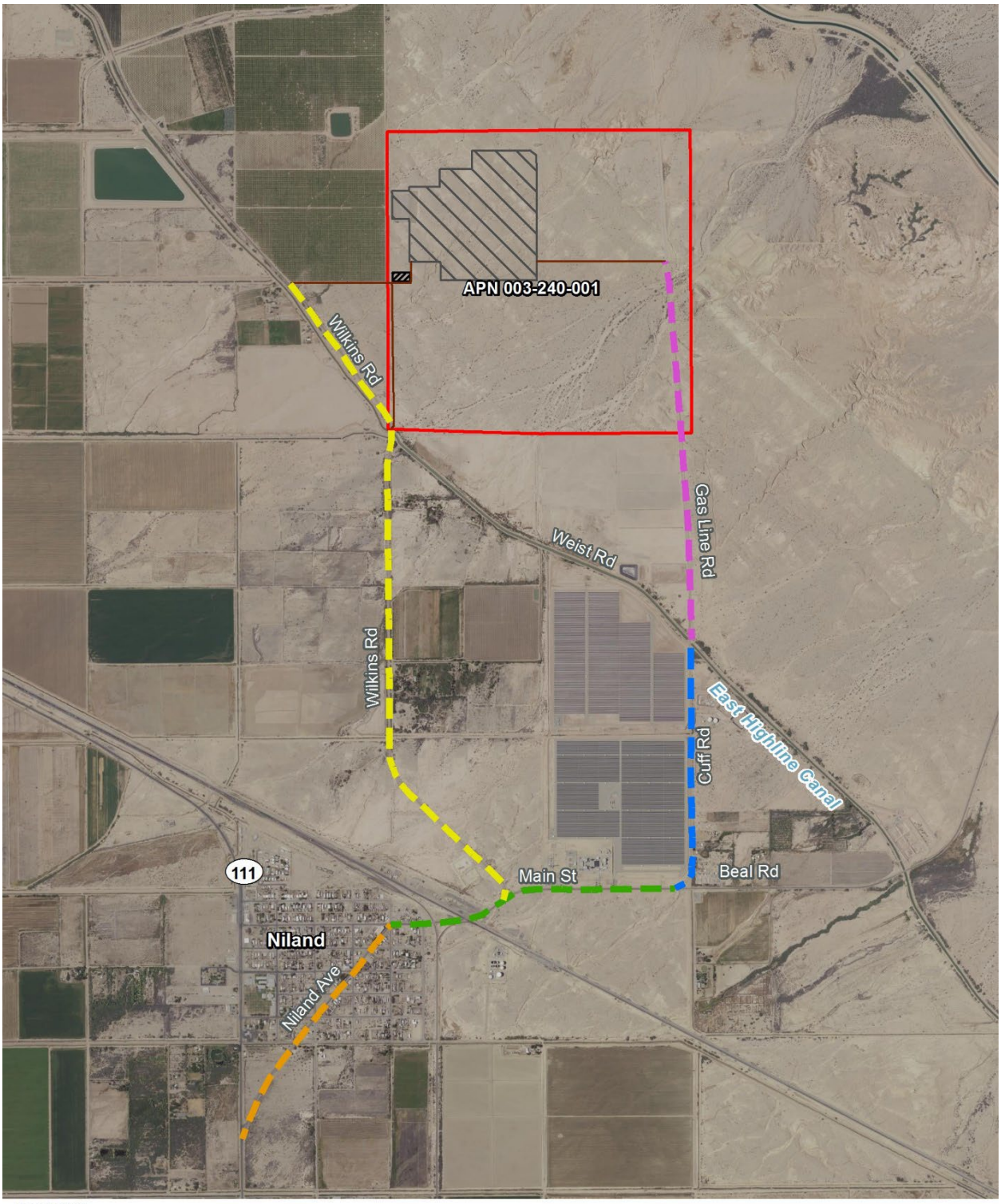
In response to comment F.30, the County reexamined the percentages for paved roads and unpaved roads used in the air quality model, and determined that it was appropriate to update the paved and unpaved percentages in the air quality modeling.

Draft EIR page 3.10-2 describes the Project's access roadways and states that paved roads would include State Route 111, Niland Avenue, Main Street, and Wilkins Road. The Draft EIR also states that unpaved roads would include Gas Line Road and Cuff Road. Additionally, Draft EIR Figure 3.10-1 depicts the location of each of these roads in proximity to the Project site.

For construction mobile emissions, the paved road percentages were updated to be representative of the Project roadways, and a worst-case route was assumed that would include the longest length of unpaved roads. The worst-case route would be travel on any paved road to the intersection of Cuff Road and Beal Road, then traveling north along Cuff Road and Gas Line Road to reach the eastern portion of the project site and then traveling west using the unpaved emergency access road to reach the project site. The length of the unpaved roads, Gas Line Road, Cuff Road, and the emergency access road total approximately 2.6 miles.

The trip lengths assumed in the CalEEMod for worker and vendors were 10.2 miles and 11.9 miles, respectively. The 2.6 miles of unpaved road represents 25.5 percent of the worker trip length (10.2 miles), therefore, the paved road percentage for worker trips would be 74.5 percent. The 2.6 miles of unpaved road represents 21.9 percent of the vendor trip length (11.9 miles); therefore, the paved road percentage for vendor trips would be 78.1 percent. The paved percentage values were incorporated into the updated modeling.

The same methodology was applied for mobile vehicle trips during operations. Based on GIS data, the primary access roads for the project site are located west and south of the project site via Wilkins Road. The primary access roads would be unpaved, but Wilkins Road is paved as described above. The unpaved access roads had a total length of approximately 1.6 miles. The 1.6 miles of unpaved road represents 15.9 percent of the operations trip length (10 miles), therefore, the paved road percentage for mobile trips during operations would 84.1 percent. The paved percentage values were incorporated into the updated modeling. While the additional modeling suggested will be included in the Final EIR, this information is not significant because it does not demonstrate that a new significant impact would result from the project or that there is a substantial increase in the severity of an environmental impact. This addition to the Draft EIR merely amplifies the County's determination that potential air quality impacts from the Project will be less than significant. Therefore, there is no need to recirculate the Draft EIR in response to this comment.


APN 003-240-001
Wilkins Rd
Weist Rd
Gas Line Rd
Wilkins Rd
East Highline Canal
Cuff Rd
111
Main St
Beal Rd
Niland
Niland Ave
LEGEND
Project Site (Assessor Parcel No. 003-240-001)
Solar Energy Facility Location
Substation
Access Road
Proposed Haul Routes
Niland Ave
Main St
Cuff Rd
Gas Line Rd
Wilkins Rd
0
Feet
2,000

F.31 The comment states that mitigation measures were not substantiated or explained in the modeling output, and that as a result, SWAPE was unable to verify the accuracy of the Draft EIR air quality modeling. This is incorrect. In accordance with the CalEEMod User's Guide, the modeling output provided comments describing the mitigation measures that were incorporated into the modeling. For PM10, the Draft EIR explains that standard mitigation measures for fugitive dust for all projects in Imperial County were included in the model. (See, Draft EIR, Appendix D, p. 33.) The Draft EIR identifies the standard measures for fugitive dust (PM10) control on page 3.3-18 of the Draft EIR. Further, the modeling output file provided comments explaining the additional measures for fugitive dust that would be incorporated into the Project. For example, the comments explained that watering would occur two times per day, which is related to the "Water Exposed Area" mitigation measure outlined for fugitive dust control measures in Section 3.3, Air Quality. The "Reduce Vehicle Speeds on Unpaved Roads" comment corresponds to the measure described in Draft EIR page 3.3-18, which states vehicle speeds would not exceed 15 miles per hour.

Draft EIR pages 3.3-17 and 3.3-18 outlines the mitigation measures that would be implemented for the Project. Mitigation Measure AQ-2 states that the Project would comply with the *Regulation VIII-Fugitive Dust Control Measures*, and identifies both standard measures and discretionary methods to be implemented by the project to reduce fugitive dust emissions. AQ-2 also provides that implementation and compliance with the ICAPCD's requirements for fugitive dust control will be verified by ICAPCD as part of the grading permit approval process.

Furthermore, the updated construction modeling quantified fugitive dust emissions reductions using the previous mitigation measures, "Water Exposed Area" and "Reduce Vehicle Speeds on Unpaved Roads", as well as an additional measure, "Use Soil Stabilizer." The use of soil stabilizers is a common and effective method for reducing fugitive dust and was previously outlined in Mitigation Measure AQ-2. The updated construction CalEEMod output files explicitly state that mitigation measures are consistent with requirements of the ICAPCD. Therefore, there is no need to recirculate the Draft EIR in response to this comment.

F.32 This comment states that air quality modeling is incomplete, it underestimates emissions, and should not be relied upon to determine project significance. This comment is a summary of Comments F.26 through F.31. Responses to these specific comments are provided in response to comments F.26 through F.31. As explained in response to comments F.26 through F.31, air quality modeling for the project correctly relied upon appropriate inputs and information based on anticipated Project activities, and there is substantial evidence to support the analysis presented in the Draft EIR.

Furthermore, as explained in response to comments F.26 through F.31, the air quality modeling was re-run to address comments raised by the commenter, even though the County does not necessarily agree with the commenter's statements or conclusions with respect to the Draft EIR's air quality analysis. These modeling results for air quality are shown in Table 0.2-2 and Table 0.2-3 below. As shown in Table 0.2-2 and Table 0.2-3, the Project's emissions remain below all ICAPCD thresholds for construction and operations, therefore, construction and operational regional emissions impacts would remain less than significant. While the additional modeling suggested will be included in the Final EIR, this information is not significant because it does not demonstrate that a new significant impact would result from the project or that there is a substantial increase in the severity of an environmental impact. This addition to the Draft EIR merely amplifies the County's determination that potential air quality impacts from the Project will be less than significant. Therefore, there is no need to recirculate the Draft EIR in response to this comment.

Table 0.2-2. Project Maximum Daily Construction Emissions

Construction Phase	ROG	NOx	CO	PM_{10}
	Maximum Daily Emissions (lb/day)			
Site Preparation	4.10	39.72	25.73	63.87
Facility Installation	3.38	30.38	25.03	86.38
Gen tie, Site Restoration	1.97	17.95	14.83	43.36
Maximum Daily Emissions	**4.10**	**39.72**	**25.73**	**86.38**
ICAPCD Thresholds	75	100	550	150
Exceeds Threshold?	**No**	**No**	**No**	**No**

Table 0.2-3. Project Maximum Daily Operations Emissions

Operations Activity	ROG	NOx	CO	SO2	PM_{10} Total	$PM_{2.5}$ Total
	Maximum Daily Emissions (lb/day)					
Normal Operations	0.03	0.02	0.24	0.0003	9.38	0.94
Panel Washing	0.14	1.61	0.84	0.004	23.48	2.38
Project Total	**0.17**	**1.64**	**1.08**	**0.005**	**32.86**	**3.32**
ICAPCD Thresholds	137	137	550	150	150	550
Exceeds Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

The Draft EIR will be revised to include Table 0.2-2 and Table 0.2-3. While the additional modeling will be included in the Final EIR, this information is not significant because it does not demonstrate that a new significant impact would result from the project or that there is a substantial increase in the severity of an environmental impact. This addition to the Draft EIR merely amplifies the County's determination that potential air quality impacts from the Project will be less than significant. Therefore, there is no need to recirculate the Draft EIR in response to this comment.

F.33 The comment states that Draft EIR "completely fails to grapple with or provide any quantification of air emissions from decommissioning of the Project "after its 20-to 25-year lifespan", and states that a quantitative estimation could have been made and emissions from those activities associated with decommissioning evaluated as part of the Draft EIR's analysis of the Project's impacts to air quality.

First, it should be noted that the Draft EIR states that solar equipment in general, but not the Project specifically, has a 20 to 25 year lifespan. In fact, Section 3.3.4 of the Draft EIR recognizes that there is some ambiguity as to when the Project will be decommissioned— the Project may continue as a result of a contract extension, purchase from another buyer, the Project may continue through another means of funding, or the Project may be decommissioned. Thus, identifying specific decommissioning activities, and the potential impacts from those activities, would be speculative.

Second, notwithstanding the fact that the timing for decommissioning and scope of specific decommissioning activities are not known at this time, the Draft EIR did provide a good faith effort to describe and address the potential emissions from decommissioning and complete dismantling of the Project. Draft EIR page 2-16 describes expected activities from decommissioning and a complete dismantling of the Project, which includes removal of project components and reclamation and recontouring of the project site. Draft EIR page 3.3-22 examines the potential air quality impacts of these project activities, stating "The emissions from on- and off-road equipment during decommissioning are expected to be significantly lower than project construction emissions, as the overall activity would be anticipated to be lower than project construction activity." The commenter does not explain, or otherwise provide evidence, to rebut the expectation that overall activities from decommissioning will be lower than project deconstruction activity.

