii. Reasonably foreseeable impacts on the species from other related projects
iv. and activities.

g. Proposed measures to minimize and fully mitigate the impacts of the proposed taking.
h. A proposed plan to monitor compliance with the minimization and mitigation measures and the effectiveness of the measures.
i. A description of the funding sources and the level of funding available for implementation of the minimization and mitigation measures.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Page 3.4-13 – 3.4-14; Section 3.4.4.4, Impact Analysis, Page 3.4-34 – 3.4-35. It can also be found within Appendix D-1 BRTR Section 3.2.3 Crotch's Bumble Bee Survey, Page 21-22; Section 5.3 Mitigation Measures, Page 107. In summary, the implementation of APM BIO-3, APM BIO-6, APM BIO-7, APM BIO-12, APM BIO-17, APM BIO19, and APM BIO-26 as part of the project would avoid or substantially lessen potentially significant impacts to Crotch's bumble bee, to the extent feasible. Additional mitigation measures that would reduce the impacts to Crotch's bumble bee to less than significant include MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-5, MM BIO-6, MM BIO-7, and MM BIO-9. Please refer to the docketed reports for the fully revised text and analysis.

3.1.4 DR BIO-4: The statement in Section 3.4.3.5 page 3.4-14 and the Appendix D1 Biological Resources Technical Report (TN# 257902) that "All the tortoise burrows found were collapsed and/or showed no sign of recent activity" needs to be revised.

Based on the survey data provided the burrows are not all collapsed but include a range of conditions from Class 2 through 5. While the report figures show the classification system it is recommended the language be changed to "The tortoise burrows showed no recent sign of use, and some were collapsed." Recommend making the same change in Appendix G Desert Tortoise Survey Report for the Soda Mountain Solar Project / SWCA Project No.68347 (TN 258460).

Please also clarify if the potential mammal and owl burrows noted in Figure 2 (Location of live burrowing owl observation, unknown mammal burrows, and desert kit fox and American badger dens identified within the study area) of the Burrowing Owl, Desert Kit Fox, and American Badger Survey Report for the Soda Mountain Solar Project / SWCA Project No. 068347-002 (Appendix N) (TN 258459), were included as potential desert tortoise burrows in the desert tortoise survey report. Based on a review of the figures there appears to be additional and or different burrow locations. It is uncertain to staff if these are accounted for in the most recent report. Desert tortoise survey guidelines note that all potential burrows should be considered as possible desert tortoise burrows. While the report clearly states that desert tortoise can use other burrows staff recommends that the report clearly indicate the presence of large numbers of other suitable burrows. Similarly, desert kit fox, American badger, and burrowing owl can and do use desert tortoise burrows.

Translocation areas for desert tortoises. Please identify if desert tortoise surveys have been completed for the proposed translocation area identified in the January 13, 2016, Biological Opinion for the Soda Mountain Solar Project. Please clarify if any other studies have been conducted in this location. If surveys have not been conducted, please identify when an assessment of this area including surveys for desert tortoise (at minimum burrows and sign if completed out of season) will be conducted.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Page 3.4-15. It can also be found within Appendix D-1 BRTR Section 4.4.2.2.1 Desert Tortoise, Page 55; Section 4.4.2.4.3 American Badger, Page 72; and Section 4.4.2.4.4 Desert Kit Fox, Page 72-73; Appendix N. Please refer to the docketed reports for the fully revised text and analysis.

3.1.5 DR BIO-5: Section 3.4.3.5, page 3.4-14 (TN# 257926) discusses the Mojave fringed-toed lizard. Please clarify why surveys for Mojave fringe-toed lizards were not conducted in the two small areas of aeolian sand deposits (2.1 acres and 4.8 acres) mapped by SWCA located in the southern portion of the project area. In addition, based on a review of aerial photos it appears that many of the small drainages located in the southern portion of the project site contain windblown sand. Please clarify if these areas provide dispersal habitat for this species. While populations of lizards in small patches of sand are at greater risk of extirpation they can be used by this species. In addition, this species is capable of dispersal over non aeolian surfaces and may be present in the area. These areas should be evaluated, and the species considered to have an increased potential to occur in and near the southern arrays.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Page 3.4-15. It can also be found within Appendix D-1 BRTR Section 3.2.5 Mojave Fringe-toed Lizard, Page 24. Although focused Mojave fringe-toed lizard surveys were not conducted in the small sand deposits, surveys for additional special-status species and vegetation did cover these areas. These efforts included concentrated visual encounter surveys in which Mojave fringe-toed lizards would have likely been observed incidentally. Please refer to the docketed reports for the fully revised text and analysis.

3.1.6 DR BIO-6: Subsection 3.4.3.5, page 3.4-15 (TN# 257926) discusses avian use. Staff acknowledges the extensive work conducted by the applicant to update biological resource data after coordinating with CDFW. Staff noted different conclusions and survey results between the various reports. Staff requests that any resource data detected during previous surveys such as the number of avian species be summarized in the Biological Resources Technical Report (Appendix A, 2013 Panorama Environmental Inc. Biological Resources Technical Report TN 258461) and Impact Analysis. For example, page 3.4-15 (Avian

Use) of the Impact Analysis and Section 4.4.2.3.1 Local Bird Use of the Biological Resources Technical Report should include the avian data collected during previous studies as a reference to compare against the data collected during the most recent surveys. It was noted that previous avian data identified a higher number of birds compared to the most recent data. In addition, the Bureau of Land Management (BLM) approved Environmental Impact Statement (EIS) and previous technical documents such as the Panorama Biological Technical Report (TN# 258461) included a more thorough discussion of migratory waterbirds. Please update the impact analysis in Section 3.4 (TN 257926) to include other potential migratory birds such as Yumas Ridgeway rail and who may overfly the area.

Response: The brown pelican was included in the previous EIR (not in the previous Biological Resources Technical Report) but this species is now delisted. Yuma Ridgway's rail (FE, ST) was included in the previous EIR (not in the previous Biological Resources Technical Report). There is no mention of these two species, waterbirds, or flyover species in the 2013 Panorama Biological Resources Technical Report and these species did not show up in the CNDDB, IPaC, or the more recent 10-mile CNDDB searches. Thus, no additional migratory birds were analyzed. Inclusion of previous avian use studies can be found in the Appendix D-1 Biological Resources Technical Report Section 4.4.2.3.1 Local Bird Use, Page 61.

3.1.7 DR BIO-7: Section 3.4.3.5, page 3.4-16 (TN# 257926) discusses bats. Staff requests that any resource data detected during previous bat surveys be summarized in the Biological Resources Technical Report and Impact Analysis. Include a description of Townsends big-eared bat (Corynorhinus townsendii) in this section. In addition, there are a number of other sensitive bat species known from the Mojave Desert that while not detected should be considered as periodic foragers. These include California leaf-nosed bat (Macrotus californicus) and Western mastiff bat (Eumops perotis californicus).

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section, 3.4.3.5, Page 3.4-17 – 3.4-19; Section 3.4.4. Page 3.4-43. It can also be found within Appendix D-1 BRTR Section 3.2.8 Bat Surveys, Page 27-28; Section 4.4.2.4.1 Bats, Page 68-70. The revisions include additional information on Townsend's Big-eared bat, California Leaf-nosed Bat and Western Mastiff Bat. Please refer to the docketed reports for the fully revised text and analysis.

3.1.8 DR BIO-8: Section 3.4.3.5 (TN 257926). There is no mention or impact analysis for mountain lion. Section 4.4.2.4.2 (Mountain Lion) TN# 257902 of the Biological Resources Technical Report dismisses this species. This species should not be discounted and dismissed from analysis. Identifying the mountain lion as absent based on the lack of California Natural Diversity Database (CNDDB) records and no species observation during other surveys is misleading. This is a difficult species to detect, they are far ranging in the desert, and there was a historic roadkill nearby (Appendix D2 Desert Bighorn Sheep Study, TN 257948, Section 3.2, Exhibit 1). As stated in the report, this species could occur as a transient; therefore, the mountain lion should be considered for analysis in the environmental documents.

