

## **NOTICE OF PREPARATION AND PUBLIC SCOPING MEETING FOR A DRAFT ENVIRONMENTAL IMPACT REPORT**

**Date:** January 18, 2023  
**To:** Responsible/Trustee Agencies and Interested Parties  
**From:** California Department of Fish and Wildlife  
**Subject:** Notice of Preparation (NOP) of a Draft Environmental Impact Report and Notice of a Public Scoping Meeting for the Soda Mountain Solar Project

**NOP Public Comment Period:** January 18, 2023, to February 16, 2023

### **Public Scoping Meeting (Online Webinar Format)**

**Date:** February 2, 2023

**Time:** 4:00 p.m.

### **Scoping Meeting Registration:**

<http://bit.ly/3GK29vk>



### **A. Introduction**

In accordance with the California Environmental Quality Act (CEQA; California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.), the California Department of Fish and Wildlife (CDFW), as the CEQA lead agency, will prepare a Draft Environmental Impact Report (EIR) for the proposed Soda Mountain Solar Project (project). Soda Mountain Solar LLC (Applicant) has filed an application with CDFW for an Incidental Take Permit (ITP) under California Fish and Game Code, Section 2081, Subdivision (b), and California Code of Regulations, Title 14, Sections 783.0–783.8, to authorize the otherwise prohibited “take,” as defined by State law, of Mojave desert tortoise (also known as Agassiz’s desert tortoise) (*Gopherus agassizii*), which is expected to occur incidental to implementation of the project. Additionally, Soda Mountain Solar LLC has notified CDFW of potential effects to streams and lakes resulting from project activities that may adversely affect fish and wildlife resources and will require a Lake and Streambed Alteration Agreement (LSAA) pursuant to California Fish and Game Code, Section 1600 et seq.

CDFW’s consideration of the proposed issuance of an ITP under the California Endangered Species Act and proposed issuance of an LSAA together constitute the proposed discretionary approval of a project

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subject to required environmental review under CEQA. CDFW will comply with CEQA and fulfill its related obligations as a lead agency (14 CCR 15367).

As required by CEQA, this Notice of Preparation (NOP) will be sent to the California Governor's Office of Planning and Research, responsible and trustee agencies, and interested members of the public that requested such notices. The purpose of this NOP is to inform recipients that CDFW is beginning preparation of a Draft EIR for the proposed project and to solicit comments concerning the scope and content of the environmental document being prepared, including information relevant to any agency's statutory responsibilities in connection with the proposed project. Comments most useful to CDFW's consideration of the proposed project at this time includes descriptions of significant environmental impacts, reasonable alternatives, and mitigation measures that may be discussed or analyzed in the Draft EIR.

This NOP includes background information on the proposed project's history and location (Section B), a description of the proposed project (Section C), a summary of the potential environmental impact areas that may be analyzed in the Draft EIR (Section D), information regarding the virtual public scoping meeting (Section E), information on how to provide comments to CDFW (Section F), and where documents will be available for public review (Section G).

In accordance with the CEQA Guidelines, there will be a 30-day comment period for this NOP, beginning on January 18, 2023, and ending on February 16, 2023 (see 14 CCR 15082[b]). CDFW welcomes agency and public input during the public review period. In the event that no response or well-justified request for additional time to provide comment is received from a responsible or trustee agency by the end of the review period, CDFW may presume that the agency has no comment.

## **B. Background and Project Location**

### ***B.1. Background***

The proposed project is a revised version of a previous Soda Mountain Solar project proposed by the Applicant (original project). The original project proposed the construction and operation of a 358-megawatt solar energy plant and related facilities on approximately 4,179 acres of land in San Bernardino County (County). On December 14, 2007, the Applicant filed a right-of-way grant application with the Bureau of Land Management (BLM) to construct, operate, maintain, and decommission the original project (Case File Number CACA-049584). The proposed issuance of a right-of-way grant triggered the need for a land use plan amendment to identify a suitable site for the original project in the California Desert Conservation Area Plan of 1980. The California Desert Conservation Area Plan Amendment also required analysis of potential impacts under the National Environmental Policy Act (NEPA). The Applicant applied for a groundwater well permit from the County on August 2, 2012. As a result, the County served as CEQA lead agency for the original project. BLM and the County jointly prepared an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the original project under NEPA and CEQA, respectively. During the preparation of the EIS/EIR, an aquatic resources delineation was prepared and submitted for jurisdictional determination to the U.S. Army Corps of Engineers. On August 21, 2013, the U.S. Army Corps of Engineers issued a determination that there are no waters of the United States on the original project site.