Third, based on the foregoing expectations with respect to decommissioning activity levels, it is reasonable for the County to compare the air quality modeling already conducted for construction to evaluate potential air quality impacts from decommissioning. Using both the air modeling conducted in support of the Draft EIR and that prepared in response to comments, the Project's maximum daily construction emissions (*see*, Draft EIR Table 3.3-8; response to comment F.32, Table 0.2-2) show that none of the construction phases would exceed ICAPCD significance thresholds. As stated above, decommissioning activities would be less intensive than construction given lower levels of overall activity. Even under the most conservative assumption that emissions from decommissioning are equivalent to construction, emissions from decommissioning activities would be less than ICAPCD's significance thresholds. Furthermore, any decommissioning activities will be required to implement fugitive dust measures in accordance with ICAPCD's requirements, and all Project activities are required to comply with Mitigation Measures AQ-1 through AQ-5. . Therefore, because the County made a good faith effort to disclose and analyze potentially significant impacts associated with decommissioning as part of the Draft EIR's analysis of the Project's potential impacts to air quality, there is no need to revise the Draft EIR in response to this comment.

F.34 This comment summarizes the commenter's opinions regarding decommissioning in Comment F.33, states that the Draft EIR underestimates emissions, and states that the Draft EIR's conclusion that air quality impacts are less than significant are not supported by substantial evidence. The comment also states that the Draft EIR should be revised to include an accurate and adequate air quality analysis.

As stated in response to comment F.33, the County presented a good faith analysis of potential air quality impacts from decommissioning and dismantling of the Project. The comment presents only the commenters opinion that the Draft EIR underestimates emissions, but does not present any evidence to support the conclusion. See also Comment F.33 above. Therefore, the Draft EIR does not need to be revised or recirculated in response to this comment.

F.35 This comment provides a calculation for construction-related PM10 emissions based on what the commenter characterizes as corrections of errors presented in the Draft EIR's modeling. As stated in response to comments F.25 through F.34, there were no errors in the Draft EIR's modeling, and all assumptions and inputs used in the model were based on reasonable projections of actual Project activities during construction and operations. The commenter derived an estimated construction PM10 emissions of 639.7735 pounds per day, which is an extremely high number. Notably, the commenter did not provide any emission modeling files, or any data to support their estimated construction PM10 level. The only reference to how the modeling was

conducted by SWAPE is a statement that construction-related mitigation measures and changes to the Project's anticipated hauling, vendor, and worker trip percent paved values were omitted. (SWAPE, p. 12.)

Neither Comment Letter F or Exhibit B to Comment Letter F provides the emission modeling files to substantiate the modeling results. Calculations were generated by the project applicant's environmental consultant in an attempt to determine how this high value was derived. The consultant determined that SWAPE did not include any mitigation measures for fugitive dust and used the default paved road percentages in CalEEMod, which are equivalent to 50 percent. With a paved road percentage of 50 percent, SWAPE estimated that 50 percent of both the worker and vendor trip lengths would be unpaved. These are not accurate assumptions for the Project, and are not consistent with the Project description. First, as explained in the Draft EIR and in response to comments F.31 and F.33, the ICAPCD requires that all construction sites in Imperial County incorporate standard fugitive dust control measures. In particular, Mitigation Measure AQ-2 in Section 3.3, Air Quality, specifically outlines mitigation measures for controlling fugitive dust from unpaved roads. Furthermore, as shown in Table 0.2-2 (see response to comment F.33), the assumption of a paved road percentage of 50 percent is not representative for this project. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.36 The comment provides a summary regarding diesel particular matter (DPM), and the potential health hazards of DPM. This comment does not raise any significant environmental issues and is noted for the record.

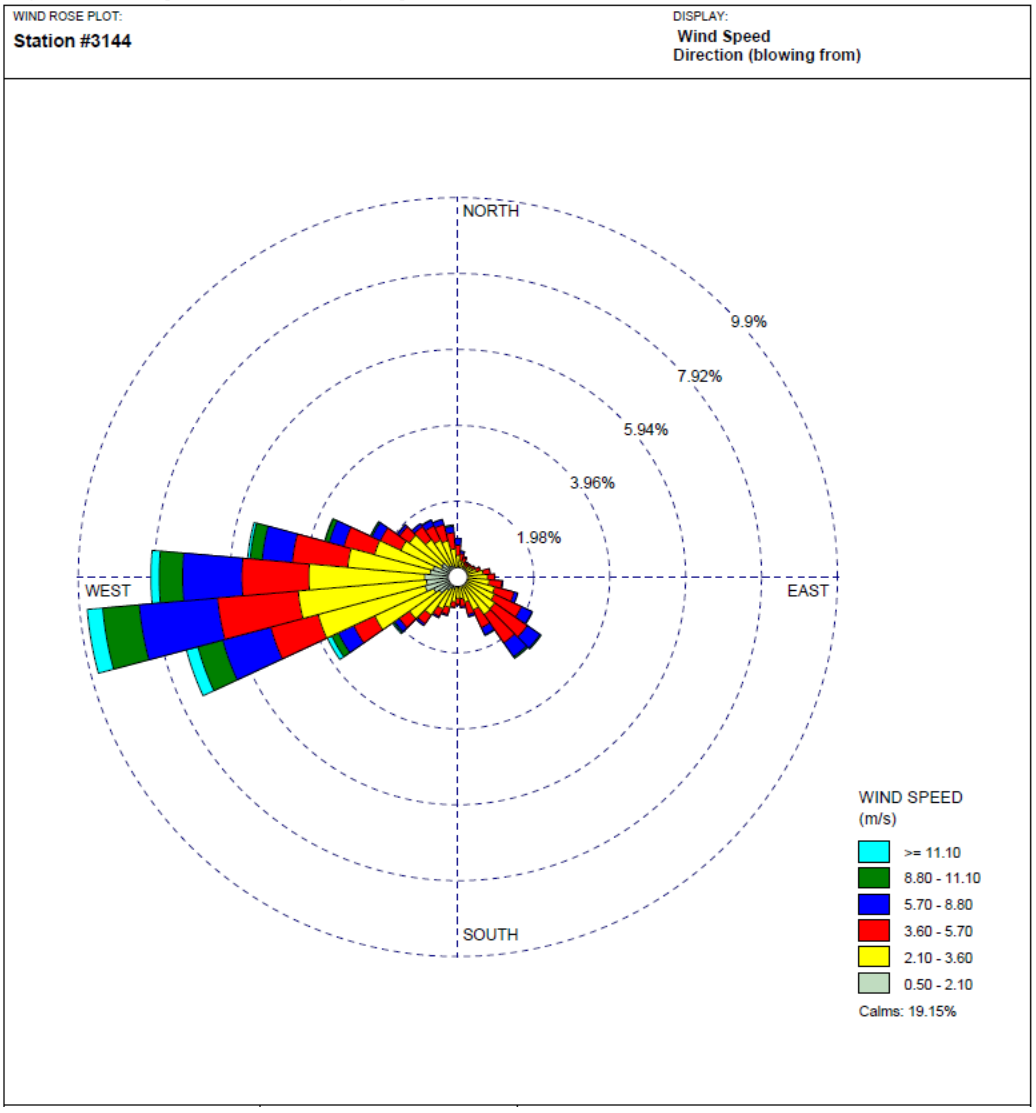
F.37 The comment states that the Draft EIR did not adequately evaluate adverse health impacts from exposure to TACs, and that the Draft EIR should have included a health risk assessment for exposure to toxic air contaminants (TACs), in particular diesel particulate matter (DPM), from construction and operational emissions to support its analysis. Potential health impacts from exposure to TACs were fully identified and considered in the Draft EIR, specifically on pages 3.3-13 through 3.3-22, and Appendix D, pages 20-21. The Draft EIR found that DPM emissions during construction would be short-term in nature, lasting a maximum of nine months. As stated on Draft EIR page 3.3-20, the Project's employees commuting to the site during project construction or operation would use gasoline-fueled vehicles, therefore, there would be no DPM emissions during operations, and emissions of DPM would cease after the Project is constructed because diesel fueled construction vehicles are not required for operation of the Project. Even though potential impacts are less than significant, Mitigation Measure AQ-1 (Draft EIR page 3.3-18) will be implemented for the Project, which requires that all off-road equipment meet EPA Tier 2 Final Standards or better, which would reduce DPM emissions.

Further, the County determined that a health risk assessment is not necessary given expected emissions levels from the Project and the Project's distance from sensitive receptors. In the absence of guidance from the ICAPCD for conducting health risk assessments, guidelines from the Bay Area Air Quality Management District (BAAQMD) for evaluating health risk impacts were consulted. BAAQMD's CEQA Guidelines state, "For assessing community risks and hazards, a 1,000-foot radius is recommended around the project property boundary. BAAQMD recommends that any proposed project that includes the siting of a new source or receptor assess associated impacts within 1,000 feet…" For this Project, the closest sensitive receptor is beyond 1,000 feet from the Project boundary; therefore, the County determined that a health risk assessment was not necessary to quantify cancer risks.

Furthermore, meteorological data from the closest meteorological station in Imperial County is located at the Imperial County Airport. Meteorological data from the site was obtained from the California Air Resources Board's pre-processed AERMOD files. Using AERMOD, a wind rose of the dominant wind direction was generated and is illustrated in Figure 1 Imperial County Airport Windrose below. As shown in Figure 1, the prevailing wind direction blows from east to west. The closest sensitive receptor is both located greater than 1,000 feet from the Project site and is located west of the project site. Therefore, the closest receptor is upwind of the project emissions, resulting minimal exposure to construction-related DPM emissions.

For the reasons stated above, the Project's qualitative evaluation of TAC exposure is sufficiently supported by substantial evidence, and the Draft EIR accurately concluded that health impacts would be less than significant. Therefore, there is no need to revise or recirculated the Draft EIR in response to this comment.

Figure 1. Imperial County Airport Wind Rose



F.38 The comment summarizes legal arguments regarding CEQA's requirements for an EIR, but does not raise significant environmental issues. The commenter cites *Berkeley Keep Jets Over the Bay Comm. V. Bd. of Port Comm'rs*, 91 Cal. App.4th 1344, 1369 ("*Berkeley Jets*") for the proposition that a health risk assessment is required when a project results in exposure to toxic contaminants. This is incorrect. In *Berkeley Jets*, the court stated a lead agency must "meaningfully attempt to quantify the amount of mobile-source emissions that would be emitted from normal operations conducted as part of [the project], and whether these emissions will result in any significant health impacts. The Draft EIR meets these requirements, and made a meaningful attempt to quantify the amount of emissions from the Project, including those from particulate matter from both fugitive dust and exhaust sources, and the potential health impacts from those emissions. (See, Appendix A, Air Quality and Greenhouse Gas Emissions", pdf pp. 44-45, to Draft EIR Appendix D, Air Quality Technical Study.) This comment is noted for the record.

F.39 The comment states that the Draft EIR should conduct a quantitative analysis of potential TAC impacts, and further states that a qualitative analysis of TAC impacts cannot support a finding that potential health risk impacts from the Project are less than significant. This is incorrect. The Draft EIR provides a thorough discussion of the potential types of pollutants that may result from the Project, including TACs and DPM. The potential health impacts of TACs and DPM, and the Project activities that may give rise to the emission of these pollutants, are discussed in both the Draft EIR and Appendix A, Section 2.3.3 to the Draft EIR. Response to comment F.37 discusses the Draft EIR's analysis of TACs, including the assumptions and guidelines that were followed to reach the conclusion that potential impacts are less than significant. There is no need to specifically quantify the minimal DPM emissions from the Project because overall emissions from construction, of which DPM is a subset, have already been quantified, and found to be lower than the thresholds of significance. Further, as discussed in response to comment F.37, the Project's qualitative evaluation of TAC exposure is sufficiently supported, and the Draft EIR accurately concluded that health impacts would be less than significant. No further analysis or mitigation is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.40 The comment reiterates earlier statements that the air modeling analysis conducted on behalf of the Project is flawed. Response to comments F.26 through F.35 explain the inputs and assumptions that were incorporated into the air quality modeling, and how those inputs and assumptions are reasonable and appropriate for this Project. Furthermore, DPM emissions during construction did not change with the refined modeling conducted in response to the above comments. The construction modeling was only updated to accurately represent fugitive PM_{10} emissions based on more refined inputs. All construction exhaust emissions, including DPM, were accounted accurately in both Appendix D and the refined air quality analysis, which demonstrates that the previous exhaust emissions were represented accurately.

It is also important to note that all mobile vehicles during construction and operations would be gasoline powered, and will not result in DPM emissions. For these reasons, the comment's claim that Draft EIR air modeling analysis is flawed and cannot be relied upon is incorrect. No further mitigation or discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.41 The comment states that there is a receptor located 1,297 feet from the Project site. The County reviewed the figure presented by SWAPE, and determined that the receptor appears to be located approximately 1,297 feet from the gen-tie line, and over 1,500 feet from the location of the solar energy facility. The County will revise the Draft

EIR to state that there is a receptor located within 1,500 feet from the gen-tie line, and over 1,500 feet from the solar energy facility site. However, this revision does not affect the County's conclusions with respect to potential air quality impacts from the Project, as the receptor is located greater than 1,000 feet from the Project site boundary. As stated in response to comment F-37, health risk impacts should be evaluated for receptors within 1,000 feet of the Project site. Because the newly identified receptor is beyond the 1,000-foot radius and located upwind of the Project, health impacts would not be required to be evaluated at this receptor. This information does not show that a new significant environmental impact from the project would result, or that a substantial increase in the severity of an environmental impact would result; therefore, this additional information does not constitute the addition of significant new information. Therefore, there is no need to recirculate the Draft EIR in response to this comment.