Response EIR: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section 3.4.3.5, Page 3.4-21; Section 3.4.4.4, Page 3.4-40 – 3.4-41. It can also be found within Appendix D-1 BRTR Section 4.4.2.4.2 Mountain Lions, Page 71-72; Section 5.2.1.3.9 Mountain Lion, Page 94-95. In summary, the implementation of APM BIO-12, APM BIO-17, APM BIO-19, APM BIO-21, APM BIO-26, APM BIO-27, and APM BIO-38 as part of the project would avoid or substantially lessen potentially significant impacts to mountain lion, to the extent feasible. Additional mitigation measures that would reduce the impacts to mountain lion to less than significant include MM BIO-1, MM BIO-2, and MM-BIO-5, and MM BIO-8. Please refer to the docketed reports for the fully revised text and analysis.

3.1.9 DR BIO-9: Section 3.4.3.5(TN 257926) does not mention or provide an impact analysis for ringtail. A discussion of ringtail (Bassariscus astutus), a State Fully Protected Species, should be included in the reports and impact analysis. This species, while closely associated with water resources, is known from the region with direct observations at Zzyzx.

Considering the proximity to this location and the other springs and caves in the region a more thorough discussion of this species is warranted. Likewise, the introduction of new watering sources as mitigation to support desert bighorn sheep would likely be an attraction to this species. Update this section to include a discussion of and assessment of potential impacts to ringtail.

Response: Appendix D-1 Biological Resources Technical Report and Chapter 3.4, Biological Resources has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section 3.4.3.5, Page 3.4-22; Section 3.4.4.4, Page 3.4-43. It can also be found within Appendix D-1 BRTR Section 4.4.2.4.6 Southern California Ringtail, Page 73; Section 5.2.1.3.10 Southern California Ringtail, Page 95. The use of artificial water sources has been removed. Please refer to the docketed reports for the fully revised text and analysis.

3.1.10 DR BIO-10: In reviewing Section 3.4.3.5 staff observed that the CDFW jurisdictional footprint is different depending on the report that is reviewed. Staff noted that the most recent Aquatic Resources Delineation (TN#257933) provides the most robust methodologies and description of CDFW jurisdictional waters on the project site compared to the features previously mapped in other reports. Staff understands this is the proposed map that would be used for regulatory permitting and impact analysis. Staff would like clarification on drainages that occur in the southern portion of the project site. For example, in the 2013 Panorama Environmental, Inc. Biological Resources Technical Report (TN# 258461-Appendix D4 - Appendix A to 2024 Biological Resources Technical Report) Figure 3.4-2 (Waters of the State 2009) presents the smallest acreage of CDFW waters while Figure 3.4-3 Waters of the State (2012) include substantially more waters. Each of these maps show the presence of CDFW waters in the lower portion of the project site. In the most recent delineation (TN#257933) some large features mapped in previous studies are not included and there appears to be some type of feature present based on a cursory review of aerial maps. See Figure 25 (Prominent and non-prominent channels) and Figure 26 (Aquatic resources inventory map). Staff intends to conduct a field verification of the delineation in the near future but requests additional information for why these areas where not included.

Response: The project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts. Appendix Z contains detailed information on MM BIO-3. Once approved by the CEC, the Applicant will enlist a 3rd party consultant to review and update the previously submitted jurisdictional delineation. This 3rd party review will include a review of baseline conditions to ensure all existing waters on-site are properly accounted for, in addition to refining the project impacts that will occur after implementation of MM BIO-3. Appendix E-1, Figure 27, page 43, has been slightly updated to address portions of this data request.

3.1.11 DR BIO-11: Section 3.1.2 in Appendix D1, Biological Resources Technical Report (TN 257902) page 17-18 discusses the potential for occurrence for special-status species. Staff requests the term Absent be changed to Not Likely to Occur. Absent should only be used for species where this is no habitat, it is completely out of the expected range, and was not detected during surveys. The term “unequivocal negative results” in the text of the report are misleading and likely incorrect as even the most skilled botanists and wildlife biologists do not see every species and even during good rain years not all plant occurrences may bloom.

Response: Appendix D-1 Biological Resources Technical Report has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, the requested language modifications can be found within Appendix D-1 BRTR Section 3.1.2 Special-Status Species Potential for Occurrence, Page 18.

3.1.12 DR BIO-12: Does the Biological Opinion issued for the approved project need to be updated and or revised based on the timing and or project revisions such as battery storage?

Response: The Applicant is concurrently processing permits through the Bureau of Land Management, including an environmental determination in compliance with the National Environmental Policy Act. As part of this environmental review, BLM will determine if the Biological Opinion for the project will require updating or revisions. This process is ongoing.

3.1.13 DR BIO-13: The impact statement in Section 3.4, Subsection 3.4.4.4, page 3.4-38 does not address impacts to State jurisdictional waters. As identified in the most recent delineation in Appendix E1 Aquatic Resources Delineation (TN 257933), the proposed project would result in direct and indirect impacts to features under the jurisdiction of the State Water Board and the CDFW. Subsection 3.4.4.4 must be revised to provide an assessment of impacts and propose mitigation to minimize impacts to these features. Please provide project designs and identify each of the drainages that would be subject to impacts consistent with current CDFW requirements.

Response: Chapter 3.4, Biological Resources has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within EIR Chapter 3.4, Biological Resources, Section 3.4.4. Impact Analysis, Page 3.4-44 to 3.4-45 and Table 2.

It should be noted that the project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts. Once approved by the CEC, the Applicant will enlist a 3rd party consultant to review and update the previously submitted jurisdictional delineation. This 3rd party review will include a review of baseline conditions to ensure all existing waters on-site are properly accounted for, in addition to refining the project impacts that will occur after implementation of MM BIO-3. Appendix Z contains detailed information on MM BIO-3.

3.1.14 DR BIO-14: Section 3.4, Subsection 3.4.5, pages 3.4-45 to 3.4-46, MM BIO-6: Fence Design and Site Permeability states that permanent site fencing installed around the project should be designed to allow for the passage of wildlife, to the extent feasible given the need for the fencing to prevent ingress by desert tortoise. The measure proposes to allow access to small mammals by lifting the fence. In addition, the measures state that "Gaps of approximately 4 to 6 inches should occur at the bottom of the fence to allow small wildlife, mesocarnivores, coyote and American badger to pass under." These gaps would also allow small desert tortoise to enter the site. Please clarify if the intent of the applicant is to allow desert tortoise back into the project site post construction.

Response: Appendix D-1 Biological Resources Technical Report has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix D-1 BRTR Section 5.3 Mitigation Measures, Page 108, MM BIO-8, Fence Design and Site Permeability has been updated to provide the information requested in this data request.

3.1.15 DR BIO-15: Regarding road closures, will there be a bypass or other access road available to the public when or if Rasor Road is closed? Figure 2 of Appendix E2 Aquatic Resources Assessment (TN# 257904) and Figure 2-6 of Chapter 2 Project Description (TN# 257912) show the arrays overlying this road. Conversely, the January 13, 2016, Biological Opinion for the Soda Mountain Solar Project (see Figure 2, Translocation areas for desert tortoises) shows Rasor Road to be unobstructed. Please clarify if this road will be blocked and or rerouted. Please ensure that all impact analysis and all relevant reference documents include maps that are consistent and identify an accurate disturbance footprint.

Response: Chapter 2, Project Description, has been updated to address the data request above. Specifically, this information can be found within EIR Chapter 2 Project Description, Section 2.4.6.3 Access Roads, page 2-18. Rasor Road would be closed during the 18 months of construction and re-open for public use and access after construction is completed, during operation. During construction, public access to the Rasor OHV recreation area would be maintained from the Basin Road exit on I-15.

3.1.16 DR BIO-16: Ongoing Surveys. Please inform the CEC what if any surveys are currently proposed or underway that are not included in the current application data.

Response: There are no proposed or ongoing species surveys. It should be noted that the project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts. Once approved by the CEC, the Applicant will enlist a 3rd party consultant to review and update the previously submitted jurisdictional delineation. This 3rd party review will include a review of baseline conditions to ensure all existing waters on-site are properly accounted for, in addition to refining the project impacts that will occur after implementation of MM BIO-3. Appendix Z contains detailed information on MM BIO-3.

