Docusign Envelope ID: EB7632D8-C286-4C5C-8738-2CC9100D1F10

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

September 3, 2025
Sent via email

Lisa Worrall
California Energy Commission
715 P Street
Sacramento, CA 95814
Lisa.Worrall@energy.ca.gov

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)for the Soda Mountain Solar Project (Project), State Clearinghouse No. 2025080161

Dear Ms. Worrall:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the California Energy Commission (CEC) for the Soda Mountain Solar Project (Project). CDFW appreciates this opportunity to provide comments and recommendations regarding proposed Project activities that may affect California fish and wildlife, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The proposed Project would ordinarily require one or more discretionary approvals by CDFW because it may result in substantial adverse impacts to fish and wildlife resources such as lake and streambed alteration (Fish and G. Code, § 1602); and incidental take of species protected under California Endangered Species Act (CESA, Fish and G. Code, § 2081). CDFW would typically submit comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) However, because the Project proponent opted into the Assembly Bill (AB) 205 certification process, the CEC has exclusive jurisdiction over the proposed Project and is responsible for ensuring any certification of the proposed Project including all conditions necessary to ensure compliance with the Fish & G. Code and its implementing regulations found in Title 14 of the California Code of Regulations. (Pub. Resources Code, §§ 25545.1, subd. (b), 25545.5, subd. (a).) Thus, CDFW does not have a direct permitting role in the process that would ordinarily trigger a Responsible Agency role. CDFW instead submits these comments as a Trustee Agency under CEQA.

Pursuant to AB 205, the CEC and CDFW developed a coordination plan through a Memorandum of Understanding (MOU) to ensure that all potential impacts to fish, wildlife, and plant resources, and the habitats upon which they depend, including but not limited to incidental take of species protected under CESA, are consistent with the Fish and Game Code and its implementing regulations found in Title 14 of the California Code of Regulations (Pub. Resources Code, § 25545.5, subd. (a)). The MOU also ensures timely and effective consultation between the CEC and CDFW with respect to any proposed CEC findings and actions regarding potential impacts to fish, wildlife, and plant resources (*Ibid*).

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Docusign Envelope ID: EB7632D8-C286-4C5C-8738-2CC9100D1F10

CDFW is thus submitting these comments in its **consultation role** under AB 205 and the MOU.

PROJECT DESCRIPTION SUMMARY

Proponent: Soda Mountain Solar, LLC

Objective: The Project proposes to construct, operate, and maintain a utility-scale solar photovoltaic (PV) electrical generating and storage facility and associated infrastructure (operations and maintenance buildings, stormwater infrastructure, and related infrastructure improvements) to generate and deliver renewable electricity to the statewide electricity transmission grid. The project would generate up to 300 megawatts (MW) of renewable energy and include up to 300 MW/1,200 MW-hours (MWh) of battery storage. The batteries would be lithium ion or similar. The project would include a switchyard and substation.

The power produced by the project would be conveyed to the regional electrical grid through an interconnection with the existing Mead-Adelanto 500-kilovolt (kV) transmission line operated by the Los Angeles Department of Water and Power (LADWP). The approximately 200 foot wide, 1-mile long 500 kV gen-tie line would run from the project substation, just southeast of I-15, to the switchyard and then to the point of interconnection with the existing LADWP Mead-Adelanto transmission line. A small segment of the gen-tie line, approximately 450 feet, would cross I-15.

Location: The proposed Project would be located entirely on federally owned land managed by the U.S. Bureau of Land Management (BLM). The 2,670-acre project site is located approximately 7 miles southwest of the community of Baker in unincorporated San Bernardino County, California, approximately 50 miles northeast of Barstow. The project site is in portions of Sections 1 and 11-14, Township 12 North, Range 7 East; Sections 25, Township 13 North, Range 7 East; Sections 6, 7, and 18, Township 12 North, Range 8 East; Sections 17-21, 29-32, Township 13 North, Range 8 East, San Bernardino Meridian, California.

Timeframe: Construction of the project is anticipated to begin in the second quarter of 2026 and occur over an approximately 18-month period. The project also includes future decommissioning, which is anticipated to occur after 40 years of operation.

CONSULTATION WITH CDFW

CDFW appreciates the opportunity to have engaged with CEC staff and/or the Project proponent in numerous meetings for the Project. These dates include the following: meeting every Tuesday effective March 11, 2025, to coordinate biology related items and August 29, 2026, where CDFW participated in the Informational and Scoping Meeting. CDFW will continue to collaborate with and provide support to the CEC throughout the AB205 certification process.

COMMENTS AND RECOMMENDATIONS

The EIR that will be prepared will determine the potential environmental impacts associated with the Project. CDFW offers the following comments and recommendations to assist the CEC in adequately identifying the Project's significant, or potentially significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources.

Special-Status Species: Several special-status species have been documented within and/or adjacent to the Project site per the California Natural Diversity Database (CNDDB). Six special-status animals and/or their diagnostic sign were observed during the surveys: desert tortoise (*Gopherus agassizii*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), desert kit fox (*Vulpes macrotis arsipus*), American badger (*Taxidea taxus*), and desert bighorn sheep (*Ovis canadensis nelsoni*). CDFW recommends potential Project related impacts to these special status species be analyzed in the EIR. CDFW also recommends that incidental take authorization consistent with the requirements of CESA be included in the certification if the Project has the potential to result in "take" (Fish & G. Code, § 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt,

Docusign Envelope ID: EB7632D8-C286-4C5C-8738-2CC9100D1F10

pursue, catch, capture, or kill") of CESA-listed species, either through construction or over the life of the project.