F.42 The comment states that a less than significant finding for cancer risk is determined by a numeric threshold, and that ICAPCD's significance threshold is 10 in one million. The commenter does not cite to any law, ordinance, regulation, or standard to support the statement that a less than significant finding for this Project can only be determined by a numeric threshold.

Consistent with the ICAPCD's CEQA Guidelines, the County and the project applicant consulted with the ICAPCD regarding the air quality analysis for the Project. As discussed in response to comment F.37, the Project's qualitative evaluation of TAC exposure is sufficiently supported by substantial evidence, and the Draft EIR accurately concluded that health impacts would be less than significant. No further analysis or mitigation is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.43 The comment states that a quantified health risk assessment is required for the Project to be consistent with guidance from the Office of Environmental Health Hazard Assessment (OEHHA). This is incorrect. OEHHA's *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* (Feb. 2015; hereinafter, "OEHHA Guidelines") specifically recognizes that it is within the purview of the Local Air Pollution Control District or Air Quality Management District to determine which facilities are required to prepare and HRA. (OEHHA Guidelines, p. 1-3.) As stated above in response to comment F.42, the County and the project applicant consulted with the ICAPCD regarding the air quality analysis for the Project. The ICAPCD did not state that an HRA was necessary for the air quality analysis.

The comment also states that without preparation of a health risk assessment, the Draft EIR's conclusions that impacts to public health are less than significant is unsupported. As discussed in response to comments F.37 through F.42, the County, concluded that a health risk assessment is not necessary for this Project. The Project's qualitative evaluation of TAC exposure appropriately discloses the potential environmental impacts from the Project, is supported by substantial evidence, and the Draft EIR accurately concluded that public health impacts would be less than significant. No further analysis or mitigation is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.44 The comment summarizes the commenter's opinion as to CEQA's requirements for the determination of a project's GHG emissions, and does not raise a significant environmental issues. Specific concerns related to the Draft EIR and Project are addressed in responses to comments F.45 through F.51. This comment is noted for the record.

F.45 The comment states the Draft EIR fails to adequately disclose, analyze, and mitigate GHG impacts from the Project's construction and operations. This comment also states that the Draft EIR fails to provide substantial evidence that the Project is consistent with goals, plans, and policies adopted for the purpose of reducing GHG emissions. These comments are incorrect.

With respect to specific goals, plans, and policies adopted for the purpose of reducing GHG emissions, Draft EIR section 3.7.2 discusses the federal, state, regional, and local laws, ordinances, regulations, and standards ("LORS") that contain goals, plans, and policies adopted for the purpose of reducing GHG emissions. Draft EIR Section 3.7.2 identifies the LORS applicable to consideration of this Project. Draft EIR page 3.7-14 presents Table 3.7-2, which discloses both construction and operational GHG emissions expected from the Project. The Draft EIR analyzed the potential impacts of these emissions, and determined that the Project would result in an overall reduction of 65,136 metric tons of carbon dioxide equivalents by having solar panels generate electricity from renewable sources. The Project's sole purpose to reduce GHG emissions from electricity generating facilities that emit carbon dioxide emissions from combustion of non-renewable fossil fuels, and Table 3.7-2 unequivocally shows that the Project would reduce a substantial amount of GHG emissions.

Draft EIR page 3.7-14 provides a discussion with respect to the Project's consistency with LORS relating to GHG emissions, including policies relating to achieving renewable portfolio standards, generation of electricity from renewable sources, and assisting with the achievement of cost-effective emissions while transitioning to a low-carbon economy. The Draft EIR concludes that the Project would not conflict with any applicable LORS, and in fact, would aid in the achievement of GHG emissions reduction goals and policies set forth in those LORS. Based on the foregoing, the Draft EIR appropriately concluded that the Project will have a less than significant impact on climate change from GHG emissions.

For these reasons, the Draft EIR adequately analyzed the Project's consistency with goals, plans, policies, or regulations for reducing greenhouse gases. No mitigation or further discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.46 The comment repeats statements that the County must make a reasonable effort to conduct a complete and thorough GHG analysis to determine significant impacts, and incorporate mitigation measures to reduce GHG impacts to less than significant. As stated in response to comment F.45, the County conducted a thorough, good faith effort to analyze the potential impacts of GHG emissions from the Project. The Draft EIR's conclusion of less than significant impacts are accurate and supported by substantial evidence. CEQA does not require mitigation measures for effects which are not found to be significant. (14 C.C.R. § 15126.4(a)(3).) Therefore, no mitigation measures are required, and there is no need to revise or recirculate the Draft EIR in response to this comment.

F.47 The comment summarizes the commenter's opinion as to CEQA's requirements for the determination of the significance of a project's GHG emissions, and does not raise a significant environmental issues. As stated in response to comments F.45 through F.46 the Draft EIR adequately analyzed the Project's consistency with goals, plans, policies, or regulations for reducing greenhouse gases, and would result in a net reduction in annual GHG emissions. The Project would not exceed the 3,000 MTCO2e threshold and would also be consisted with policies for reducing GHG emissions. No mitigation or further discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.48 The comment primarily summarizes the commenter's opinion as to CEQA's requirements for the determination of the significance of a project's GHG emissions and the, and does not raise a significant environmental issues. The comment does not provide any specifics in this comment as to how the Draft EIR fails to analyze climate change impacts. Specific concerns related to the Draft EIR and Project are addressed in subsequent comments. No further discussion is required.

F.49 The comment states that the Scoping Plan is outdated and does not apply to the Project. This is incorrect. The most recent version of the state's Scoping Plan is the 2017 Scoping Plan. As stated on Draft EIR page 3.7-8, "The majority of the Scoping Plan's GHG reduction strategies are directed at the two sectors with the largest GHG emissions contributions: transportation and electricity generation." The 2017 Scoping Plan builds upon the framework of strategies from previous versions. Also, the 2017 Scoping Plan specifically states how California will reach its 2030 reductions targets, therefore, the commenter's claim that "the Scoping Plan is only intended to provide emission reduction goals through 2020" is incorrect. The Draft EIR analyzed the potential impacts of GHG emissions, and determined that the Project would result in an overall reduction of 65,136 metric tons of carbon dioxide equivalents by having solar panels generate electricity from renewable sources. The Project's sole purpose to reduce GHG emissions from electricity generating facilities that emit GHG emissions from combustion of non-renewable fossil fuels, and Table 3.7-2 unequivocally shows that the Project would reduce a substantial amount of GHG emissions. The Draft EIR used the appropriate Scoping Plan that is applicable to the Project. No mitigation or further discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.50 The comment states the Draft EIR lacks substantial evidence to demonstrate the Project's consistency with Scoping Plan polices. This is incorrect. As stated in response to comment F.45, the Draft EIR adequately analyzed the Project's consistency with goals, plans, policies, or regulations for reducing greenhouse gases, including the Scoping Plan policies. One of the main goals in the Scoping Plan is to reduce GHG emissions from electricity generation from fossil fuel combustion. It should be reiterated that the Project's sole purpose is to produce electricity from renewable energy sources, such as solar panels, and the Project would even result in a net reduction of GHG emissions. The Draft EIR provided substantial evidence to support the conclusions finding consistency with Scoping Plan policies and applicable LORS. No further mitigation or discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.51 The comment summarizes comments F.47 through F.50, which are responses to above, and statements the Draft EIR must be revised and recirculated. Based on the preceding responses to comments F.44 to F.51, the Draft EIR accurately and sufficiently evaluated the Project's GHG impacts, and the Draft EIR's conclusion of less than significant GHG impacts is accurate and supported by substantial evidence. No further mitigation or discussion is required. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.52 The comment primarily summarizes the commenter's opinion as to CEQA's requirements regarding the discussion of potential hazards to the public from a project's routine transport, use, or disposal of hazardous materials, and the determination of potential hazards arising from a project's use of hazardous materials. Draft EIR Section 6.3 evaluates the potential health impact from hazardous materials and determines the impact to be less than significant. Additionally, as discussed in response to comment F.31, the fugitive dust mitigation measures in accordance with ICAPCD *Regulation VIII-Fugitive Dust Control Measures* will be implemented in response to environmental inhalation hazards such as Valley Fever. This comment does not raise significant environmental issues, and is noted for the record.

F.53 The comment make a general statement that the Cortese List is not a sufficient means to determine potential hazards at the Project site, and that without a Phase I ESA, there is no substantial evidence to support a finding that the Project will have a less than significant impact from hazards or hazardous materials. The comment cites to no legal authorities for this claim and the County is not aware of any such legal authority requiring the information set forth in the comment.

The Draft EIR based its conclusion that there would not be a significant hazard or hazardous materials impact from the Project on several factors, including the limited use of hazardous materials during construction and operations, distance of the Project site from an existing or proposed school, airports, and the fact that the Project site is not listed as a hazardous materials site. Furthermore, the project site is owned by the applicant, who is knowledgeable of the history of uses on the site. There have been no uses on the project site that involved the excessive use of hazardous materials, including transport or disposal. Therefore, no contamination on the site is expected and no impact related to hazardous materials is identified. The comment does not raise any concerns that the Project will create a significant hazard to the public or to the environment, or otherwise raise any significant environmental issues relating to hazardous materials. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.54 The comment states that the Draft EIR does not address the Project's potential impacts on public health from Valley Fever. Valley Fever is a disease caused by inhalation of spores from a fungus known as *Coccidioides* spp., "which lives in the top 2 to 12 inches of soil" in many parts of California. (See, CA Labor Code § 6709.) Contracting Valley Fever can occur by breathing in dust that contains spores of the fungus. (See, CA Department of Public Health, *Valley Fever Fact Sheet*.) Valley Fever is not highly endemic in Imperial County, (CA Labor Code § 6709; see also, CA Department of Public Health, *Coccidioidomycosis in California Provisional Monthly Report* (September 30, 2020), and there is no evidence that the fungus is present on the Project site. The Draft EIR discusses mitigation measures used to limit inhalation exposure to dust and to control fugitive dust on the Project site, which would therefore limit inhalation exposure to dust related toxins. The measures set forth in the comment are redundant to or duplicative of the measures discussed in the Draft EIR. As discussed in response to comment F-31, Draft EIR pages 3.3-17 and 3.3-18 clearly outline the mitigation measures that would be implemented. Mitigation Measure AQ-2 states that the Project would comply with the *Regulation VIII-Fugitive Dust Control Measures* and provides multiple measures to reduce fugitive dust emissions. The Draft EIR outlined fugitive dust control measures in Section 3.3, Air Quality, and in the modeling output file provided a comment that watering would occur two times per day which is related to the "Water Exposed Area" mitigation measure, thus the commenter's claim that mitigation measures are not substantiated or explained in the modeling output is inaccurate. Also, for the "Reduce Vehicle Speeds on Unpaved Roads" measure, Draft EIR page 3.3-18 clearly states vehicle speeds would not

exceed 15 miles per hour. The project will follow ICAPCD regulations for controlling fugitive dust and dust related inhalation toxins. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.55 The comment provides a background of a study examining the impact of Valley Fever on workers constructing two large, industrial-scale projects in San Luis Obispo County, and therefore has little applicability to Imperial County. The comment states that the generation of dust is one of the primary routes of exposure to contract Valley Fever. The comment also states that exposure to workers on or adjacent to the project site is larger, and that dust from the Project may carry spores into other areas. The comment states that the Draft EIR fails to adequately mitigate against significant health risk impacts from Valley Fever. As stated in response to comment F.54, Valley Fever is not highly endemic in Imperial County, unlike San Luis Obispo County, and there is no evidence that the fungus is present on the Project site.