3.1.17 DR BIO-17: The impact analysis for desert bighorn sheep in Section 3.4, page 3.4- 34 indicated that night work is not expected to occur. However, the second paragraph on page 2-17 in Chapter 2, Section 2.5.1 (TN 257912) states that to meet schedule demands or to reduce impacts, it may be necessary to work early mornings, evenings, or nights and on weekends during certain construction phases. Please provide a detailed schedule of when night work is expected to occur and include a more thorough analysis of impacts to all wildlife species from conducting work during periods of darkness.

Response: No night work will occur as part of the proposed project. All documents have been updated to remove any reference to night work.

3.1.18 DR BIO-18: Vegetation Community Impacts. Table 6. Total Impacts to Vegetation Communities in the Study Area, identified in the Biological Resources Technical Report must be included in Section 3.4 to properly identify impacts to vegetation and landforms. Please revise Table 6 to include the total acreage of disturbed areas such as roads or other disturbed areas.

Response: Appendix D-1 Biological Resources Technical Report has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix D-1 BRTR Section 5.2 Environmental Impact Analysis, Table 6, Page 83.

3.1.19 DR BIO-19: Please provide an aerial map of the isopleth graph depicting nitrogen deposition within a 6-mile radius expected to occur when back up generators are used. Otherwise, provide justification for why the graph and modeling is not needed.

Response: The project no longer proposes the use of diesel generators. All documents have been updated to remove any reference to back up generators.

3.1.20 DR BIO-20 Appendix D2 Desert Bighorn Sheep Study (TN 257948). This CDFW report identifies that project related impacts to desert bighorn sheep can be mitigated with the implementation of the measures proposed by CDFW. This includes Mitigation Measure BIO-6 (Fence Design and Site Permeability), which requires additional fencing that may require additional permitting with the BLM and Caltrans. In addition, BIO-23 (Project Footprint Setback) Section 7.9 (Project Footprint Revision) requires the East Array stay outside of the 0.25-mile setback from the 10 percent slope. Specially the language states “Prior to project approval, the project will reconfigure the East Array alignment to stay outside of the 0.25-mile setback. This includes fencing and permanent infrastructure (e.g., roads). Smaller currently proposed encroachments may remain with the exception of the fencing intrusion between South Array 1 and South Array 2. Solar arrays lost during the reconfiguration of East Array may be added elsewhere so long as they do not additionally encroach upon the setback.

Implementation of all mitigation measures identified in the Desert Bighorn Sheep report would be required to reduce impacts to less than significant levels. Staff requests that the applicant provide an assessment of the feasibility of this mitigation as a viable alternative to the currently proposed project footprint.

Response: Appendix AA provides a determination of infeasibility for CEC Data Request BIO-20. This determination is also included as Attachment 1 to Section 4, Alternatives.

4. Cultural Resources

4.1 Data Requests DR CUL/TRI-1 through DR CUL/TRI-21

4.1.1 DR CUL/TRI-1: A discussion of the methods used in the Class III inventory mentioned in Section 3.5 Cultural Resources, p. 16, regarding archaeological resources was not provided. Additionally, please provide an estimated approval date for the two reports mentioned that are under BLM review. Please provide this information in accordance with the California Code of Regulations, title 20, section 1704 (a) (3) (B).

Response: Section 3.5, Cultural Resources, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. A summary of the Class III inventory methods has been added to EIR Section 3.5 Cultural Resources, Section 3.5.4.1, Archaeological Resources Survey, pgs. 3.5-23 to 3.5-27). More detailed information on survey methods is provided in Appendix F, Archaeological Resources Assessment, Chapter 6 Methods, pages 46-50. The findings of the two previous studies have been combined into the addendum report (SWCA 2024) that was approved by BLM on 1/30/2025.

4.1.2 DR CUL/TRI-2: The application does not provide a discussion of indirect impacts to cultural, tribal, and historic architectural cultural resources, a discussion of direct and indirect impacts associated with project maintenance activities. Please provide this information in the application, in accordance with Appendix B (g) (1).

Response: Section 3.5, Cultural Resources, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. A discussion of the impacts (direct and indirect) of project construction and maintenance activities on cultural resources is included in EIR Section 3.5 Cultural Resources, Section 3.5.6.3 Impact Assessment, pgs. 3.5-42 to 3.5-46.

4.1.3 DR CUL/TRI-3: The application needs to discuss, in similar detail to that given the Early Holocene, the chronological periods following the Early Holocene, with an emphasis of no more than a 5-mile radius from the project location. In addition, the application does not specifically address the potential for buried cultural and tribal cultural resources, nor is there any explanation about how the results of the record search and literature/archival research was used to inform the pedestrian survey methods. Please provide this information. This is required by Appendix B (c)(2)(A).

Response: A more detailed cultural background discussion has been added to Appendix F, Archaeological Resources Assessment, Chapter 4 Cultural Background, Section 4.1 Precontact Cultural Context, pgs. 22-26. A summary is included in EIR Section 3.5 Cultural Resources, Section 3.5.3, Cultural Setting pg. 3.5-9 to 3.5-23. A discussion of a buried site sensitivity analysis have been included in Appendix F, Archaeological Resources Assessment, Chapter 7 Results, Section 7.4 Buried Site Sensitivity, pgs. 58 – 59 and EIR Section 3.5 Cultural Resources, Section 3.5.5.4 Buried Site Sensitivity Analysis pgs. 3.5-35 to 3.5-36.) A discussion of how prior archaeological work was used to inform the pedestrian survey methods is included in EIR Section Cultural Resources, Section 3.5.4.1 Archaeological Resources pgs. 3.5-24 to 3.5-27. The updated Appendix F, Archaeological Resources, reflects these changes and has been confidentially docketed by the Bureau of Land Management.

4.1.4 DR CUL/TRI-4: Identify the individuals responsible for the records searches and whether they meet the Secretary of the Interior's standards for cultural resource professionals. Please provide this information in accordance with Appendix B (g) (2) (B).

Response: Information on who was responsible for the record searches and whether they meet the Secretary of the Interior's standards is discussed in Appendix F, Archaeological Resources Assessment, Ch. 6 Methods, Section 6.1 CHRIS Records Search (pg. 46 - 47). Resumes of key personnel are also included in Appendix F, Archaeological Resources Assessment, Appendix A and Appendix G, Historical Resources Assessment, Appendix C. The updated Appendix F, Archaeological

Resources, and Appendix G, Historical Resource Assessment, reflect these changes and have been confidentially docketed by the Bureau of Land Management.

4.1.5 DR CUL/TRI-5: Please describe efforts to identify cultural and historic architectural resources listed or recognized by a city, county, or local historical and archaeological societies or museums. Please provide this information in accordance with Appendix B (g) (2) (B).

Response: Efforts to identify cultural and historic architectural resources listed by the county or local historical societies or museums are discussed in EIR Section 3.5 Cultural Resources, Section 3.5.4.2 (pg. 3.5-27) and Section 3.5.5.3 Historical Society Outreach (pg. 3.5-34 – 3.5-35). See also Appendix F, Archaeological Resources Assessment, Section 6.3 Historical Society Outreach, pg. 47 and Appendix G, Historical Resources Assessment, Results, Outreach to Local Interested Parties (pg. 33) Background Research (pgs. 34 – 35).

4.1.6 DR CUL/TRI-6: The previous cultural resource studies are listed in Subsection 3.5.5.1 of the application, but copies of the reports and associated site records are not included in a confidential cultural resource filings provided with the application, nor is any record search information included in Section 3.18 Tribal Cultural Resources. Please include record search information in Section 3.18 and provide copies of all reports, site records, and a results map or explain why they do not need to be part of the application. Please provide this information in accordance with Appendix B (g) (2) (B).

Response: Appendix F, Archaeological Resources Assessment, Appendices C and D have been updated to include all previously recorded studies/reports and resources (DPR forms). Appendix G, Historical Resources Assessment, Appendix A includes copies of previous resource records (DPRs) for built environment resources. Appendix F, Archaeological Resources Assessment, Appendix E includes the NAHC SLF Search Results. The record search information for Native American resources has been added to EIR Section 3.18 Tribal Cultural Resources, Section 3.18.4 Sacred Lands File Search (pg. 3.18-6 to 3.18-7).