BLM also submitted a biological assessment for the original project to the U.S. Fish and Wildlife Service (Service). The Service provided BLM with a draft biological opinion on October 23, 2015, and issued a final biological opinion on January 13, 2016. The Service concurred with BLM's determination that the original project may affect, but is not likely to adversely affect, the state and federally endangered Mohave tui chub (*Siphateles bicolor mohavensis*). BLM and the County published the final Plan Amendment and EIS/EIR document on June 12, 2015. BLM issued a Record of Decision approving a revised configuration

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of the original project and associated amendment to the California Desert Conservation Area Plan in March 2016. The reconfigured project did not include the North Solar Array that was included in the original project analyzed in the EIS/EIR, resulting in a reduction in ground disturbance by approximately 500 acres.

The Applicant filed revised groundwater well permit applications for the reconfigured project with the County on May 12, 2016. The County held a hearing on the adoption of the EIS/EIR and approval of the groundwater well permits on August 23, 2016. The County Board of Supervisors declined to certify the EIS/EIR and made no decision regarding the groundwater well permit applications.

The current proposed project is similar to the reconfigured project described and approved in BLM's Record of Decision; however, the proposed project does not rely on groundwater wells. Therefore, a groundwater well permit from the County is no longer necessary. As a result, the County lacks discretionary approval responsibility for the proposed project and will not act as the CEQA lead agency. In May 2022, the Applicant submitted a new ITP application to CDFW. CDFW responded with a letter determining the ITP application was complete on July 22, 2022. The Applicant will also need to submit a LSAA Application for the proposed project. As a result of its discretionary approval responsibility for the ITP and the LSAA, CDFW will serve as the CEQA lead agency for the proposed project.

### ***B.2. Project Location***

The project site is located entirely on BLM-administered land in a rural area of the Mojave Desert, approximately 6 miles southwest of the town of Baker, approximately 50 miles northeast of the city of Barstow, and on the east side of Interstate (I) 15 (see Figures 1 and 2). It is approximately 0.5 miles from the western boundary of the Mojave National Preserve. The project site is in the Mojave Desert Air Basin and within a sub-basin of the Soda Lake Valley Groundwater Basin. The lands in the vicinity of the site contain existing infrastructure developments that include the I-15 highway, two transmission lines, a distribution line, wireless cellular communication towers, a fiber-optic line, a fuel pipeline, and a telephone line. The former Arrowhead Trail Highway that was replaced by I-15 also traverses the eastern side of the project site. In addition, a gas station is located approximately 0.6 miles from the southwest corner of the project site.

Primary access to the project area during construction and operation would be via a gated entrance from Razor Road. Additionally, a California Department of Transportation access road to the Opah Ditch pit mine would be used for construction of the collection line to the substation and for project site access. An existing Southern California Edison-owned 115-kilovolt sub-transmission line and a Los Angeles Department of Water and Power-operated 500-kilovolt transmission line run along the west side of I-15. The Razor Off-Highway Vehicle Recreation Area, to the southeast of the project area, is currently accessed via Razor Road, and access to the off-highway vehicle area would continue following the proposed relocation of this road.

### **C. Project Description**

The project under consideration is the construction, operation, maintenance, and future decommissioning of a 300-megawatt photovoltaic solar facility with battery energy storage systems and related facilities on approximately 1,490 acres of land administered by BLM in the unincorporated portion of the County, approximately 6 miles southwest of the town of Baker, California, along I-15, as shown in Figures 1 and 2. The proposed project components are as follows:

1. The solar plant site (i.e., all facilities that create a footprint in and around the field of solar panels, including the solar field consisting of solar power arrays identified as the East Array and South

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Arrays 1, 2, and 3), operation and maintenance buildings and structures, stormwater infrastructure, and related infrastructure and improvements

2. A substation and switchyard for interconnection to the existing transmission system
3. Approximately 300 megawatts of battery energy storage systems across 16 acres of land

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

#### **D. Potential Environmental Effects**

Pursuant to the CEQA Guidelines, CDFW has elected to proceed directly to the preparation of a Draft EIR rather than preparing an Initial Study (14 CCR 15060[d] and 15063[a]). CDFW has determined as the CEQA lead agency that an EIR will clearly be required for the project based on substantial evidence that supports a fair argument that the proposed project may result in significant effects on the environment. These potentially significant effects and other environmental effects that may be caused the project will be addressed and analyzed in detail in the Draft EIR.