The comment also proposes mitigation measures that the commenter states will mitigate against significant health risk impacts. First, the commenter proposes measures to minimize exposure to potential Valley Fever-containing dust, such as cleaning equipment and vehicles of dust, spraying areas to be graded with water, and ceasing work if water runs out until a water truck can return. These measures are already incorporated within the mitigation measures proposed by the County. Measure AQ-2 provides for the cleaning of equipment and vehicles, watering of exposed soil in active grading areas, in addition to many other measures to control dust. Measure AQ-3 requires dust suppression through either water or chemical stabilization, and Measure AQ-4 requires development and approval of a Dust Suppression Management Plan. As discussed in response to comments F.31 and F.54, the Draft EIR also includes other mitigation measures designed to control and limit dust from Project construction and operation. These measures will limit inhalation exposure to dust, including "Water Exposed Area" and "Reduce Vehicle Speeds on Unpaved Roads" (see EIR pages on page 3.3-17 and 3.3-18). The project will comply with all ICAPCD *Regulation VIII-Fugitive Dust Control Measures* during construction and operation. With the implementation of these measures set forth in the DEIR, potential impacts from the Project are less than significant, and the other measures proposed by the commenter (such as payment of a monetary fee for implementation of a Valley Fever public awareness program) are not necessary to mitigate potential impacts to less than significant. While not necessary to mitigate potential impacts to less than significant, the project applicant has also confirmed that the following measures would be included as part of its construction BMPs: conducting Valley Fever awareness training for workers; providing respirators to workers when requested, including necessary training; use of closed-cab earth-moving vehicles equipped with HEPA-filtered air systems; and conducting earth-moving activities downwind of workers when possible. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.56 The comment provides a list of mitigation measures that the commenter states should be adopted to mitigate significant health risk impacts from the Project. As noted in responses to comments F.31 and F.54, the Draft EIR discusses several mitigation measures that will be used to limit inhalation exposure to dust in accordance with ICAPCD regulations including *Regulation VIII-Fugitive Dust Control Measures* during construction and operation. With these mitigation measures in place exposure to dust related toxins would be less than significant. Further, as stated in response to Comment F.24, mitigation must have both a nexus and rough proportionality to the impact caused by the project. The Mitigation Measures identified in the Draft EIR are in proportion to potential effects. No additional mitigation would be required to reduce or lessen potentially significant impacts further than the mitigation measures already

proposed in the Draft EIR. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

F.57 The comment states that CEQA requires that the Draft EIR incorporate all mitigation measures proposed by SWAPE to address air quality, health risk, and GHG impacts from the Project prior to Project approval. To begin, CEQA requires the Draft EIR incorporate all feasible mitigation measures required to reduce potential effects to a level of less than significant, not all mitigation measures proposed by a commenter. Moreover, the provisions of the CEQA Guidelines cited by the commenter do not apply where, as here, that the Project will have less than significant impacts to air quality, public health, and climate change from GHG emissions. The Draft EIR has assessed and implemented all feasible mitigation measures necessary to reduce potential significant impacts to a less than significant level. In addition, several of the measures recommended by the commenter are already incorporated in the Draft EIR. For example, the Draft EIR includes emission control technology, idling requirements, and diesel requirements (see Draft EIR Mitigation Measure AQ-2). Further, as stated in response to comment F.23, mitigation must have both a nexus and rough proportionality to the impact caused by the project. The Mitigation Measures identified in the Draft EIR are in proportion to potential effects. No additional feasible mitigation would be required to reduce or lessen potentially significant impacts further than the mitigation measures already proposed in the Draft EIR. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

The County's response to each proposed measure is below:

- CRS Diesel Emission Control Technology measure a: See mitigation measure AQ-1, AQ-2, which will ensure that PM emissions are less than significant.
- CRS Diesel Emission Control Technology measure b: See mitigation measure AQ-1, AQ-2, which will ensure that PM emissions are less than significant.
- CRS Diesel Emission Control Technology measure c.i: See mitigation measure AQ-1, requiring all construction equipment to be equipped with an engine designation of EPA Tier 2 or better.
- CRS Diesel Emission Control Technology measure c.ii: See mitigation measure AQ-1, AQ-2, which will ensure that PM emissions are less than significant.
- CRS Diesel Emission Control Technology measure d: See AQ-1; compliance verification will be through the submittal of an equipment list to ICAPCD and the County rather than a sticker.
- CRS Diesel Emission Control Technology measure e: The County declines to adopt this measure, as AQ-1, which requires submittal of an equipment list to ICAPCD and the County, will be used to verify that equipment use does not exceed significance thresholds.
- CRS Diesel Emission Control Technology measure f: See mitigation measure AQ-2, requiring use of alternative fueled or catalyst equipped diesel construction equipment.
- CRS Idling Requirements measure: See mitigation measure AQ-2, providing for the minimization of idling time.
- CRS Additional Diesel Requirements measure a: See AQ-1 requiring submittal of an equipment list to ICAPCD and the County.
- CRS Additional Diesel Requirements measure b: See AQ-1, which establishes standards for all construction equipment to be used on-site.

- CRS Additional Diesel Requirements measure c: See AQ-1, which establishes standards for all construction equipment to be used on-site.

The commenter also provided a list of the Sacramento Metropolitan Air Quality Management District's ("SMAQMD") "Basic Construction Emission Control Practices". The County notes that the project is subject to ICAPCD's jurisdiction, and ICAPCD's rules relating to fugitive dust management and construction emission control practices. Nonetheless, the proposed measures are discussed below:

- Control of fugitive dust: See mitigation measure AQ-2, which provides for compliance with ICAPCD Regulation VIII-Fugitive Dust Control Measures.
- Watering of exposed surfaces: See mitigation measure AQ-2, providing for, among other measures, watering of exposed surfaces with adequate frequency to control dust.
- Haul truck measures: See mitigation measure AQ-2, which addresses the transport of bulk materials.
- Removal of visible track-out mud or dirt: See mitigation measure AQ-2, requiring the immediate cleaning, or once per day cleaning, of track-out mud or dirt.
- Limit of vehicle speeds on unpaved roads to 15 miles per hour: See mitigation measure AQ-2, limiting vehicle speeds for construction vehicles to 15 miles per hour on any unpaved surface at the construction site.
- Requiring all roadways, driveways, sidewalks, and parking lots to be paved as soon as possible: See mitigation measure AQ-2, which requires all on-site and offsite unpaved roads and traffic areas to be effectively stabilized, either through paving, chemical stabilizers, dust suppressants, and/or watering. The County declines to adopt the commenter's suggestion to limit the method of stabilization solely to paving.
- Minimize idling time: See AQ-2, which contains identical measures to minimize idling time.
- Provide current certificate of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets regulations: See AQ-1, which provides for verification by the ICAPCD of construction equipment compliance with AQ-1. The County declines to adopt the commenter's specific measure to verify compliance.

The commenter also provided a list of the SMAQMD's "Enhanced Exhaust Control Practices". SMAQMD recommends consideration of these measures, if feasible, for projects that will generate maximum daily NOx emissions that exceed SMAQMD's threshold of significance. The County again notes that the project is subject to the ICAPCD's regulatory authority, and the ICAPCD has different thresholds of significance for emissions. Nonetheless, even if the project were subject to SMAQMD's permitting authority, it would not exceed SMAQMD's thresholds of significance and trigger consideration of SMAQMD's Enhanced Exhaust Control Practices. As stated in the DEIR and above in response to comments F.31 through F.37, emissions impacts from the project are less than significant. Further, as described above, several of the mitigation measures proposed by the commenter have already been incorporated in the Draft EIR, in addition to other mitigation measures. The County is declining to adopt two of the mitigation measures proposed by the commenter: submission of a plan for emissions reductions from heavy-duty off-road vehicles and visual opacity restriction requirement for off-road diesel powered equipment. Emissions from the project are already less than significant; therefore, further measures to reduce emissions from the project are not necessary.

F.58 The comment summarizes previous comments stating states that the Draft EIR fails as an informational document and lacks substantial evidence to support its analysis and conclusions. As discussed in all previous responses the Draft EIR are supported by substantial evidence and are accurate. No further discussion is needed. Therefore, there is no need to revise or recirculate the Draft EIR in response to this comment.

[Responses to Comment Letter F, Exhibit A: Letter from Shawn Smallwood, Re: Wister Solar Energy Facility EIR]

F.59 The qualifications of Mr. Smallwood are noted.

F. 60 The commenter notes that Stantec conducted a single site visit on January 30, 2019 and that the surveys were described as non-protocol and that a protocol survey for flat tailed horned lizard was conducted in August 2019. The commenter also notes that no protocol surveys were performed for desert tortoise or burrowing owl. The commenter's concerns are addressed in response to comments E. 2, F.10, F.21 and F.24.a. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.61 The commenter presents a list of species that they felt have potential to occur in the project area. Species relevant to the project's location were discussed within the context of the EIR in Sections 3.4.1, 3.4.3, Appendix A, Appendix E, and Appendix F. The commenter's concerns are also addressed in response to comments F.10-18, and F.21-23.

F.62 The comment is a continuation of comment 60 and are related to purported lake effect and collision, as they pertain to special-status species, at solar facilities. The commenter also describes his review of certain records about species reporting and monitoring and includes the commenter's assumptions and calculations derived from those materials, and states that the Draft EIR should have included a similar review of such records. However, no laws, ordinances, regulations or standards requiring the review conducted by the commenter are cited. In particular, "CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required." Ass'n of Irritated Residents v. Cty. of Madera, (2003) 107 Cal. App. 4th 1383, 1396, 133 Cal. Rptr. 2d 718. In this case, reviewing fatality monitoring reports for California solar projects is not necessary where, as here, the Draft EIR appropriately included species occurrence data relevant to the Project site, which appropriately discloses the potential impacts arising from this Project. To the extent they discuss subject matters which may be relevant, the comments are noted, and are addressed in the Section 3.4.3, and Mitigation Measures BIO-2 and BIO-8. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.63 The commenter makes certain predictions with respect to potential collision fatality rates from the project. The commenter also includes photographs from other projects, but does not explain their relevance to the potential effects of the proposed project. No laws, ordinances, regulations or standards requiring the review conducted by the commenter are cited. As stated above, "CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. The fact that additional studies might be helpful does not mean that they are required." Ass'n of Irritated Residents v. Cty. of Madera, (2003) 107 Cal. App. 4th 1383, 1396, 133 Cal. Rptr. 2d 718. . To the extent they discuss subject maters which may be relevant, the comments are noted and addressed in the response to comments F.10 and F.16. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the

comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.64 The commenter summarizes his comments for a different project. To the extent they discuss subject maters which may be relevant to this Project, the comments are noted and addressed in the No. F.10 and F.16 above. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F. 65 The comments regarding the commenters views on the potential for habitat loss are noted. To the extent they discuss subject maters which may be relevant to this Project, the comments are noted and addressed in the responses to comments E.2, E.2.c, F.17, F.19, and F.22. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.66 The commenter discusses his comments in another proceeding unrelated to the project, the Desert Renewable Energy Conservation Plan (DRECP). Comments in this desert-wide policy proceeding do not address any potential effects of the project. The comment also discusses avian issues applicable to the entirety of Imperial County, and not specific the proposed project. To the extent they discuss subject maters which may be relevant, the comments are noted and addressed in the responses to Comments E.2, E.2.c, F.17, F.19, and F.22. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.67 The comment focuses on wildlife movement. The project's potential effect on wildlife movement are addressed in the Draft EIR and in response to comments E.2.a, and F.18. The commenter discusses habitat conservation plans and the Desert Renewable Energy Conservation Plan (DRECP). Comments in this desert-wide policy proceeding do not address any potential effects of the project. Further, Section 3.4.3 includes a discussion of Impact 3.4-4, the potential impacts on the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, and finds that impact to be less than significant. The comment is noted. The commenter's concerns are addressed in response to comments E.2.a, and F.18.

F.68 The commenter claims that the Draft EIR does not adequately address the cumulative impact of collision fatalities and loss of breeding capacity due to habitat loss. Chapter 5 of the Draft EIR, titled, "Cumulative Impacts," discusses the impact of the proposed project in conjunction with other planned and future development in the surrounding areas. Moreover, the commenter's concerns are further addressed in response to comments E.2, E.2.c, F.17, F.19, and F.22.

F.69 The commenter claims that the pre-construction mitigation measures included in the Draft EIR are not sufficient and what should be included are detection surveys. This comment largely restates prior comments. The commenter's concerns are addressed in response to comment F.21 above and to Mitigation Measures BIO-1, BIO-4, BIO-6, BIO-7, and BIO-9 in the Draft EIR which include targeted species surveys including surveys following CDFW and USFWS guidelines and protocols.

F.70 The commenter concurs with Mitigation Measure BIO-2. The commenter then states that Mitigation Measures BIO-2 should also address potential avian collisions or habitat loss. This is incorrect. The commenter's concerns are addressed in response to comments E.2, E.2.c, F.17, F.19, and F.22.

F.71 The commenter concurs with Mitigation Measures BIO-3 and BIO-5. The commenter then states that Mitigation Measures BIO-3 and BIO-5 should also address potential avian collisions or habitat loss. The commenters concerns are addressed in Section 3.4.3 of the Draft EIR and response to comment No. F.22.

F.72 The commenter claims that mitigation measure BIO-8 is inadequate because it would defer the development of the Bird and Bat Conservation Strategy (BBCS) until after the Project is approved. This is incorrect. BIO-8 provides that "The BBCS will include the following components" and presents a detailed listing of those components. BIO-8 states that BBCS "shall be developed" and "will include" the specified measures. It does not defer identification of the measures as the measures are included in the text of Mitigation Measure BIO-8. Moreover, the commenter's concerns are addressed in response to comments F.22, F. 23, F.24.b, F.24.e, and F.24.f. above. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

F.73 The commenter states that eight identified mitigation measures that are not in Draft EIR should be considered and implemented by the County. However, the commenter does not identify with any specificity what potentially significant impacts are claimed by the commenter and how the commenter's list would avoid or minimize potentially significant effects of the project, as required by CEQA. (Public Resources Code § 21084.3; 14 C.C.R. 15021 and 15370.) The commenter's concerns are addressed in the Mitigation Measures set forth in Table ES-1 of the Draft EIR and response to comment F.24 above. Comments about the need for "County-wide" actions are not comments on the project or the Draft EIR. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary. Mr. Smallwood's methodologies and predictions are acknowledged but not affirmed. Otherwise, the comment does not provide any specific comments or concerns regarding the environmental setting in the Draft EIR; therefore, no further response is necessary.