4.1.7 DR CUL/TRI-7: In accordance with CEC regulations, Appendix B (g) (2) (c), a cultural resources survey of the project area must be conducted within the last 5 years; thus, the current methods are inadequate. The previously completed surveys discussed in Confidential Appendix F conducted in 2023 at the reconnaissance level, and in 2024, limited intensive pedestrian survey of 54 acres, did not provide survey coverage of the entire project area and buffers as required by Appendix B (g) (2) (c). Please provide the methods and results of an intensive pedestrian survey, completed by (or under the direction of) individuals who meet the Secretary of the Interior's Professional Standards, inclusive of the project site and project linear facility routes, extending to no less than 200 feet around the project site, substations and staging areas, and to no less than 50 feet to either side of the right of- way of project linear facility routes. This information will need to also be included in an updated technical study in accordance with Archaeology Resource Management Reports (ARMR) Guidelines.

Response: The archaeological study area and methods have been updated to comply with Appendix B (g)(2)(c) (see EIR Section 3.5 Cultural Resources, Section 3.5.4.1, Archaeological Resources Survey pg. 3.5-24 to 3.5-27). An updated archaeological resource technical report that was prepared in accordance with ARMR Guidelines is provided in Appendix F, Archaeological Resources Assessment.

4.1.8 DR CUL/TRI-8: In accordance with CEC guidelines, Appendix B(g)(2)(c) a cultural resources survey of the project area must be conducted within the last 5 years. The existing survey appears to have been mostly based on documenting resources previously identified in an outdated 2009 report and does not include the methods and results of a new survey of the entire project site and built environment 0.5-mile buffer; thus, the current methods are inadequate as some resources may have reached the 45-year age threshold since 2009. The previously completed survey discussed in Confidential Appendix F and G do not provide adequate coverage of the project area. Please provide the methods and results of an updated historic architectural survey in accordance with Appendix B(g)(2)(C). This information will need to be incorporated into an updated historic resources assessment report.

Response: The methods have been updated to comply with Appendix B (g)(2)(c). See EIR Section 3.5 Cultural Resources, Archaeological Resources Survey, pgs. 3.5-24 to 3.5-27 and Historical Resources Survey, pg. 3.5-28. See also Appendix G, Historical Resources Assessment, Figure 4 CEQA Impact Area map, pg. 6; Methods, pgs. 12-14; and Results, pgs. 28-49.

4.1.9 DR CUL/TRI-9: The record search results are summarized in the technical studies found in Confidential Appendices F and G, but do not include the results of contacting local museums, societies, or reviewing local registers and copies of the reports and associated site records. Please update the record search results for both the archaeology and historic architectural study and provide copies of all reports and site records in accordance with Appendix B (g) (2) (B).

Response: Results of contacting local museums and societies and reviewing local registers is discussed in EIR Section 3.5 Cultural Resources, Section 3.5.5.3 Historical Society Outreach (pg. 3.5-34 – 3.5-35). Appendix F, Archaeological Resources Assessment, Appendices C and D have been updated to include all previously recorded studies/reports and resources (DPR forms). Appendix G, Historical Resources Assessment, Appendix A includes copies of previous resource records (DPRs) for built environment resources

4.1.10 DR CUL/TRI-10: Please include copies of all new and updated Department of Parks and Recreation (DPR) 523(A) forms from resources identified during the requested intensive pedestrian survey found in DR CUL/TRI-9 and DR CUL/TRI-10 in accordance with Appendix B (g) (2) (C).

Response: Appendix F, Archaeological Resources Assessment, Appendix H includes all new and updated DPR forms for resources identified and/or revisited during the pedestrian surveys. Appendix G, Historical Resources Assessment, Appendix A includes DPR forms for newly recorded built environment properties/features.

4.1.11 DR CUL/TRI-11: Preliminary research conducted by CEC staff suggests that numerous built environment features, primarily linear features, were not identified in Confidential Appendix G. CEC staff, using historic maps and aerials, have identified the following 45+ year old built environment linear features that were not identified in any docketed cultural resource report within the 0.5-mile built environment study area and/or within the project site. Please confirm these findings with a historic architectural survey. If confirmed, these features need to be added to the historic resources assessment report, recorded on the appropriate DPR 523 forms, and evaluated for significance under the California Environmental Quality Act (CEQA).
The linear features include:

- Unrecorded segment of pre-1933 Arrowhead Trail southwest of Beacon Station in Sections 14 and 15, T12N, R7E.
- Rasor Road east of historic post-1933 Arrowhead Trail alignment in Section 12, T12N, R7E.
- Unnamed road alignment depicted on the 1983 USGS West of Soda Lake map in T12N R7E, leading in a southeasterly to northwesterly direction from Section 14 on the south to a building in Section 10 on the north.
- Two trails depicted on the 1983 USGS West of Soda Lake map in T12N R7E that begin in Section 14 and then split, leading in a southerly and southeasterly direction.
- Poles on the north side of the I-15 Freeway identified as P-36-028522, an electrical transmission line. Site records note that these poles parallel Arrowhead Trail (CA-SBR7689H or P-36-007689). Research indicates that this pole alignment could be the first telephone line constructed in 1929 between San Bernardino and Las Vegas in association with the construction of Boulder Dam.

Response: The linear features listed in this comment have been incorporated into the updated historic built-environment analysis (Appendix G). Specifically, this information is contained within Appendix G, Historical Resources Assessment, Results, pgs. 28-49.

4.1.12 DR CUL/TRI-12: Additional unrecorded historic-age properties not identified in DR CUL/TRI 11 within a 0.50-mile radius of the proposed project may exist based on a review of official BLM records. Consultation of a single BLM Master Title Plat for T13N, R7E identified the following resources. Please determine, through research and historic architectural survey,

whether historic-age features remain at the locations specified below. If so, these features need to be added to the historic resources assessment report, recorded on the appropriate DPR 523 forms, and evaluated for significance under CEQA.
• Road alignment depicted running in a southeasterly to northwesterly direction passing through Section 36, T13N, R7E. This alignment is depicted on the historic 1956 Soda Lake USGS topo map. It is identified on the BLM Master Title Plat for T13N, R7E as CACA 48433 7' FHWA 8/27/1958.
• Pipeline in Section 36, T13N, R7E.
Please also check the data presented on BLM Master Title Plat T13N, R8E, BLM Master Title Plat for T12N, R7E, and BLM Master Title Plat for T12N, R8E to determine that all listed features have been surveyed, recorded and evaluated. If not, please survey and update site records and reports in accordance with Appendix B (g) (2) (C).

Response: Additional historic-age properties have been incorporated into the updated historic built-environment analysis. See Appendix G, Historical Resources Assessment, Results, pgs. 28-49.

4.1.13 DR CUL/TRI-13: There are errors in the applicant's historical research in the text of Confidential Appendices F and G. Please correct these errors in all cultural reports and site records, as identified below.
• Misidentification of the original owners of Beacons Station within the project-built environment buffer, as Mr. and Mrs. Frank Millett of Las Vegas. CEC staff research has confirmed that Millett's owned the Beacon Light Service Station in Daggett.
• Arrowhead Trail Highway is referred to in numerous ways in Confidential
Appendices F and G as State Route 91/US 466 and/or as US 91/US 466. The alignment is correctly identified as US 91/US 466. Please change as appropriate throughout all cultural reports and DPR 523s.

Response: Appendix F, Archaeological Resources Assessment has been updated to use U.S. 91/U.S. 466 throughout. Appendix G, Historical Resources Assessment and DPR forms have been revised to discuss the earliest owner identified for Beacon Station as William J. Foley, not the Milletts. The HRA was updated to use U.S. 91/U.S. 466 throughout.