The Draft EIR will be prepared in accordance with CEQA and the CEQA Guidelines and will address each threshold question in Appendix G, Environmental Checklist Form, of the CEQA Guidelines (14 CCR 15000 et seq.). An example of the Environmental Checklist Form can be found at the following website: [https://www.califaep.org/docs/2022\\_CEQA\\_Statute\\_and\\_Guidelines.pdf](https://www.califaep.org/docs/2022_CEQA_Statute_and_Guidelines.pdf). This link is provided to assist the public and agencies in preparing written comments.

Potential environmental impacts to be analyzed in the Draft EIR include the following:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The Draft EIR, consistent with CEQA, will include sufficient information to facilitate meaningful public review and informed public decision-making regarding the significant effects on the environment (both direct and indirect) that may be caused by CDFW issuance of a California Endangered Species Act ITP and LSAA as requested by Soda Mountain Solar LLC. The Draft EIR will include information regarding the environmental baseline and an analysis, by resource category, of whether the proposed project will cause a physical change to the baseline condition and, importantly, whether any such change is expected to be significant for purposes of CEQA.

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The Draft EIR will also address the cumulative environmental impacts of the proposed project. In particular, the Draft EIR will evaluate whether the environmental effects caused by the proposed project, together with the effects of closely related past, present, and reasonably foreseeable projects, are cumulatively considerable.

The Draft EIR will describe and evaluate the effects of a reasonable range of alternatives to the proposed project, including a no-project alternative, and will compare the environmental impacts of each alternative to those of the proposed project. The Draft EIR will specifically identify any alternatives that CDFW considered but rejected as infeasible, including a brief explanation. The Draft EIR will also identify any environmentally superior alternative(s). The alternatives analyzed in the Draft EIR will be developed during the environmental review process, including consideration of public comments received during the public comment period.

In addition, the Draft EIR will describe feasible mitigation measures to avoid or substantially reduce the proposed project's significant adverse environmental impacts.

The ITP and LSAA, as noted, are the proposed discretionary approvals requiring CDFW to comply with CEQA. However, these proposed actions in combination do not include or involve the proposed approval by CDFW of the full scope of activities proposed by the Applicant. The permits, if issued, will simply condition how the Applicant implements certain activities subject to CDFW's related regulatory authority under the California Fish and Game Code. Accordingly, the proposed approval requiring CDFW to comply with CEQA as a lead agency does not include the approval of the Applicant's activities overall.

### **E. Public Scoping Meeting**

CDFW will conduct an online public scoping meeting. The scoping meeting will involve a presentation about the proposed project and the environmental review process and schedule. The purpose of the meeting is to provide agencies and interested parties with a description of the project, an overview of the CEQA process, a list of potential environmental issues to be further analyzed, and information regarding the provision of written comments on the scope and content of the Draft EIR. The meeting date, time, and online address for the project's scoping meeting are as follows:

**Date:** February 16, 2023

**Time:** 4:00 p.m.

**Scoping Meeting Log-In:** Please register for the scoping meeting at the following link or by scanning the code. After registering, you will receive a confirmation email containing information about joining the meeting.

<http://bit.ly/3GK29vk>



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Everyone is encouraged to attend the public scoping meeting to express their concerns about the proposed project and to offer suggestions regarding the proposed project, including potential alternatives and mitigation measures.

## **F. Submitting Comments**

At this time, CDFW is soliciting comments on the NOP, including those regarding the project's potential environment effects. CDFW will consider comments collected during the public comment period when preparing the Draft EIR. Because of the time limits mandated by state law, the public comment period will close at 5:00 p.m. on February 16, 2023 (30-days from January 18, 2023).

You have several options for submitting comments: (1) by attending the public scoping meeting; (2) by U.S. mail; and (3) by electronic mail (email).