[Responses to Comment Letter F, Exhibit B: Letter from SWAPE, Re: Comments on Wister Solar Energy Facility Project (SCH No. 2019110140)]

F.74 This comment contains an introductory paragraph regarding the Project description and summarizes SWAPE's conclusions regarding its review of the Draft EIR. Issues raised in the comment relating to the Draft EIR's hazards and hazardous materials, air quality, health risk, and greenhouse gas impacts analyses are addressed above in response to comments F.25 through F.58.

This comment states that use of the Cortese List is insufficient to disclose potential impacts of the Project. The comment also summarizes the EPA's Phase I and Phase II ESA processes. This comment does not raise an environmental concern

The comment asserts that a Phase I Environmental Site Assessment (ESA) is necessary because there is a geothermal well on the Project site, and that the well should be inspected

F.75 The comment contains background regarding Valley Fever and states that the Draft EIR should be revised to address potential impacts from Valley Fever due to construction and include mitigation measures to address potential impacts. This comment is addressed in response to comments F.52 and F.54 through F.57.

F.76 The comment provides a background on the CalEEMod software, and provides a summary of SWAPE's opinion that input used in the CalEEMod analysis were not consistent with the Draft EIR, and SWAPE's opinion that Project construction and operations emissions are underestimated. This comment is addressed in response to comments F.25 through F.35,

F.77 The comment provides a summary of the Project design and the inputs used in CalEEMod. The comment states that the PV panels and substation are land uses that should have been modeled in CalEEMod. The comment also discusses the operational vehicle fleet mix percentage values used in the air quality modeling, and states that the modifications were not justified. These comments are addressed in response to comments F.26 through F.28.

F.78 The comment states that the air analysis conducted for the Project underestimated operational vehicle trips, and should have modeled 14 daily one-way trips. The comment also states that model adjusted the Project's anticipated operational vehicle trip lengths and trip purposes (specifically, the change to the Residential Home-to-Work Trip Purpose Percentage) inputs without justification. The comment discusses changes to inputs relating to the Project's construction and operational paved roads percentages, and states that no justification was provided for the changes. Finally, the comment discusses the inclusion of construction related mitigation measures in the CalEEMod inputs, and states that this may have resulted in the underestimation of construction-related emissions. These comments are addressed in response to comments F.29 through F.30.

F.79 The comment states that inputs relating to unpaved road vehicle speed and unpaved road moisture content was changed without justification. This comment is addressed in response to comment F.31.

F.80 The comment states that the Draft EIR failed to, but should, consider the Project's emissions associated with decommissioning of the Project, and compare those emissions to applicable thresholds. The comment also states that the Draft EIR failed

to evaluate emissions from the fiberoptic cable and gen-tie line. These comments are addressed in response to comments F.33 through F.34.

F.81 The comment presents the results of an air quality model run by SWAPE, using SWAPE's assumptions and inputs. Based on SWAPE's modeling, SWAPE concludes that the Project would result in a potentially significant air quality impact. The comment states that the Draft EIR should be recirculated with the results of an updated air emissions model and mitigation measures to reduce emissions to less than significant levels. The comment states that a health risk assessment is necessary to evaluate potential health risk impacts from diesel particulate matter, and that there is a receptor located 1,297 feet west of the Project site. This comment is addressed in response to comments F.35 through F.43.

F.82 The comment provides a summary of the Draft EIR's conclusions that greenhouse gas impacts from the Project will be less than significant based on the GHG emissions and offsets from the Project and the Project's consistency with CARB's Scoping Plan. The comment states that the Draft EIR's conclusions are unsupported, and that further analysis of GHG impacts is needed. This comment is addressed in response to comments F.44 through F.51.

F.83 The comment identifies mitigation measures that SWAPE believes are applicable to the Project, and that should be incorporated into the Project. The comment states that the Draft EIR should be updated to incorporate all feasible mitigation measures, in addition to an updated air quality and HG analysis. These comments are addressed in response to comment 57.

The comment also provides a summary regarding the scope of services rendered by SWAPE, and states that the report may contain information gaps, inconsistencies, or may be incomplete. This comment does not raise a significant environmental concern, and is noted for the record.

From: Vargas, Donald A <DVargas@IID.com>
Sent: Thursday, October 8, 2020 5:07 PM
To: Patricia Valenzuela <PatriciaValenzuela@co.imperial.ca.us>; ICPDSCommentLetters <ICPDSCommentLetters@co.imperial.ca.us>
Cc: Arias, Lucy <laarias@IID.com>; Alfaro, Carlos <calfaro@IID.com>; Bergmark, Constance <cjbergmark@IID.com>; MacDonald, Matthew S <MSMacDonald@IID.com>; Martinez, Jesus <jamartinez@IID.com>; Ontiveros, Guadalupe A <GAOntiveros@IID.com>; Ornelas, Alfredo M <amornelas@IID.com>; Pacheco, Ezequiel <epacheco@IID.com>; Torres, Ricardo M <rmtorres@IID.com>; Kemp, Michael <MPKemp@IID.com>; Blain, Sandra <sblain@IID.com>; Gilbert, Marilyn <mgilbert@IID.com>; Martinez, Enrique B <ebmartinez@IID.com>; Ortega, Antonio <AOrtega@IID.com>; Pacheco, Mike <MAPacheco@IID.com>; Najera, Raquel <rnajera@IID.com>; Asbury, Jamie <jlasbury@IID.com>; Smith Hoff, Joanna <jshoff@IID.com>; Taylor, Vance <vmtaylor@IID.com>; Cervantes, Laura <ljcervantes@IID.com>; Gallinat, Lisa M <LMGallinat@IID.com>; Gray, Randy <RSGray@IID.com>; Pacheco, Jorge <jpacheco@IID.com>; Solorio, Sandra <SSolorio@IID.com>; Doyle, Vickie L <VLDoyle@IID.com>; Fiorenza, Frank J <FJFiorenza@IID.com>; Humes, Jessica <jllhumes@IID.com>; Gomez, Ismael <IGomez@IID.com>; Bergmark, Constance <cjbergmark@IID.com>
Subject: NOA of a DEIR for the Wister Solar Energy Facility Project (Additional Comments)

CAUTION: This email originated outside our organization; please use caution.

Good afternoon Patricia,

Pursuant to the district's comment letter on the Notice of Availability of a Draft Environmental Impact Report for the Wister Solar Energy Facility Project, dated August 18, 2020 (see attached), please be advised that with respect to the communication facilities described in comment no. 2 of the aforementioned letter, upon further assessment, albeit preliminary, it was determined that: G.1

1. The height of the communication tower will be less than 40-feet. The communication tower will be constructed using an auger truck and lift truck. The tower will be freestanding monopole without guy wire supports.
2. The communication tower will be located in the southwest portion of the project site, within the proposed Wister Substation.
3. The communication shelter would not be needed; rather the required communications equipment will be located within the substation control building. G.2

Regards,

Imperial Irrigation District
333 E. Barioni Blvd.
Imperial CA 92251

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www.iid.com
Since 1911

August 18, 2020

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOA of a DEIR for the Wister Solar Energy Facility Project

Dear Ms. Valenzuela:

On June 30, 2020, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on the Notice of Availability of a Draft Environmental Impact Report for the Wister Solar Energy Facility Project. The applicant, Orni 21, LLC, is proposing to develop a 20MW photovoltaic energy generation facility on a 100 acres of a 640-acre parcel generally located about 3 miles north of the townsite of Niland, California (APN 003-240-001-000) and plans to interconnect to the IID's 92kV "K" transmission line

The IID has reviewed the DEIR and, in addition to the comments submitted in the district letter dated December 10, 2019 (see attached letter), has the following observations:

G.3

1. In addition to the requirements for permanent station service, as stipulated in the December 10, 2019 IID letter, since a generator is being planned, the applicant will need to adhere to Regulation 21 (available for download at the district website https://www.iid.com/home/showdocument?id=2561) and provide the IID with the generator and transfer switch specifications, including the generator implementation plan during normal conditions, emergency conditions and back-to-normal conditions.

G.4

2. For inclusion as part of the project description: IID will be installing a wireless communication system at the proposed solar facility, as the originally planned fiber optic communication is not a viable option. Specifics on the communication tower height have not been determined at this point, the exact height will be ascertained once the path calculation and path survey are completed; however, preliminary studies identify a possible need for a 60-foot tower. Part of the wireless communication system will include a communication shelter 8'x10'x10' exterior dimensions.

G.5

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter. G.6

Respectfully,

Donald Vargas
Compliance Administrator II

Attachment

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Sandra Blain – Deputy Manager, Energy Dept.,
Constance Bergmark – Mgr. of Planning & Eng./Chief Elec. Engineer, Energy Dept.
Jamie Asbury – Asst. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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December 10, 2019

Ms. Patricia Valenzuela
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOP of a Draft EIR for the Orni 21, LLC Wister Solar Energy Facility Project

Dear Ms. Valenzuela:

On November 12, 2019, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on the Notice of Preparation of a Draft Environmental Impact Report for the Wister Solar Energy Facility Project. The applicant, Orni 21, LLC, is proposing to develop a 20MW photovoltaic energy generation facility on a 100 acres of a 640-acre parcel generally located about 3 miles north of the townsite of Niland, California.

The Imperial Irrigation District has reviewed the information and has the following comments:

1. The project plans to interconnect to the IID's 92kV "K" transmission line via a generation tie-in line along the east portion of parcel APN 003-240-001 on approximately 100 acres of the 640 acres parcel. To serve the project's temporary construction and permanent power requirements for the project's substation, there may be a need to under build the 92kV gen-tie with 12kV rated conductor. G.7

2. For distribution-rated electrical service for the project, the applicant should be advised to contact Ignacio Romo, IID Customer Project Development Planner, at (760) 482-3426 or e-mail Mr. Romo at igromo@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website http://www.iid.com/home/showdocument?id=12923), the applicant will be required to submit a complete set of approved plans (including CAD files), project schedule, estimated in-service date, one-line diagram of facility, electrical loads, panel size, voltage, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of temporary and permanent electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.

3. Please note electrical capacity in the area is limited and a circuit study will be required to determine the project's impact to the distribution system. If the study determines any distribution system upgrades are needed to serve the project, the applicant shall be financially responsible for those upgrades.

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4. Developer should be advised that for specific technical concerns regarding the interconnection to IID's 92kV "K" transmission line to contact Carlos Alfaro, IID Transmission Engineering Supervisor at (760) 482-3483 or e-mail Mr. Alfaro at calfaro@iid.com.

5. IID water facilities that may be impacted include the East Highland Canal. The project site is located adjacent to and east of the East Highline Canal.

6. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (irrigation, drainage, power, etc.) needs.

7. The proposed project is located outside of IID's water service area and will be unable to receive IID water service. According to the terms of IID's 1932 federal water contract, only lands that are within the All-American Canal Service Area Boundary that have been included within the legal boundary of IID are eligible to receive water. Lands outside of the AAC Service Area Boundary or outside of the district boundary, may receive water from IID only if IID agrees to sell conserved water pursuant to a water conservation and transfer agreement. While these supplies are subject to even more constraints and approvals under the terms of the Quantification Settlement Agreement and various other related contracts, IID's Board of Directors is on record as indicating they are not in favor of any additional or new water transfers, which in and of themselves are complicated and tied to other existing contractual obligations. IID's water service area maps are available at https://www.iid.com/water/about-iid-water/water-service-maps. While all specific project inquiries should be directed to IID, these referenced maps may serve as a quick guide

G.7, cont.

8. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions are available for download at http://www.iid.com/departments/real-estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

9. An IID encroachment permit will be required to utilize existing surface-water drainpipe connections to drains and receive drainage service from IID. Surface-water drainpipe connections are to be modified in accordance with IID standards. A construction storm-water permit and an industrial storm water permit from the California Regional Water Quality Control Board are required for the construction and operation of the proposed facility. Copies of these permits and the project's Storm Water Pollution Prevention Plan are to be submitted to IID.

10. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of

IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

11. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

G.7, cont.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng & Customer Service
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

Letter G

Imperial Irrigation District

October 8, 2020

August 18, 2020

G.1 The comment is an introductory comment that provides an update to the comment letter of Imperial Irrigation District (IID) on the Notice of Availability of a Draft Environmental Impact Report for the Wister Solar Energy Facility Project, dated August 18, 2020 (comments G.3 through G.6). The District advises that with respect to the communication facilities described in Comment G.5 of the District's August 18, 2020, comment letter, IID has made certain further preliminary determinations with respect to the project description discussed in Comment G.2. This comment does not raise a specific issue related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

G.2 The comment describes IID's updated preliminary design for a communications tower that IID will install at the Project site and is an update to Comment G.5. The comment states that the communication tower is expected to be less than 40-feet tall, will be constructed using an auger truck and lift truck for the freestanding monopole without guy wire supports, and will be located in the southwest portion of the project site within the proposed Wister Substation. The comment states that the communications shelter described in Comment G.5 will not be needed as communications equipment will be located within the substation control building. IID's comments related to communication towers are noted.

A communication tower as described in this comment is an allowed use with the CUP application. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.02.) Communications towers up to 100 feet tall are allowed in the underlying S-2 Zone. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.07). There are no applicable height limitations in the RE Overlay Zone. (Title 9. Division 17.)