4.1.14 DR CUL/TRI-14: After conducting new surveys (DR CUL/TRI-7 and DR CUL/TRI-8), please include in the archaeological and historic resources assessment technical reports an updated map at a scale of 1:24,000 (U.S. Geological Survey topographic quadrangle) depicting the locations of all previously known and newly identified cultural and tribal cultural resources compiled through the research required by Appendix B (g)(2)(B) and Appendix B (g)(2)(C) (ii), and in accordance with Appendix B (g) (2) (C).

Response: Appendix F, Archaeological Resources Assessment, Appendices B and G – maps have been updated. Appendix G, Historical Resources Assessment, Appendix D depicts built environment resources (newly and previously recorded) in the study area on a 1:24,000 scale topographic map.

4.1.15 DR CUL/TRI-15: Please include the names and qualifications, in both Confidential Appendices F and G, of all cultural resource specialists, in accordance with Appendix B (g)(2)(C)(v), who were responsible for contributing to the record search.

Response: Appendix F, Archaeological Resources Assessment, Chapter 1 Introduction, Section 1.5 Project Personnel includes a discussion of project personnel, their qualifications, and contributions to the study. Resumes of key personnel are also included in Appendix A of Appendix F. Appendix G, Historical Resources Assessment, Introduction, p. 1 has brief biographical information; Appendix G, Historical Resources Assessment, Appendix C has resumes for key staff.

4.1.16 DR CUL/TRI-16: Please provide, as part of the application, a copy of the applicant's request to the Native American Heritage Commission (NAHC), and copies of any correspondence received from the NAHC in accordance with Appendix B (g) (2) (D) (i).

Response: Appendix F, Archaeological Resources Assessment, Appendix E has been updated to include copies of the requests, responses, and correspondence.

4.1.17 DR CUL/TRI-17: Please provide, as part of the application, a copy of the applicant's correspondence sent to tribal representatives on the NAHC contact list and copies of all responses, including a summary of any oral responses, in accordance with Appendix B (g) (2) (D) (i).

Response: SWCA ARA Appendix E has been updated to include copies of the requests, responses, and correspondence. No oral communication was reported.

4.1.18 DR CUL/TRI-18: Pertaining to Subsection 3.18.3.3, the statement, "…CDFW as lead agency…" is incorrect in a CEC application. While it is ok to summarize past consultation efforts in the application, it should be clearly stated that CEC as the lead agency will conduct their own independent tribal consultation. Please correct this in the application.

Response: All documents have been corrected and reference to CDFW as the lead agency has been removed.

4.1.19 DR CUL/TRI-19: Please update or revise the applicant proposed measures in the application, as needed, once new archaeological and historic architectural surveys are completed.

Response: APMs have been reviewed in accordance with the updated archaeological and historic architectural survey results (see EIR Section 3.5 Cultural Resources, Section 3.5.6.2 Applicant-Proposed Measures [pgs. 3.5-42 to 3.5-43]).

4.1.20 DR CUL/TRI-20: Please revise the measure pertaining to an educational program designed to enhance employee awareness to protect cultural and tribal cultural resources to also include operations of the of the proposed project in accordance with Appendix B (g) (2) (E) (ii).

Response: This measure has been revised to include cultural and tribal cultural resources during construction and operation of the project. See EIR Section 3.5 Cultural Resources, Section 3.5.6.2 Applicant-Proposed Measures, APM CUL-1.

4.1.21 DR CUL/TRI-21: Please provide a table of Laws, Ordinances, Regulations and Standards (LORS) with a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance with each law or standard during both construction and operation of the facility is discussed in accordance with Appendix B (i) (1) (A).

Response: A LORS table has been included in EIR Section 3.5 Cultural Resources, Section 3.5.1. (pg. 3.5-1 to 3.5-2), along with a discussion of the applicability and conformance of each LOR. The table references specific sections in the application where each law or standard is discussed.

5. PROJECT DESCRIPTION

5.1 DATA REQUESTS DR PD-1 THROUGH DR PD-3

5.1.1 DR PD-1: Describe the proposed surface of the parking areas and include a discussion of any grading or other ground disturbance proposed.

Response: Chapter 2, Project Description, has been updated to address the data request above. Specifically, this information can be found within EIR Chapter 2 Project Description, Section 2.4.6.2 Parking Areas. The parking area "would be composed of compacted soil covered with filter fabric and 4-12" of compacted Class II aggregate base.

5.1.2 DR PD-2: Please provide a full-page color photographic reproduction depicting a representative above ground section of the transmission line route prior to construction and a full-page color photographic simulation of that section of the transmission line route after construction.

Response: Chapter 2, Project Description, has been updated to address the data request above. See Figures 2-5, 2-6, 2-9 and 2-10.

5.1.3 DR PD-3: Provide a description of the gen-tie that includes the design, right-of-way width and physical and electrical characteristics of the gen-tie. Include figures that show these details, as appropriate.

Response: See EIR Chapter 2 Project Description, Section 2.4.4 Gen-tie Line, page 2-16. The approximately 1-mile 500-kV gen-tie line would be designed in accordance with LADWP design standards including required right-of-way (ROW) width. The gen-tie would also use eleven tubular steel pole support structures and six lattice towers, all of which would be approximately 160 feet high. A small segment of the gen-tie line, approximately 450 feet, would go under I-15 near an existing Caltrans culvert. On either end of this underground section there would be riser towers and transition to overhead tower structures. Both the underground section of the gen-tie line and the riser towers would be designed in accordance with General Order 128. Additional details on the gen-tie line can be found within Appendix A1, Engineering Generation Facility Description, Design and Operation.

6. Transmission System Safety and Nuisance

6.1 Data Requests DR TSSN-1 through DR TSSN-5

6.1.1. DR TSSN-1: Please describe the methodology which was selected to calculate electro magnetic field (EMF) values beneath the gen-tie line.

Response: Appendix Y, Electric and Magnetic Field Study Report has been added to the docket to address this request. This report includes the methodology that was selected to calculate EMF, which was determined in coordination with CEC Staff.

6.1.2 DR TSSN-2: Please provide an overview of the EMF, Electric field, and Corona effects of the project. As well as EMF effects underneath the gen tie line right away, substation and switch yard area. If there are any adverse consequences caused by the project, then discuss mitigation measures.

Response: Appendix Y, Electric and Magnetic Field Study Report has been added to the docket to address this request. Section 4 provides an analysis of EMF related to the Generation Tie Line and Line Drop.

6.1.3 DR TSSN-3: Please provide an accurate EMF, Electric Field (EF) values, and graphs for the 500kV Gen-tie line and provide 500kV gen-tie line required number of structures, structure height, conductor type, current carrying capacity, and grounding details.

Response: Appendix Y, Electric and Magnetic Field Study Report has been added to the docket to address this request. See Section 4, Analysis.

6.1.4 DR TSSN-4: Please discuss mitigation measures that would be utilized to reduce EMF, EF, radio and television interference effects in the process of project design, construction, and operation phase, under California Public Utilities Code (CPUC) General Order (GO) 95 and 128, such as line clearances, underground duct bank designs and proper right away, etc.

Response: Appendix Y, Electric and Magnetic Field Study Report has been added to the docket to address this request. A stated in Section 6, Conclusion, of this report, in all scenarios the EMF fall below the CEC and ICNIRP suggested limits.

6.1.5 DR TSSN-5: Please provide a table that includes laws, regulations, ordinances, standards regarding EMF and EF, which are adopted by the local, regional, state, and federal agencies, including a discussion of applicability and project conformance.

Response: Appendix Y, Electric and Magnetic Field Study Report has been added to the docket to address this request.

7. VISUAL RESOURCES

7.1 DATA REQUESTS DR VIS-1 THROUGH DR VIS-12

7.1.1 DR VIS-1: Revise/augment the KOPs and associated simulations as follows.
- Revise the array field color tones for KOPs 3, 8, 10, and 11 as appropriate.
- Revise or relocate KOPs 4 and 6 and their simulations to achieve a better representation of the visual dominance that the project arrays would present when viewed from I-15. Both KOPs should be relocated closer to the arrays to more effectively capture the structural character of the project and the resulting landscape changes. A suggested alternative location for KOP 6 is provided above.