Please send comments by U.S. mail to:

CDFW Inland Deserts Region Office  
Attention: Shankar Sharma  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, California 91764

Please send comments by email to:

**Shankar Sharma** at [shankar.sharma@wildlife.ca.gov](mailto:shankar.sharma@wildlife.ca.gov). Be sure to include "Soda Mountain Solar Project Comments" in the subject line. The name and physical address of the commenter should also be contained in the body of the email.

All comments on environmental issues received during the public comment period will be considered and addressed in the Draft EIR, which will be made available for public review.

## **G. Location of Documents Available for Public Review**

The NOP and all public CEQA documents for this project will be available for review online at <https://www.wildlife.ca.gov/Notices>.

A hard copy of the NOP is available for review by appointment at the CDFW Inland Deserts Region Office, located at the following address:

CDFW Inland Deserts Region Office  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, California 91764

Please make an appointment by calling 909.484.0167.

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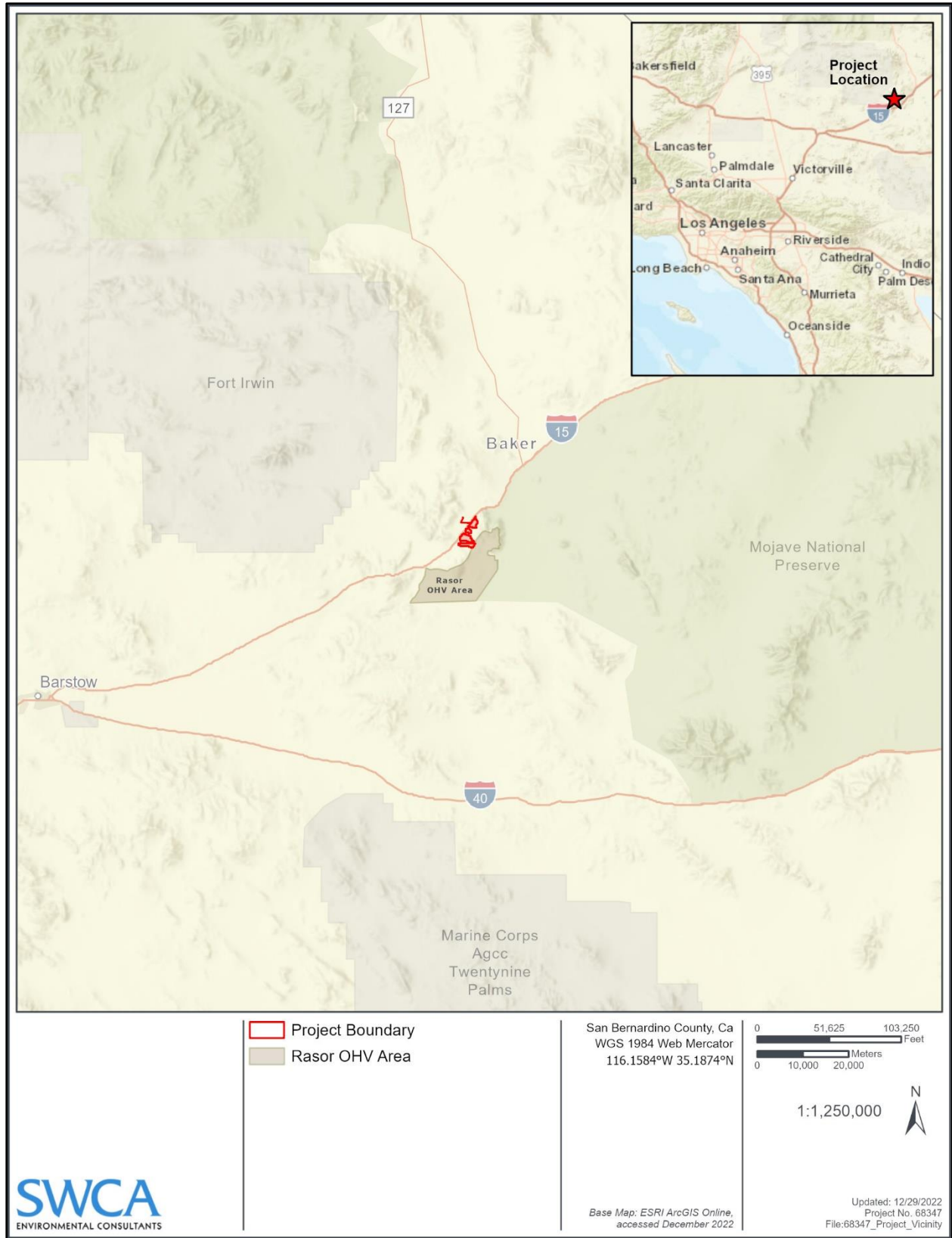