Sensitive Plant Communities: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Five native vegetation communities were identified on-site, including creosote bush – white bursage scrub (*Larrea tridentata - Ambrosia dumosa* Shrubland Alliance), creosote bush scrub (*Larrea tridentata* Shrubland Alliance), rigid spineflower – hairy desert sunflower (*Chorizanthe rigida - Geraea canescens* Desert Pavement Sparsely Vegetated Alliance), cheesebush – sweetbush scrub (*Ambrosia salsola - Bebbia juncea* Shrubland Alliance), and California joint fir – longleaf joint-fir scrub (*Ephedra californica - Ephedra trifurca* Shrubland Alliance). Two of the vegetation communities are considered sensitive associations in California including rigid spineflower – hairy desert sunflower desert pavement association and California joint fir – longleaf joint-fir scrub. Rare plant surveys confirmed the presence of one special-status plant species, Utah vine milkweed (*Funastrum utahense*) within the survey area. The EIR should include measures to identify, avoid, minimize and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

Desert bighorn sheep (*Ovis canadensis nelsoni*)

Desert bighorn sheep are a fully protected species under Fish and Game Code section 4700(b)(2). Take of this species is prohibited except as authorized consistent with Fish and Game Code section 2081.15. In June 2024, CDFW issued a technical report entitled *"Desert Bighorn Sheep Study, Soda Mountain Solar Project"* that evaluated potential impacts to desert bighorn sheep from the Project and included a suite of recommended mitigation measures for those impacts. Among the recommended mitigation measures in that report was the implementation of a minimum 0.25 mile buffer between the Project's perimeter fencing and the 10% slope hinge point in the Soda Mountains to mitigate for impacts to foraging habitat, escape terrain, and access to planned wildlife crossings at I-15 near the proposed Project site. Absent this mitigation measure, the report determined that long-term indirect impacts to the species would be significant and unavoidable. CDFW continues to recommend this minimum buffer measure.

To avoid significant negative demographic impacts, it is essential that desert bighorn sheep in the Soda Mountains maintain access to the relatively flat ground beyond the toe of slopes by preventing project encroachment into a buffer area around those slopes. The flatter areas extending beyond the base of those slopes provide valuable forage during winters when sufficient precipitation combines with warmer temperatures to initiate new growth of grasses and forbs. The high-quality forage therein provides nutrients essential to maintenance of healthy body reserves, particularly critical to pregnant and nursing female bighorn sheep in mid to late winter (McKinney et al. 2006). Maternal nutrition is in turn strongly correlated to successful recruitment of lambs into the adult population. Biologists understand that maximizing reproduction and recruitment through access to high-quality forage in relatively wet years is key to population persistence through multi-year droughts and ultimately essential to the viability and health of the desert bighorn metapopulation (Cain et al 2017). Desert bighorn sheep persist through challenges of drought, disease, and long-term shifts in temperature and vegetation composition by capitalizing on the abundance available at the base of slopes in wet winters.

Although there are existing disturbances in the Project area and bighorn sheep demonstrate behavioral plasticity and adapt to some human developments and activities, such habituation does not alter the risk-averse nature of bighorn sheep that requires visibility that facilitates detection of predators at a distance (Risenhoover and Bailey 1980; Hayes et al. 1994). Desert bighorn sheep will avoid a visually occluded sight-line, such as that presented by photovoltaic array, because any form of 'cover' could conceal their primary predator, the mountain lion. That predator-averse behavior, favoring unobstructed views, is manifest more strongly by females than males (Bleich et al. 1997), and is strongest when distant from steep escape terrain, such as on the flat areas adjacent to slopes. Desert bighorn are expected to maintain a distance of hundreds of meters from the visual obstruction of a photovoltaic array. To avoid significant negative impacts to the population, desert bighorn sheep must maintain the ability to forage on the flats beyond the toe of slopes, and maintain the 'stepping stone' connectivity function of intermediary hills

Docusign Envelope ID: EB7632D8-C286-4C5C-8738-2CC9100D1F10

south of the proposed development. Avoidance of significant impacts on desert bighorn sheep requires conserving these key habitats by avoiding development on a sufficient buffer area from the toe of slopes.

Conclusion

CDFW will continue to meet with CEC staff ahead of and during draft EIR preparation to discuss potential Project related impacts and possible avoidance, minimization, and/or mitigation measures for the biological resources that may be analyzed in the EIR, as well as helping to develop measures necessary to address the requirements of Fish and Game Code Section 2081(b) Incidental Take Permit pursuant to CESA and Lake and Streambed Alteration Program pursuant to Fish & G. Code, § 1600 et seq. For questions about this letter, please contact Dr. Shankar Sharma, Senior Environmental Scientist Specialist at Shankar.Sharma@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Brandy Wood
4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse
state.clearinghouse@lci.ca.gov

Literature Cited

Bleich, V. C., Bowyer, R. T., & Wehausen, J. D. 1997. Sexual segregation in mountain sheep: resources or predation?. Wildlife Monographs 134:1–50.

Cain, J. W., Gedir, J. V., Marshal, J. P., Krausman, P. R., Allen, J. D., Duff, G. C., .and Morgart, J. R. 2017. Extreme precipitation variability, forage quality and large herbivore diet selection in arid environments. *Oikos 126*:1459–1471.

Hayes, C. L., Krausman, P. R., & Wallace, M. C. 1994. Habitat, visibility, heart rate, and vigilance of bighorn sheep. Desert Bighorn Council Transactions 38: 6–11.

McKinney, T. E. D., Smith, T. W., & deVos Jr, J. C. 2006. Evaluation of factors potentially influencing a desert bighorn sheep population. Wildlife Monographs 164:1–36.

Risenhoover, K. L. and J. A. Bailey. 1980. Visibility: an important factor for an indigenous, low-elevation bighorn herd in Colorado. Biennial Symposium of the Northern Wild Sheep and Goat Council Vol. 2:18–28.