That same location would also be an appropriate KOP to capture the switchyard and gen-tie line (viewing to the west with a heading of 277o) as visible to southbound travelers on I-15.
- For the KOP 6 simulation, clarify or revise the substation location.
- For the references to KOPs 5 and 13, please clarify or revise the text as appropriate.
- Establish two new KOPs at the same new location on northbound I-15: one viewing to the east and one viewing to the northwest. An approximate location (to be verified in the field and adjusted if necessary) would be: Lat: 35.163852o, Long: -116.183510o. The frame of view to the east should be able to capture the substation, the BESS yards, a portion of the gen-tie line connecting to the substation and then converging on I-15, a portion of the array field immediately adjacent to the KOP, a portion of the drainage canal, and portions of the background array fields. The frame of view to the northwest should capture the majority of the gen-tie line diverging from the span of I-15 and then connecting to the switchyard, and the switchyard, a view that would be experienced by northbound travelers on I-15.
- Revise/update analyses and text based on the above requests.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report: Appendix F, Visual Simulations. Additional KOPs/simulations were developed to illustrate closer views from I-15, including arrays and the gen-tie switchyard. The previous KOP 6, showing a partial view of the substation from I-15, was removed from the analysis. Information has been updated within Appendix B, Visual Technical Report, including:
- Figure 6 Preliminary field viewpoints and KOP simulation locations, pg. 25
- Section 5.1 Visual Contrast Analysis by Key Observation Point, pg. 32-35
- Table 4.1 Viewpoint and KOP Descriptions pgs. 28-29
- Section 5.2.4/pg. 36. Clarifies the viewpoint from Old Spanish NHT

7.1.2 DR VIS-2: Expand the discussion of Section 3.1.2.2 to address any distinguishing natural features, objects, or geologic distinguishing characteristics of the project site that are recognized for their aesthetic value. If no such features exist on the site, state so.

Response: Appendix B, Visual Technical Report, and Chapter 3.-1, Aesthetics, has been updated to address the data request above. The updated reports have been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report: Section 4.2 Visual Context, pg. 21. This information can also be found within EIR Chapter 3-1 Aesthetics, Section 3.1.2.2 Visual Setting, pgs. 3.1-11 – 3.1-12.

7.1.3 DR VIS-3: Provide complete elevation drawings of project buildings, structures, and major equipment including solar panels and arrays, inverters, BESS components and facilities, substation, gen-tie structures, switchyard, ancillary buildings (e.g., O&M and warehouse), fencing, and any other above-ground structures. Also include a table listing all structure dimensions (e.g., height, length, width, and diameter).

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report: Appendix C Project Component Elevation Drawings. It can also be found within Appendix B, Visual Technical Report, Table 2.1 Project Features, Dimensions, and Finishes, pg. 8.

7.1.4 DR VIS-4: Provide a table and description of the exterior surface treatments and finishes (e.g., colors, flat and/or textured finishes) for all of the project's proposed buildings, structures, major equipment, and structural materials.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Table 2.1 Project Features, Dimensions, and Finishes, pg. 8. It can also be found within Appendix B, Visual Technical Report: Appendix F Visual Simulations.

7.1.5 DR VIS-5: Provide a project-specific conceptual landscape design plan that has been reviewed and approved by the County of San Bernardino. The approved Plan shall be the basis for landscaping shown in project visual simulations.

Response: A project specific conceptual landscape design plan that has been reviewed and approved by the County of San Bernardino is included as Appendix B, Visual Technical Report: Appendix E, Landscape Concept Plan and Appendix F, Visual Simulations. Attachment 1 to this letter provides the County review of this Landscape Concept Plan.

7.1.6 DR VIS-6: Provide a project-specific conceptual outdoor lighting control and management plan (lighting plan) that explains the control of reflectance from exterior surfaces, and provide evidence that the lighting plan has been found to conform with the government code of San Bernardino County.

Response: A project specific outdoor lighting plan has been reviewed by the County of San Bernardino and is included as Appendix B, Visual Technical Report: Appendix D, Outdoor Lighting Assessment Report. Attachment 1 to this letter provides the County review of this Outdoor Lighting Plan.

7.1.7 DR VIS-7: Provide a list of the project-specific luminaires; identify the design (e.g., full-cutoff, semi-cutoff, non-cutoff); and indicate if the luminaires have the International Dark-Sky Association Fixture Seal of Approval to the extent feasible consistent with safety and security considerations. Show the project-specific luminaires' locations on a diagram or elevation.

Response: Project specific luminaries are included in the Project specific Outdoor Lighting Plan for the project, which is included as Appendix D to the Visual Technical Report for the Project (Appendix B).

7.1.8 DR VIS-8: As specified in the Siting Regulations, describe project reflectance and include the intensity of the specular reflectance from the exterior surface of the project's large buildings, structures, and major equipment off site to the surrounding area (e.g., the light reflected from the shiny surface).

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Table 2.1 Project Features, Dimensions, and Finishes, pg. 8.

7.1.9 DR VIS-9: As specified in the above Siting Regulation, provide a table or matrix of the laws; regulations; ordinances; standards; adopted local, regional, state, and federal land use plans, leases, and permits applicable to the project. Also provide a discussion of the applicability of, and conformance with, each. The table or matrix shall also explicitly reference pages in the application wherein conformance with each law or standard during both construction and operation of the facility is discussed.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Table 3.2 Conformance with Applicable Laws, Standards, or Plans, pg. 18-19

7.1.10 DR VIS-10: Identify each agency with jurisdiction to issue applicable permits and/or approvals, but for the exclusive authority of the CEC, pertaining to:
a. Project-specific Conceptual Outdoor Lighting Control and Management Plan (lighting plan).
b. Project-specific Conceptual Landscape Plan.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Section 3.4 Conformance with Applicable Laws, Standards, or Plans, Table 3.2 and Table 3.3, pgs. 18-19.

7.1.11 DR VIS-11: Please provide the name, title, phone number, address (required), and email address (if known), of each official who was contacted within each agency, and provide the name of the official who will serve as a contact person for CEC staff.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Table 3.3 Permits Required, pg. 19.

7.1.12 DR VIS-12: Please provide the schedule for the agency review/approval of the project-specific Conceptual Outdoor Lighting Control and Management Plan and the Conceptual Landscape Plan.

Response: Appendix B, Visual Technical Report, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found within Appendix B, Visual Technical Report, Table 3.3 Permits Required, pg. 19.

8. Water Resources

8.1 Data Requests DR WATER-1 through DR WATER-30

8.1.1 DR WATER-1: Provide descriptions in Section 3.10 Hydrology and Water Quality (TN 257909) of all significant assumptions, methodologies, and computational methods used, including those specifically related to calculations or other computations requested within this section.

Response: Groundwater and run-off will effectively be unchanged. All channels will be maintained as-is with over-sized Box-Culverts with natural bottoms to bridge any and all “crossings”. All hydrology and hydraulic calculations are consistent with California State and USDA Federal methodologies (eg. Tr-55).

8.1.2 DR WATER-2: Provide a complete Form 200, Report of Waste Discharge (ROWD), for the proposed discharge, which should include a complete characterization of the proposed discharge. A complete characterization includes, but is not limited

to, design and actual flows, a list of constituents and the concentration of each constituent, a list of other appropriate waste discharge characteristics, a description and schematic drawing of all treatment processes, a description of any Best Management Practices (BMPs) used, and a description of disposal methods. Also include a site map showing the location of the facility and limit maps to a scale of 1:24,000 (7.5' USGS Quadrangle) or a street map, if appropriate.

Response: Appendix E-4 Waste Discharge Requirements, has been added to the project docket to address this data request.