California law provides IID with authority to install communications towers and other related facilities necessary to fulfilling the District's statutory authorities and obligations. California Water Code § 22225 provides that "each district has the power generally to perform all acts necessary to carry out fully the provisions of this division." As state agencies, irrigation districts may serve as the CEQA lead agency for certain projects in their service territory. (Pub. Res. Code § 21081.1.) An irrigation district is authorized to site, construct, own and operate electric generation, transmission and related facilities necessary for the district's operations. For electric service, a district may "do all necessary and proper acts for the construction and operation of its electric power works." (Cal. Water Code §§ 22118 and 20530.)

California Government Code Section 53091(d) states, "Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency." California Government Code Section 53091(e) provides zoning ordinances "shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, or for the production or generation of electrical energy, facilities that are subject to [CPUC regulation per] Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts." As a facility necessary for fulfillment of an irrigation district's statutory authorities, both

the fiber optic line and the communications tower options standing alone would be exempt from local permitting. However, consistent with consideration of the whole of an action in a single environmental document (Pub. Resources Code § 21065; 14 C.C.R. § 15378) and consistent with the County's policies and its cooperative relationship with IID, the fiber optic cable and communications tower options are both analyzed and included in the Final EIR. Otherwise, this comment does not raise a specific issue related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

G.3 This comment is an introductory comment and does not raise a specific issue related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

G.4 This comment states that IID's rules and regulations require stations service and compliance with IID Regulation 21 requiring the installation of certain interconnection equipment. This comment does not raise a specific issues related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

G.5 This comment states IID's preference for the installation of a wireless communications system rather than fiber optic communications. The fiber optic cable is described as not a viable option from IID's perspective and states that specifics on the communication tower have not been determined at this point and are subject to a path calculation, path survey, and an onsite communications shelter. The comment acknowledges the IID process that will follow the County's certification of the EIR and approval of the project. This comment is supplemented by, and in some cases updates, the additional comments of IID received by the County on October 8, 2020. See responses to comments G.1-G.2. Otherwise, this comment does not raise a specific issue related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

G.6 The contact information for IID is received and acknowledged.

G.7 This comment provides a courtesy copy of IID's comments on the Notice of Preparation of the Draft EIR. This comment does not raise a specific issue related to the adequacy of the Draft EIR; therefore, no further response is required, and the comment is noted for the record.

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Prevention
Phone: (442) 265-3020

May 27, 2020

To: Imperial County Planning and Development Service

From: Imperial County Fire Prevention Bureau

Subject: Draft Environmental Impact Report for Wister Solar Energy Facility Project

The Imperial County Fire Prevention Bureau would like to thank you for allowing our comments on this project. The following is a list of our general requirements

O&M Buildings:
The type of suppression systems that will be used for the O&M Building must be described in the project; also, the hours and amount of staffing that will be used. In addition, include a description of your emergency and hazardous materials plan. Provide the square footage of all supporting structures to determine if the buildings will require sprinkler systems. H.1

Road Access and Array Requirements:
Dimensions: Alley roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). The width in-between arrays shall be a minimum of 9 feet (2704mm). The width between arrays shall not be less than 10 feet (3048mm). Any array that exceeds a distance in length of 500 feet shall provide a turn around. H.2

Turning radius: The required turning radius of a fire apparatus access road shall be a minimum of 70 by 90 degrees diameter

Access and loading: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, all weathered, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). H.3
Fire apparatus access road gates: Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).

2. Gates shall be of the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.

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IMPERIAL COUNTY CRASH RESCUE FIRE 1907

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4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.

6. Locking device specifications shall be submitted for approval by the fire code official

7. Any gates on-site shall have a "Knox" lock and be rapidly accessible by the Imperial County Fire Department/OES

H.3, cont.

Water Requirement:

1) Provide a 10,000 gallon water storage tank dedicated for fire suppression for any proposed O&M structures.
2) Provide a 10,000 gallon water storage tank dedicated for fire suppression before any combustible material is moved on site for during construction.

H.4

Fiscal Impacts:

For operation and maintenance fees associated with Fire Department/OES

(a) Permittee shall pay a fee of $50 per acre per year prior to commencement of the construction period to address the Imperial County Fire/OES expenses for service calls within the project Utility/Transmission area. Said amount shall be prorated on a monthly basis for periods of time less than a full year. Permittee shall provide advance, written notice to County Executive Office of the construction schedule and all revisions thereto.

Permittee shall pay an annual fee of $20 per acre per year during the post-construction, operational phase of the project to address the Imperial County Fire/OES expenses for service calls within the Project Utility/Transmission area. Said fee will be paid to the Fire Department to cover on-going maintenance and operations cost created by the project.

H.5

(b) Cost associated with items two above items shall annually adjusted on January 1st to add a CPI (Los Angeles) increase. Such costs associated with these items can be readjusted in the

H.6

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County's sole discretion if a new service analysis is prepared and that service analysis is approved by both the County and the Permittee. H.6, cont.

Fire- In lieu of providing all-weather access roads for fire protection vehicles, the permittee shall be permitted to provide compacted dirt roads (in compliance with ICAPCD's rules and regulations) for fire protection vehicles if prior to the issuance of any grading permit for the Project shall purchase an Fire Engine with All Terrain Capabilities as specified and approved by the Fire Department. The Fire Engine cost estimate will be at Current Market Value for approved Fire Engine. Final Cost, conditions and equipment of the Fire Engine shall be determined prior to the issuance of the initial grading permit. The County agrees to require, as a condition of approval, other developers in the area to reimburse the Applicant for the expenses associated with the purchase of the Fire Engine. The Permittee shall be reimbursed only for those expenses in excess of their proportionate share for the purchase of the Fire Engine that the Permittee would have been required to pay. Furthermore, if a Fire Engine was already purchased by another developer in t the area, then the Permittee shall only be required to pay a fire mitigation in the amount of up to $100 per acre that would represent their proportionate share to reimburse the purchaser of the Fire Engine. The County shall be responsible for the managing the reimbursement component of this condition of approval. H.7

Permittee shall participate in the Imperial County Public Benefit Program for the life of the CUP and shall at all times be a party to a public benefit agreement in a form acceptable to the County Counsel in order to pay for all cost, benefits, and fees associated with the approved project. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. H.8

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021. H.9

Respectfully,
Robert Malek, Deputy Fire Marshal
Imperial County Fire Department

Sincerely
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
Fire Prevention Bureau

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Letter H

Imperial County Fire Prevention Bureau

May 27, 2020

H.1 The project does not proposed an operations and maintenance (O&M) building. As discussed on Draft EIR page 2-16, "Once fully constructed, the proposed project would be operated on an unstaffed basis and be monitored remotely, with periodic on-site personnel visitations for security, maintenance and system monitoring. Therefore, no full-time site personnel would be required on-site during operations and employees would only be on-site four times per year to wash the panels."

H.2 The proposed site plan will comply with the road access and array requirements identified in this comment, including alley road widths and turning radius.

H.3 The proposed project will comply with the access and loading requirements identified in this comment.

H.4 The proposed project will comply with the water requirements identified in this comment.

H.5 As a condition of approval of the project, the applicant will be required to contribute the fees identified in this comment to address Imperial County Fire/OES expenses for service calls during construction, and during operation of the facility.

H.6 Comment noted.

H.7 As a condition of project approval, the applicant will participate in a reimbursable agreement for the purchase of a fire engine in the amount of $100 per project site acre.

H.8 Comment noted. The applicant will be required to participate in the Imperial County Public Benefit Program as a condition of approval of the project.

H.9 Comment noted.

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0.3 Errata to the Draft EIR

A. Introduction

This section of the Final Environmental Impact Report (EIR) identifies the location of, or contains revisions to, information included in the Draft EIR dated June 2020, based upon additional or revised information required to prepare a response to a specific comment. The information added to the EIR does not meet the requirements for recirculation pursuant to Section 15088.5 of the State *California Environmental Quality Act (CEQA) Guidelines*.

The new information simply clarifies information presented in the Draft EIR, and in one case, revises a mitigation measure. Text that has been added to the document appears in an underline format. Text that has been deleted appears with strikeout.

This Errata, in conjunction with the Final EIR, will be used by the County of Imperial in its evaluation and analysis of the proposed project and in the adoption of any findings required by law. Substantial evidence in support of findings may be found anywhere in the administrative record. (14CCR 15091(b)(e). The County of Imperial is designated the Lead Agency for California Environmental Quality Act (CEQA) compliance.

On-Site Wireless Communication System

In response to a comment submitted by the Imperial Irrigation District (IID) (response to comments "Letter G"), further clarification was provided regarding the proposed project's communication system. The comment describes IID's updated preliminary design for a communications tower that IID will install at the project site. The comment states that the communication tower is expected to be less than 40-feet tall, will be constructed using an auger truck and lift truck for the freestanding monopole without guy wire supports, and will be located in the southwest portion of the project site within the proposed Wister Substation. The comment states that communications equipment will be located within the substation control building. If the on-site wireless communication system is constructed, then construction of the off-site fiber optic cable would not be required.

A communication tower as described in the comments provided in Letter G, is an allowed use with the CUP application. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.02.) Communications towers up to 100 feet tall are allowed in the underlying S-2 Zone. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.07). There are no applicable height limitations in the RE Overlay Zone. (Title 9. Division 17.)

In response to this comment, Chapter 2 Project Description has been amended as follows:

> **2.3.2 Substation**
>
> The proposed Wister Substation would be a new 92/12-kV unstaffed, automated, low-profile substation. The dimensions of the fenced substation would be approximately 300 feet by 175 feet. The enclosed substation footprint would encompass approximately 1.2 acres <u>within the 100-acre project site footprint as part</u> of the approximately 640-acre project parcel. As shown on Figure 2-4, the proposed Wister Substation site would be located at the northwest quarter of the parcel, immediately southwest of the solar field. The California Building Code and the Institute of Electrical and Electronics Engineers (IEEE) 693, Recommended Practices for

Seismic Design of Substations, will be followed for the substation's design, structures, and equipment.

A wireless communication system will be located in the southwest portion of the site, within the substation area. This communication system will include a communication tower less than 40-feet in height. The tower will be a freestanding mono-pole without guy wire supports. Equipment associated with the communication system will be located within the substation control building. Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER). A representative example of a substation is presented on Figure 2-6.

2.3.3 Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~A proposed~~ a fiberoptic line extending from the proposed Wister Substation would be connected with the existing Niland Substation approximately two miles to the south, which would then be added to connect the proposed Wister Substation to the region's telecommunications system. ~~Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER).~~ As shown on Figure 2-3, the proposed fiber optic telecommunications cable would utilize existing transmission lines to connect to the Niland Substation. The length of the proposed fiber optic telecommunications cable route would be approximately two miles.

This Errata provides further detail as to this potential project feature. The proposed wireless communication would not result in an increase in any impact already addressed in the Draft EIR.

B. Corrections and Additions

Section 0 Executive Summary

Page ES-1:

Project Overview

The Wister Solar Energy Facility Project is located on Assessor Parcel No. 003-240-001. The proposed solar energy facility consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect the proposed on-site substation to the Point of Interconnection (POI) at the existing Imperial Irrigation District's (IID) 92-kilovolt (kV) "K" line; and, 3) on-site wireless communication system or off-site fiberoptic cable. These components are collectively referred to as the "proposed project" or "project."

The proposed project involves the construction and operation of a 20 Megawatt (MW) photovoltaic (PV) solar energy facility on approximately 100 acres of privately-owned land north of Niland. The proposed project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, transformers, and underground electrical cables. The proposed project also includes either an on-site wireless communication system, or an approximately two-mile ~~s of~~ fiberoptic line that would extend from the proposed on-site substation to the existing Niland Substation to connect the proposed Wister Substation to the region's telecommunications system.

Page ES-5:

Fire Protection. Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road). While the proposed project may result in an increase in demand for fire protection service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Based on these considerations, the project would not result in a need for fire facility expansion and a less than significant impact would occur.

Police Protection. Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project ~~may~~ could attract ~~vandals~~ trespassers or other ~~security risks~~ unauthorized uses. The increase in construction related traffic could temporarily increase demand on law enforcement services. However, the project site would be fenced with a 6-foot high chain link security fence topped with barbed wire and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. While the proposed project may result in a temporary increase in demand for law enforcement service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The sheriff's department has indicated that an all-terrain vehicle would be needed in order to patrol the project site; however, the fenced and secure project site does not result in an increase in demand on law enforcement that would require existing or new facilities to be upgraded in order to maintain service ratios. Further, as conditions of approval of the project, the project applicant will be required to participate in the Imperial County Public Benefit Program for the life of this CUP and shall at all times be a party to a public benefit agreement in a form acceptable to County Counsel in order to pay for all costs, benefits, and fees

associated with the approved project, and the applicant will be required to reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. These potential impacts are less than significant. ~~This is considered a less than significant impact.~~

Page ES-6:

Storm Water Facilities. The proposed project will involve the construction of storm water drainage control facilities within the project site as shown on Figure 2-4 Preliminary Site Plan, ~~which are identified in the project site plan~~, and included in the project impact footprint, of which environmental impacts have been evaluated. Otherwise, the project does not require expanded or new storm drainage facilities off-site (i.e., outside of the project footprint) because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events, and therefore, would not require the construction of off-site storm water management facilities. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious. The proposed project would not require or result in the relocation or construction of new or expanded storm water facilities beyond those proposed as part of the project and evaluated in the EIR.