Figure 1. Project Vicinity

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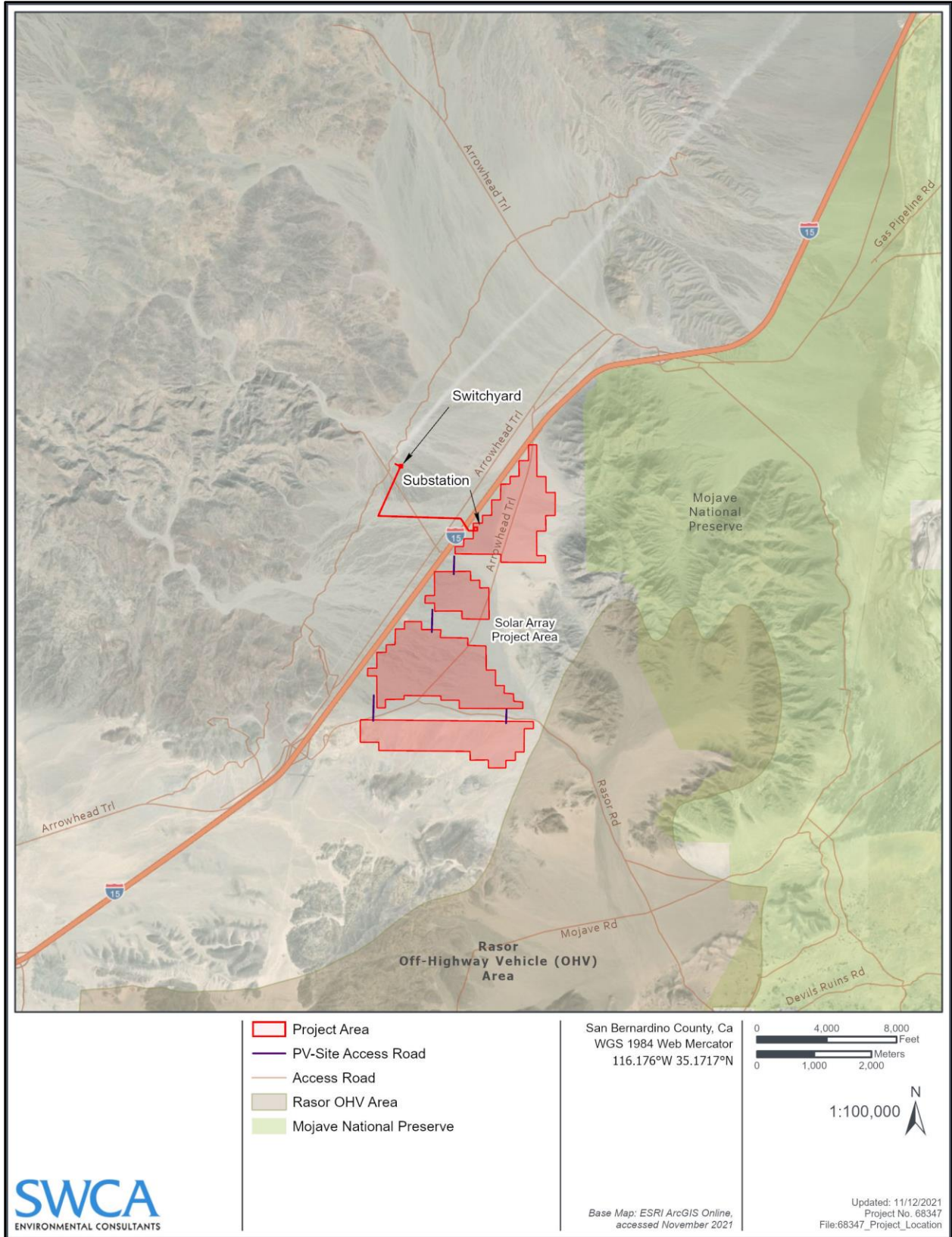


Figure 2. Project Overview Site Plan