8.1.3 DR WATER-3: Please provide the following information:
a. Average daily, maximum daily, and annual wastewater discharge for the operational phase of the project, as it relates to domestic wastewater treatment and disposal (Appendix B (g) (14) (C) (iii)).
b. A discussion of applicability and compliance with Local Area Management Plan (LAMP) for OWTS, consideration of site exceptions which may require individual discharge requirements, or a waiver of individual waste discharge requirements issued by the Regional Water Quality Control Board (RWQCB), along with consideration of all relevant codes and ordinances (Appendix B (i) (1) (A)).
c. System drawings (plot and grading plans) and calculations to demonstrate the site will support onsite wastewater disposal including a soils report detailing how site conditions are conducive to onsite wastewater disposal and that the OWTS will not impact groundwater or surface water. Include plans demonstrating that the OWTS is sized appropriately, and sufficient area is available to install a septic system meeting proper setbacks including 100 percent expansion area.
d. If a percolation report has not already been completed, submit to the CEC information in compliance with the (LAMP) for notification, testing, and evaluation. A completed percolation report must specify the design percolation rate in minutes per inch (MPI), soil profile, gravel correction factor, and slope analysis (Appendix B (g) (14) (C) (ii), (iv).

Response: The proposed project has been revised to remove any references to an onsite septic system or wastewater treatment system. No septic system or on-site wastewater treatment and disposal will be constructed or used as part of the project. Portable toilets will be provided during construction activities.

8.1.4 DR WATER-4: Specify the applicable SIC code for your proposed project and provide analysis on NPDES permit applicability. Document any coordination with the RWQCB regarding NPDES storm water permitting requirements (Appendix B (i) (1) (A)).

Response: EIR Section 3.10.3.4, Impact Analysis, Impact HYD-1, page 3.10-23 contains an analysis of the project related to NPDES storm water permitting requirements. Appendix BB, Stormwater Pollution Prevention Plan, has been added to the project docket to address this request.

8.1.5 DR WATER-5: Provide a Drainage, Erosion, and Sedimentation Control Plan (DESCP) which describes how stormwater will be managed and identifies monitoring and maintenance activities during project operation.

Response: The project specific Drainage, Erosion and Sedimentation Control Plan is included within Appendix A2 Engineering Generation Facility Description Design and Operation (TN 257905) and Appendix A3 Engineering Generation Facility Description Design and Operation (TN 257915). Specifically, sheets C-503, C-301, C-302, C-303, C-304, C-305, C-306, C-307, C-308 and C-309.

8.1.6 DR WATER-6: Describe specific best management practices (BMPs) developed by the BLM to be used to avoid water quality degradation and to comply with Executive Order 12088.

Response: Appendix W, BLM Record of Decision, describes the specific conditions the project is required to implement during construction and operation. Specifically, Appendix 4, Adopted Mitigation Measures, identify the requirements for the project to avoid water quality degradation. At this time, no additional requirements for the project have been conditioned by BLM. The Applicant is concurrently processing permits through the Bureau of Land Management, including environmental determination

in compliance with the National Environmental Policy Act. As part of this environmental review, BLM will determine additional BMPs are required. This process is ongoing.

8.1.7 DR WATER-7: Provide the following standard permit registration documents:
a. Site Map showing information listed in Attachment B of the Construction General Permit;
b. Risk Assessment using the procedure as described in the Construction General Permit, Appendix 1;
c. Site specific SWPPP which includes visual, chemical, and sediment monitoring plans described in your application. Include the (DESCP) if both documents will be prepared;
d. Post-Construction Water Balance completed in accordance with the Construction General Permit, Appendix 2 instructions; and,
e. Active Treatment Systems (ATS) design (as well as any supporting documentation), proof that the system was designed by a qualified ATS design professional, or rationale why ATS is not considered based on site conditions or other factors.

Response: Appendix BB provides the site Specific SWPPP, which contains the requested standard permit registration documents requested.

8.1.8 DR WATER-8: Provide a complete a 401 Water Quality Certification/Dredge and Fill application.

Response: Appendix E-4 Waste Discharge Requirements has been added to the project docket to address this data request.

8.1.9 DR WATER-9: Provide an update regarding USACE permit status.

Response: SWCA submitted a Request for Jurisdictional Determination to USACE on October 8, 2024. At the behest of USACE, SWCA provided additional information and maps in December and January 2025. USACE indicated a response was expected at the beginning of March 2025. Correspondence between the Applicant's consultant team and USACE has been added to the docket as Appendix E-3, Request for Jurisdictional Delineation.

8.1.10 DR WATER-10 Include copies of any preliminary correspondence along with associated meeting notes between the project applicant and agencies regarding permitting issues or other relevant topics, and include the name of officials contacted within each agency.

Response: Correspondence between the Applicant's consultant team and USACE has been added to the docket as Appendix E-3, Request for Jurisdictional Delineation.

8.1.11 DR WATER-11: Provide the location of all at-grade crossing at existing washes. Include cross sections with elevations along each crossing alignment. Calculations are required showing estimated changes in flow rates between pre- and postconstruction.

Response: There are 3 tributary and 1 main "Wash" or channel present within the project area; there are 3- "At Grade" crossings proposed, the preliminary conjecture is to provide as many "3'x12' box culverts in series to span each and every "wash" crossing. The culverts will maintain the existing channel bottom, slope and width. Post-Construction calculations will be provided to show no change in run-off flow width, volume or rate (Hec-Ras and HY-8 programs used to evaluate each crossing).

8.1.12 DR WATER-12: Provide detailed information on the estimated discharges at each of the onsite drainage channel outfall locations where they discharge into natural drainages, as well as detailed plans showing the proposed design at these locations and how it will prevent erosion.

Response: The project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts to waters. Once approved by the CEC, the Applicant will be able to provide detailed information on the estimated discharges at each of the onsite drainage channel outfall locations.

8.1.13 DR WATER-13: Provide the appropriate analysis, mapping and discussion to demonstrate that flows diverted through and around the project reasonably approximate existing downstream conditions with regards to peak discharge values, floodplain depth and extent, and that undisturbed areas downstream of the project will not be cutoff from future flows and available sediment transport.

Response: The project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts to waters. Once approved by the CEC, the Applicant will be able to provide an analysis of existing & proposed channel flow dynamics.

8.1.14 DR WATER-14: Provide drainage facilities design calculations and criteria including but not limited to capacity of designed system, design storm, and estimated runoff along with assumptions and calculations used to calculate runoff and to estimate changes in flow rates between pre- and post-construction.

Response: The project Applicant is proposing MM BIO-3, which requires alternative construction technologies to reduce project impacts to waters. Once approved by the CEC, the Applicant will be able to provide updated runoff and design calculations and criteria.

8.1.15 DR WATER-15: Provide discussion and analysis of the effects of the project on the 100-year flood plain, flooding potential of adjacent lands or water bodies, or other water inundation zones.

Response: EIR Section 3.10 Hydrology and Water Quality, Section 3.10.2.4 Surface Water, discusses the site hydrology and flooding, including flood hazard zones. Additional information on the projects' effects on flooding is also provided in Impact HYD-3(d) and Impact HYD-4.

8.1.16 DR WATER-16: Provide additional discussion and specific details demonstrating the net impact and how specific mitigation measures would be implemented.

Response: Improvements are limited to areas outside of 100-yr flow areas. All channels shall be "untouched" except for improvements to facilitate access. The channels will be maintained as allowed. There are no required mitigation measures related to hydrology and water quality. The project would implement APM HWQ-1 and HWQ-2 to lessen avoid any impacts to hydrology and water quality.

8.1.17 DR WATER-17: Provide a discussion of how the project complies with County ordinance related to infrastructure improvement standards for new development water supply.

Response: Appendix J, Water Supply Report, has been updated to address a new water supply for the project. A discussion of how the project complies with the County Ordinance related to infrastructure improvement standards for new development is included in Section 9 Conclusion, pg. 19.

8.1.18 DR WATER-18: Provide a discussion of how the project complies with state and local laws, ordinances, laws and regulations, or other approvals required to hauling or selling of water.

Response: EIR Section 3.10, Hydrology and Water Quality, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information

can be found in EIR Section 3.10 Hydrology and Water Quality, Section 3.10.6 Laws, Ordinances, Regulations, and Standards, pg. 3.10-30; Section 3.10.3.4 Impact Analysis, pgs. 3.10-28 to 3.10-29.

8.1.19 DR WATER-19: Provide a discussion of how the project complies with building, plumbing and fire codes related to water service reliability, health, and safety.