Page ES-22 Table ES-1:

Mitigation Measure BIO-4, bullet eight:

To fully mitigate for habitat loss and potential take of the Mojave desert tortoise, the Applicant will provide compensatory mitigation at a ratio of 1:1 ~~3:1~~. For the purposes of this measure, the project site (i.e., footprint) means all Project areas with new direct ground disturbance during construction and operation of the Project. This includes all lands directly disturbed that will no longer provide viable long-term habitat for the Mojave desert tortoise, such as the solar field, substation and new access roads. Areas within the gen-tie line corridor where no ground disturbance will occur are not included in the area to be mitigated through compensation. Compensatory mitigation could include agency-approved payment of an in-lieu fee; acquiring mitigation land or conservation easements; restoration or habitat enhancement activities on preservation lands; or a combination of the three.

Page ES-41:

Original Site Plan Submittal

The project applicant originally proposed to construct and operate a 40 MW solar energy facility on approximately 300 acres within the western portion of the larger 640-acre project site parcel. The originally-proposed project was contemplated to be constructed in two phases (see Figure 7-2 in Chapter 7, Alternatives). Each phase would have produced 20 MW of energy and cover approximately 146 acres. A Power Purchase Agreement for 20 MW to San Diego Gas & Electric was secured by the project applicant for the first phase of the project. The second 20 MW phase would not be constructed until the time that an additional PPA is secured. The remaining portion

of the property would remain undeveloped in order to protect sensitive environmental resources. (Note: The project was subsequently modified to a 20 MW solar energy facility on an approximately 100-acre site as described in Section 2 Project Description).

Section 1 Introduction

Page 1-1:

Overview of the Proposed Project

The proposed Wister Solar Energy Facility Project is located on Assessor Parcel Number (APN) 003-240-001. The proposed solar energy facility consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect the proposed on-site substation to the Point of Interconnection (POI) at the existing IID 92 kV "K" line; and, 3) an on-site wireless communication system or off-site fiberoptic cable.

The proposed Wister Solar Energy Facility Project involves the construction and operation of a 20 megawatt (MW) photovoltaic (PV) solar energy facility on approximately 100 acres of privately-owned land north of Niland. The proposed project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, transformers, and underground electrical cables.

The power produced by the proposed project would be conveyed to the local power grid via an on-site 92 kilovolt (kV) substation, which will be tied directly to the Imperial Irrigation District's (IID) 92 kV transmission line. A gen-tie line would connect the Wister substation to the POI at the existing IID 92kV "K" line.

An on-site communication system or ~~A proposed~~ an off-site fiberoptic line that would extend from the proposed on-site substation would be connected with the existing Niland Substation approximately two miles to the south, which would then be added to connect the proposed on-site substation to the region's telecommunications system. The length of the proposed fiber optic telecommunications cable route would be approximately two miles.

Page 1-1, 1-2:

1. **Approval of Conditional Use Permit (CUP) – Solar Energy Facility.** Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility project. The project site is located on one privately-owned legal parcel (APN No. 003-240-001) zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: *Major facilities relating to the generation and transmission of electrical energy provide[d] such facilities are not under State or Federal law, to [be] approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial*

Irrigation District for electrical matters. Such uses shall include but be limited to the following:

- *Electrical generation plants*
- *Facilities for the transmission of electrical energy (100-200 kV)*
- *Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)*
- *Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.*

Page 1-7:

Availability of Reports

~~This~~ The Draft EIR and documents incorporated by reference ~~are~~ were made available for public review at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243. Copies ~~are~~ were also available for review at the City of El Centro Public Library, 1140 N. Imperial Avenue, El Centro, California. Documents at these locations ~~may be reviewed~~ were available for review during regular business hours.

Pages 1-11, 1-12:

Fire Protection. Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road). While the proposed project may result in an increase in demand for fire protection service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Based on these considerations, the project would not result in a need for fire facility expansion and a less than significant impact would occur.

Police Protection. Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project ~~may~~ could attract ~~vandals~~ trespassers or other ~~security risks~~ unauthorized uses. The increase in construction related traffic could temporarily increase demand on law enforcement services. However, the project site would be fenced with a 6-foot high chain link security fence topped with barbed wire and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. While the proposed project may

result in a temporary increase in demand for law enforcement service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The sheriff's department has indicated that an all-terrain vehicle would be needed in order to patrol the project site; however, the fenced and secure project site does not result in an increase in demand on law enforcement that would require existing or new facilities to be upgraded in order to maintain service ratios. Further, as conditions of approval of the project, the project applicant will be required to participate in the Imperial County Public Benefit Program for the life of this CUP and shall at all times be a party to a public benefit agreement in a form acceptable to County Counsel in order to pay for all costs, benefits, and fees associated with the approved project, and the applicant will be required to reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. These potential impacts are less than significant. ~~This is considered a less than significant impact.~~

Page 1-13:

Storm Water Facilities. The proposed project will involve the construction of storm water drainage control facilities within the project site as shown on Figure 2-4 Preliminary Site Plan, ~~which are identified in the project site plan~~, and included in the project impact footprint, of which environmental impacts have been evaluated. Otherwise, the project does not require expanded or new storm drainage facilities off-site (i.e., outside of the project footprint) because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events, and therefore, would not require the construction of off-site storm water management facilities. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious. The proposed project would not require or result in the relocation or construction of new or expanded storm water facilities beyond those proposed as part of the project and evaluated in the EIR.

Section 2 Project Description

Page 2-1:

Project Description

Chapter 2 provides a description of the Wister Solar Energy Project. This chapter also defines the goals and objectives of the proposed project, provides details regarding the individual components that together comprise the project, and identifies the discretionary approvals required for project implementation.

The proposed project consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect

the proposed on-site substation to the POI at the existing IID 92-kV "K" line; and, 3) on-site wireless communication system or off-site fiberoptic cable.

Project Location

Solar Energy Facility and Gen-Tie Line

The project site is located approximately three miles north of Niland, a census-designated place, in the unincorporated area of Imperial County (Figure 2-1). The project site is located on one parcel of land identified as APN 003-240-001 (Figure 2-2). The parcel is comprised of approximately 640 acres of land and is currently zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). The proposed solar energy facility component (including on-site wireless communication system), of the project would be located on approximately 100 acres within the northwest portion of the larger 640-acre project site parcel.

The project site is located east of the intersection of Wilkins Road and an unnamed county road. The project footprint (physical area where proposed project components are to be located) is generally located east of Wilkins Road, north of the East Highline Canal, and west of Gas Line Road.

Fiberoptic Cable

The proposed project includes approximately two miles of fiberoptic line (i.e. cable) from the proposed on-site substation to the existing Niland Substation, located at 402 Beal Road in Niland. Figure 2-3 shows the alignment of the proposed fiberoptic cable. The fiber optic cable would only be constructed in the event that the proposed wireless communication system is not constructed on-site.

Page 2-5:

Project Characteristics

The proposed Wister Solar Energy Facility Project involves the construction and operation of a 20 MW PV solar energy facility on approximately 100 acres within APN No. 003-240-001 (privately-owned land) north of Niland. The proposed solar energy project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, an on-site wireless communication system, transformers, and underground electrical cables. Figure 2-4 depicts the proposed site plan.

Page 2-10:

Substation

The proposed Wister Substation would be a new 92/12-kV unstaffed, automated, low-profile substation. The dimensions of the fenced substation would be approximately 300 feet by 175 feet. The enclosed substation footprint would encompass approximately 1.2 acres within the 100-acre project site footprint as part of the approximately 640-acre project parcel. As shown on Figure 2-4, the proposed Wister Substation site would be located at the northwest quarter of the parcel, immediately southwest of the solar field. The California Building Code and the Institute of Electrical and Electronics Engineers (IEEE) 693, Recommended Practices for

Seismic Design of Substations, will be followed for the substation's design, structures, and equipment.

A wireless communication system will be located in the southwest portion of the site, within the substation area. This communication system will include a communication tower less than 40-feet in height. The tower will be a freestanding mono-pole without guy wire supports. Equipment associated with the communication system will be located within the substation control building. Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER). A representative example of a substation is presented on Figure 2-6.

Page 2-11:

Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~A proposed~~ a fiberoptic line extending from the proposed Wister Substation would be connected with the existing Niland Substation approximately two miles to the south, which would then be added to connect the proposed Wister Substation to the region's telecommunications system. ~~Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER).~~ As shown on Figure 2-3, the proposed fiber optic telecommunications cable would utilize existing transmission lines to connect to the Niland Substation. The length of the proposed fiber optic telecommunications cable route would be approximately two miles.

Page 2-16, 2-17:

Approval of CUP – Solar Energy Facility. Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility project. The project site is located on one privately-owned legal parcel zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: *Major facilities relating to the generation and transmission of electrical energy provide[d] such facilities are not under State or Federal law, to [be] approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:*

- *Electrical generation plants*
- *Facilities for the transmission of electrical energy (100-200 kV)*
- *Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)*

- *Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.*

Section 3.2 Aesthetics and Visual Resources

Page 3.2-26

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. No new transmission structures would be required to install the fiberoptic cable. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. The additional cable would be comparable in material and appearance to the existing cables on the transmission poles. The proposed fiber optic cable would result in a less than significant impact on a scenic vista, state scenic highway, degrade the existing visual character or quality of the site and its surroundings, or create a new source of light or glare.

Section 3.3 Air Quality

Page 3.3-21

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. No new transmission structures would be required to install the fiberoptic cable.

The installation of the fiberoptic cable would result in short-term construction emissions from the operation of construction equipment and vehicle travel on paved and unpaved surfaces. However, construction emissions are not anticipated to exceed ICAPCD thresholds because the installation of the fiberoptic cable would not require grading or the use of a substantial number of heavy construction equipment. Furthermore, all construction projects within Imperial County must comply with the requirements of ICAPCD Regulation VIII for the control of fugitive dust. In addition, the ICAPCD's Air Quality Handbook lists additional feasible mitigation measures that may be warranted to control emissions of fugitive dust and combustion exhaust. The proposed fiber optic cable would result in a less than significant air quality impact.

Section 3.4 Biological Resources

Page 3.4-34:

Mitigation Measure BIO4, bullet eight:

- To fully mitigate for habitat loss and potential take of the Mojave desert tortoise, the Applicant will provide compensatory mitigation at a ratio of 1:1 ~~3:1~~. For the purposes of this measure, the project site (i.e., footprint) means all Project areas with new direct ground disturbance during construction and operation of the Project. This includes all lands directly disturbed that will no longer provide viable long-term habitat for the Mojave desert tortoise, such as the solar field, substation and new access roads. Areas within the gen-tie line corridor where no ground disturbance will occur are not included in the area to be mitigated through compensation. Compensatory mitigation could include agency-approved payment of an in-lieu fee; acquiring mitigation land or conservation easements; restoration or habitat enhancement activities on preservation lands; or a combination of the three.

Page 3.4-42:

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles and would not require grading or vegetation removal. No new transmission structures would be required to install the fiberoptic cable.

Construction

Staging and preparation of the poles would require vehicle traffic along the proposed route. Staging and access to each pole has the potential to crush vegetation and burrows and the temporary increase in vehicle traffic has potential to increase the risk of collision with wildlife. If desert tortoise was struck, the impact would be considered significant. Additionally, if construction was conducted during the breeding season there would be potential to damage active nests or disrupt nesting that may occur on the power poles. Taking active nests during construction would be considered a significant impact. Implementation of Mitigation Measures BIO-2, BIO-3, BIO-4, BIO-6, BIO-7 and BIO-9 shall reduce potential impacts to less than significant.

Because the fiberoptic cable is being strung on existing transmission line poles no significant new collision risk is being created. However, if traffic on the transmission line alignment is increased or maintenance activity at the poles is increased, operations could continue to result in increased risk of vegetation and burrows being crushed or of wildlife being struck be maintenance vehicles. As indicated above, if desert tortoise was struck, the impact would be considered significant. Implementation of Mitigation Measure BIO-5 would reduce potential impacts to less than significant.

Section 3.5 Cultural Resources

Page 3.5-17:

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. No new transmission structures would be required to install the fiberoptic cable. No grading or excavation would be required. Therefore, installation of the fiberoptic cable would not involve ground disturbance. Based on these considerations, installation of the fiberoptic cable is not anticipated to impact cultural resources. No impact would occur.

Section 3.6 Geology and Soils

Page 3.6-13:

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiberoptic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. No grading would be required. No new transmission structures would be required to install the fiberoptic cable. The proposed fiberoptic cable would result in no significant geology and soil impacts. Furthermore, because no grading would be required, paleontological resources would not be directly or indirectly destroyed during installation of the fiberoptic cable.

Section 3.7 Greenhouse Gas Emissions

Page 3.7-15:

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. No new transmission structures would be required to install the fiberoptic cable.

The installation of the fiberoptic cable would result in GHG emissions from the operation of construction equipment and vehicle travel on paved and unpaved surfaces. Once operational, GHG emissions would be limited to vehicle trips associated with routine maintenance and monitoring activities at the project site. As

shown in Table 3.7-2, the yearly contribution to GHG from the construction of the solar energy facility and gen-tie line would be 18.8 $MTCO_2e$ per year. Therefore, the construction emissions are less than the SCAQMD's screening threshold of 3,000 $MTCO_2e$ per year. The installation of the fiberoptic cable would require substantially less construction equipment and shorter duration compared to the construction of the solar energy facility and gen-tie line. Based on this consideration, the installation of the fiberoptic cable would result in GHG emissions below allowable thresholds. This is considered a less than significant impact.