Response: EIR Section 3.10, Hydrology and Water Quality, has been updated to address the data request above. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. Specifically, this information can be found in EIR Section 3.10 Hydrology and Water Quality, Section 3.10.6 Laws, Ordinances, Regulations, and Standards, pg. 3.10-30; Section 3.10.3.4 Impact Analysis, pgs. 3.10-28 to 3.10-29.

8.1.20 DR WATER-20: Provide a discussion of the status of MWA approval for the proposed use and transfer of water supply. Indicate how the water transfer complies with the Judgement. Please provide copies of any correspondence and contemporaneous meeting notes with MRA regarding these issues or other relevant topics and include the name of officials contacted at the agency.

Response: Appendix J, Water Supply Report, has been updated to address a new water supply for the project. The updated report has been uploaded to the project docket concurrent with the submittal of this response set. The project proposes use of a new off-site groundwater well within the Silver Lake Valley Groundwater Basin in Baker, CA.

8.1.21 DR WATER-21: Provide a sedimentation/erosion analysis and a discussion of measures that would be implemented to ensure that sediment balance in downstream areas would not be disturbed as a result of the sediments captured by the detention basin.

Response: The project specific Drainage, Erosion and Sedimentation Control Plan is included within Appendix A2 Engineering Generation Facility Description Design and Operation (TN 257905) and Appendix A3 Engineering Generation Facility Description Design and Operation (TN 257915). Specifically, sheets C-503, C-301, C-302, C-303, C-304, C-305, C-306, C-307, C-308 and C-309. Within EIR Section 3.10, Hydrology and Water Quality, Impact HYB-3 provides an analysis of the project's potential to result in sedimentation or erosion. There are no required mitigation measures related to hydrology and water quality. The project would implement APM HWQ-1 and HWQ-2 to lessen avoid any impacts to hydrology and water quality.

8.1.22 DR WATER-22: Please 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, provide a full characterization (chemical composition) of all liquid waste streams. This information is necessary to determine whether the applicant is required to submit a Report of Waste Discharge.

Response: Appendix R, Waste Management Plan, identifies all 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.

8.1.23 DR WATER-23: 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. 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. Provide information on how this wastewater would be characterized and the determination made that the OWTS cannot treat it. This information is necessary to determine whether the applicant is required to submit a Report of Waste Discharge.

Response: The proposed project has been revised to remove any references to on onsite septic system or wastewater treatment system. No septic system or on-site wastewater treatment and disposal will be constructed or used as part of the project. Portable toilets will be provided during construction activities.

8.1.24 DR WATER-24: In order for the Lahontan Water Board to be able to issue necessary permits in line with the CEC, the applicant needs 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.

Response: Appendix E-4 Waste Discharge Requirements, has been added to the project docket to address this request.

8.1.24 DR WATER-24: Please provide a copy of construction plans that are at least 90 percent 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.

Response: The Applicant's understanding of this data request is 90% construction plans were requested based on comments received from RWQCB. Based upon verbal discussions with RWQCB Staff Tiffany Steinert in October 2024, it is our understanding that 90% construction plans are not needed to complete permitting requirements and the engineering documents provided in Appendix A1, A2 and A3 are sufficient.

8.1.25 DR WATER-25: The Water Board's preliminary mitigation ratio for this project is 3 to 1. This ratio assumes no temporal loss, in-kind mitigation, and loss of waters. Provide the compensatory mitigation plan. Additionally, provide a restoration plan for temporary impacts.

Response: Appendix D-3 Restoration and Revegetation Plan has been added to the project docket to address this request.

8.1.26 DR WATER-26: The Jurisdictional Delineation report does not include maps of sufficient scale to identify waters of the state onsite or in the vicinity. 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. Update this report to include appropriately scaled maps and supporting documentation.

Response: Updated maps have been added to Appendix E-1 Aquatic Resources Delineation Report, Appendix E Aquatics Resources Inventory Delineation Sheets, Figures E-26 and E-27.

8.1.27 DR WATER-27: 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.

Response: Appendix BB has been added to the project docket and contains a draft Storm Water Pollution Prevention Plan for the project.

8.1.28 DR WATER-28: Will the project include stormwater infiltration ponds? If so, include those design plans and ensure they show the capacity and where the ponds would discharge if they overflow.

Response: Stormwater infiltration ponds are not proposed as part of the project.

8.1.29 DR WATER-29: To determine whether sufficient mitigations are in place and whether a Report of Waste Discharge is required, information is needed that describes the quality of process water and panel wash water. Provide a full characterization

(chemical composition) of the process water and panel wash water. Provide a process water flow diagram and panel wash water management plan, to include wash frequencies and estimated volumes of water generation.

Response: This information is included in the updated Water Supply Assessment (Appendix J) to the project. System wash water is described in Section 6.2, Operation and Maintenance Water demand. Section 9, conclusion, states that the proposed source water well detected no analytes above the California Title 22 MCLs or SMCLs.

8.1.30 DR WATER-30: 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). 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. Provide information on how process water and panel wash water will be evaporated. If an evaporation pond will be used, the pond must be constructed, maintained, monitored, and closed in accordance with California Code of Regulations, title 27.

Response: This information is included in the updated Water Supply Assessment (Appendix J) to the project. System wash water is described in Section 6.2, Operation and Maintenance Water demand.

Attachment 1

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SAN BERNARDINO COUNTY

Land Use Services Department
Planning

Mark Wardlaw
Director

Marlene Ambriz
Assistant Director

Susan O'Strander
Assistant Director

January 8, 2025

RE: Soda Mountain PPCA-2024-00147 (Lighting Plan) & PLP-2024-00020 (Landscape Plan)

Dear Sarah Kaaki,

Thank you for providing the San Bernardino County Planning Department a copy of the Lighting and Landscape Plans for the Soda Mountain Solar project for review and comment. 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 entitlements for this project are through the California Energy Commission (CEC) which requested the County review and approve Lighting and Landscape Plans.

After reviewing the provided plans and reports the Planning Department concurs with the best management practices identified in the Outdoor Lighting Impact Assessment Report:

- *Warmer color temperatures lighting 2200K - 3000K shall be utilized*
- *Automatic scheduling via lighting controls shall be used to provide lighting when needed*
- *When operational, this facility has no nighttime lighting requirements and as such all outdoor lighting will be task driven only such as building access or security lighting*
- *Only LED luminaires shall be utilized on this project;*
- *BMPs for Artificial Light at Night on BLM-Managed Lands, consideration has been given to nearby Astronomical Observatories and there is no such facility within 100 miles radius of this project site. The closest observatory is Mt. Potosi observatory which is in Mountain Springs, Nevada - more than 100 miles away from this project site.*

Additionally, the County agrees with the CEQA determination. Appendix G of the California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations, Sections 15000–15387) provides standards to evaluate impacts regarding aesthetics, including light

and glare. The project has limited Permanent Outdoor Lighting which would create a *Less Than Significant Impact* regarding artificial light or glare because:

- Outdoor lighting installations are deep seated on the site and far away from the property line demarcations
- Outdoor luminaires will be fully shielded and utilize the applicable BUG ratings to be dark-sky compliant
- No outdoor sign lighting will be utilized on this project

In regard to landscaping, the County identifies appropriate desert plant materials in section **§ 83.10.080 Regional Landscaping Standards** of the San Bernardino County Zoning Code, please refer to the following plant material wherever possible with the proposed landscaping**:**

Plant Materials. Plant materials shall be a cohesive mix of evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant material that are drought and infestation tolerant; turf shall be minimized and be placed in compliance with this Chapter. A list of acceptable plant materials for the Desert Region is available from the Land Use Services Department to help assist developers and their landscape professionals in preparing their landscape documentation package. If any local, State, and/or Federally protected plant material is found on-site, removal and/or protection shall comply with Chapter 88.01 (Plant Protection and Management).

The Planning Department has reviewed and approves of the proposed lighting and landscape plans. Please refer to comments above for best practices. If you have any questions or concerns, please feel free to contact me at (916) 903-2983 or via e-mail at Delanie.Garlick@WeAreHarris.com or Delanie.Garlick@lus.sbcounty.gov.

Sincerely,

Delanie Garlick

Delanie Garlick
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