Section 3.8 Hydrology/Water Quality

Page 3.8-18:

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiberoptic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. No grading would be required. No new transmission structures would be required to install the fiberoptic cable. The proposed fiberoptic cable would result in no significant hydrology and water quality impacts.

Section 3.9 Land Use Planning

Page 3.9-13:

Imperial County Airport Land Use Compatibility Plan

The Imperial County Airport Land Use Compatibility Plan (ALUCP) provides the criteria and policies used by the Imperial County Airport Land Use Commission to assess compatibility between the principal airports in Imperial County and proposed land use development in the areas surrounding the airports. The ALUCP emphasizes review of local general and specific plans, zoning ordinances, and other land use documents covering broad geographic areas.

The nearest airport to the project site is the Cliff Hatfield Memorial Airport, located approximately 10 miles south of the project site. According to Figure 3C of the ALUCP, no portion of the project site is located within the Cliff Hatfield Municipal Memorial Airport's land use compatibility zones (County of Imperial 1996). At its meeting on June 17, 2020, the Airport Land Use Commission reviewed the project for consistency with the ALUCP and made the finding that the project is consistent with the 1996 ALUCP.

Page 3.9-16:

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. The installation process involves aerial stringing of the fiber optic cable between

existing transmission poles within existing easements and/or ROW intended for utility uses. No new transmission structures would be required to install the fiberoptic cable. Further, the fiberoptic cable would not present a barrier between communities. Based on these considerations, the fiberoptic cable would not physically divide an established community or conflict with a land use plan, policy or regulation. No land use impacts would occur.

Section 6 Effects Found Not Significant

Page 6-4:

Fire Protection. Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road). While the proposed project may result in an increase in demand for fire protection service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Based on these considerations, the project would not result in a need for fire facility expansion and a less than significant impact would occur.

Police Protection. Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project may attract vandals or other security risks. The increase in construction related traffic could increase demand on law enforcement services. However, the project site would be fenced with 6-foot high chain link security fence topped with barbed wire and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. While the proposed project may result in a temporary increase in demand for law enforcement service, the project would not result in a an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The sheriff's department has indicated that an all-terrain vehicle would be needed in order to patrol the project site; however, the fenced and secure project site does not result in an increase in demand on law enforcement that would require existing or new facilities to be upgraded in order to maintain service ratios. Further, as conditions of approval of the project, the project applicant will be required to participate in the Imperial County Public Benefit Program for the life of this CUP and shall at all times be a party to a public benefit agreement in a form acceptable to County Counsel in order to pay for all costs, benefits, and fees associated with the approved project, and

the applicant will be required to reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. These potential impacts are less than significant. ~~This is considered a less than significant impact.~~

Page 6-6:

Storm Water Facilities. The proposed project will involve the construction of drainage control facilities within the project site as shown on Figure 2-4 Preliminary Site Plan, ~~which are identified in the project site plan~~, and included in the project impact footprint, of which environmental impacts have been evaluated. Otherwise, the project does not require expanded or new storm drainage facilities off-site (i.e., outside of the project footprint) because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events, and therefore, would not require the construction of off-site storm water management facilities. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious. The proposed project would not require or result in the relocation or construction of new or expanded storm water facilities beyond those proposed as part of the project and evaluated in the EIR.

Section 7 Alternatives

Page 7-5:

Original Site Plan Submittal

The project applicant originally proposed to construct and operate a 40 MW solar energy facility on approximately 300 acres within the western portion of the larger 640-acre project site parcel. The originally-proposed project was contemplated to be constructed in two phases (Figure 7-2). Each phase would have produced 20 MW of energy and cover approximately 146 acres. A Power Purchase Agreement (PPA) for 20 MW to San Diego Gas & Electric (SDG&E) was secured by the project applicant for the first phase of the project. The second 20 MW phase would not be constructed until the time that an additional PPA is secured. The remaining portion of the property would remain undeveloped in order to protect sensitive environmental resources. (Note: The project was subsequently modified to a 20 MW solar energy facility on an approximately 100-acre site as described in Section 2 Project Description).

C. California Environmental Quality Act Requirements and Findings Supporting Decision Not To Recirculate

CEQA Section 15088.5(e) requires that an EIR which has been made available for public review, but not yet certified, be recirculated whenever significant new information has been added to the EIR. The entire document need not be recirculated, if revisions are limited to specific portions of the document. The recirculated portions or document must be sent to responsible and trustee agencies for consultation and fresh public notice must be given in the manner provided for a draft EIR. However, new information is not presumed to be significant simply because it is new. Indeed, pursuant to State CEQA Guidelines Section 15088.5:

> New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect . . . that the project's proponents have declined to implement. State CEQA Guidelines, § 15088.5(a):
>
> In order to be "significant," the new information requiring recirculation includes, for example, a disclosure showing that:
>
> > (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
> >
> > (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
> >
> > (3) A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponent decline to adopt it.
> >
> > (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (State CEQA Guidelines, §15088.5(a)(1)-(4); *Laurel Heights II*, 6 Cal.4th at 1120.)

It is common, and in most cases necessary, to amplify and elaborate on the analysis of an EIR. CEQA anticipates this and such amplification does not constitute significant new "information" unless it triggers one of the four categories described in State CEQA Guidelines Section 15088.5(a). State CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

Based upon review of the minor corrections and additions identified in Section A above, and the additional analyses provided in Table 0.3-1, the minor corrections and additions do not result in any new or substantially increased significant impacts. Additionally, the potential on-site wireless communication system would not result in any new or substantially increased significant impacts. Construction of the wireless system on-site would eliminate the need to construct the fiberoptic line, which would have extended from the proposed Wister Substation, connecting to the Niland Substation approximately two miles to the south of the project site. Therefore, the County has concluded that recirculation of the Draft EIR is not required.

Discussion of Environmental Impacts

The Draft EIR for the Wister Solar Energy project evaluated 10 environmental impacts and issues, including: aesthetics and resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hydrology and water quality; land use planning; transportation traffic; and utilities and service systems. Table 0.3-1 lists each environmental topic evaluated in the Draft EIR and summarizes whether the proposed on-site wireless communication system would change any impacts associated with the project. As shown, implementation of the on-site wireless communication system would not change the analysis of the Draft EIR. Furthermore, no change to the type of proposed mitigation measures would be required.

Table 0.3-1. Summary of Environmental Impacts

Environmental Issue Area	Summary of Potential Impact
3.2 Aesthetics and Visual Resources	No change. The addition of a monopole structure, not exceeding 40 feet in height and located within the substation component of the project would not result in a significant visual impact. The monopole's height (maximum 40-feet) will be approximately 30 feet lower than the proposed gen-tie line (maximum 70-feet). Based on analysis contained within the Draft EIR, impacts to visual resources resulting from the implementation of the proposed project, including the construction of the gen-tie line, would not result in a significant impact. Because the proposed monopole would be located on-site and would be lower in profile than proposed gen-tie structures, there would be no change to this conclusion.
3.3 Air Quality	No change. The Draft EIR analysis of the proposed project concludes that the proposed project would not result in short-term air quality impacts during construction. Construction of the on-site wireless communication facility would require the use of an auger truck and lift truck, in a portion of the project site that will be initially graded as part of overall development of the project site. The construction of the monopole would require limited use of equipment, and would not require grading or use of substantial heavy construction equipment. Therefore ICAPCD thresholds are not anticipated to be exceeded. Additionally, emissions associated with the construction of the fiber optic line would not be generated. Therefore, there would be no change to this conclusion.
3.4 Biological Resources	No change. The proposed on-site wireless communication facility would be located within the disturbance footprint evaluated in Section 3.4 Biological Resources of the Draft EIR. Therefore, there would be no change to the Draft EIR conclusions related to biological resources.
3.5 Cultural Resources	No change. The proposed on-site wireless communication facility would be located within the disturbance footprint evaluated in Section 3.5 Cultural Resources of the Draft EIR. Therefore, there would be no change to the Draft EIR conclusions related to cultural resources.
3.6 Geology and Soils	No change. Geotechnical conditions would not change or be affected by the on-site wireless communication facility as the facility would be located within the disturbance area of the project, and in an area determined geotechnically suitable for construction of substation structures. Therefore, there would be no change to the Draft EIR conclusions related to geology and soils.

Table 0.3-1. Summary of Environmental Impacts

Environmental Issue Area	Summary of Potential Impact
3.7 Greenhouse Gas Emissions	No change. The Draft EIR analysis of the proposed project concludes that the proposed project would not result in short-term or long-term operational greenhouse gas (GHG) emissions impacts. Construction of the on-site wireless communication facility would require the use of an auger truck and lift truck, in a portion of the project site that will be initially graded as part of overall development of the project site. The construction of the monopole would require limited use of equipment, which would not generate significant GHG emissions. Additionally, emissions associated with the construction of the fiber optic line would not be generated. Therefore, there would be no change to the Draft EIR conclusions related to greenhouse gas emissions.
3.8 Hydrology/Water Quality	No change. The proposed on-site wireless communication facility would be located within the disturbance footprint evaluated in Section 3.8 Hydrology/Water Quality and would not otherwise alter the proposed drainage plan for the project. Therefore, there would be no change to the Draft EIR conclusions related to hydrology and water quality.
3.9 Land Use Planning	No change. The proposed on-site wireless communication system, including the monopole, which is a communication tower, is an allowed use with the CUP application. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.02.) Communications towers up to 100 feet tall are allowed in the underlying S-2 Zone. (RE Overlay Zone, Title 9, Division 17: Renewable Energy Resources § 90519.07). There are no applicable height limitations in the RE Overlay Zone. (Title 9. Division 17.) Therefore, there would be no change to the Draft EIR conclusions related to land use planning.
3.10 Transportation/Traffic	No change. The construction of the on-site wireless communication system would only require the use of an auger truck and a lift truck. This would not significantly impact transportation. Therefore, there would be no change to the Draft EIR conclusions related to transportation/traffic.
3.11 Utilities/Service Systems	No change. The construction of the on-site wireless communication system would not place a demand on utilities or service systems. Therefore, there would be no change to the Draft EIR conclusions related to utilities/service systems.

0.4 Mitigation Monitoring and Reporting Program

The County of Imperial will adopt this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Wister Solar Energy Facility Project, which is the subject of the Environmental Impact Report (EIR), complies with all applicable environmental mitigation requirements. The mitigation measures for the project will be adopted by the County of Imperial, in conjunction with the certification of the Final EIR. The mitigation measures have been integrated into this MMRP.

The mitigation measures are provided in Table 0.4-1. The specific mitigation measures are identified, as well as the monitoring method, responsible monitoring party, monitoring phase, verification/approval party, date mitigation measure verified or implemented, location of documents (monitoring record), and completion requirement for each mitigation measure.

The mitigation measures applicable to the project include avoiding certain impacts altogether, minimizing impacts by limiting the degree or magnitude of the action and its implementation, and/or reducing or eliminating impacts over time by maintenance operations during the life of the action.

Public Resources Code Section 21081.6 requires the Lead Agency, for each project that is subject to CEQA, to monitor performance of the mitigation measures included in any environmental document to ensure that implementation does, in fact, take place. The County of Imperial is the designated CEQA lead agency for the Mitigation Monitoring and Reporting Program. The County of Imperial is responsible for review of all monitoring reports, enforcement actions, and document disposition as it relates to impacts within the County's jurisdiction. The County of Imperial will rely on information provided by the monitor as accurate and up to date and will field check mitigation measure status as required.

A record of the MMRP will be maintained at County of Imperial, Department of Planning and Development Services, 801 Main Street, El Centro, CA 92243. All mitigation measures contained in the EIR shall be made conditions of the project as may be further described below.

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Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Air Quality								
AQ-1	**Construction Equipment.** Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The equipment list shall be submitted periodically to ICAPCD to perform a NOx analysis. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The Planning and Development Services Department and ICAPCD shall verify implementation of this measure.	Prior to the issuance of a grading permit, ICAPCD shall verify that construction equipment are equipped with an engine designation of EPA Tier 2 or better. The equipment list shall be submitted periodically to ICAPCD to perform a NOx analysis.	Department of Planning and Development Services and ICAPCD	Prior to the issuance of a grading permit and during construction	Department of Planning and Development Services and ICAPCD			
AQ-2	**Fugitive Dust Control.** Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook's required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process. ***ICAPCD Standard Measures for Fugitive Dust (PM_{10}) Control*** • All disturbed areas, including bulk material storage, which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material, such as vegetative ground cover. • All on-site and offsite unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering.	Prior to and during construction, the ICAPCD will verify that the project is in compliance with Regulation VIII-Fugitive Dust Control Measures.	Department of Planning and Development Services and ICAPCD	Prior to and during construction	Department of Planning and Development Services and ICAPCD			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. • The transport of bulk materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material. • All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. • Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line. • The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants, and/or watering. ***ICAPCD "Discretionary" Measures for Fugitive Dust (PM_{10}) Control*** • Water exposed soil only in those areas where active grading and vehicle movement occurs with adequate frequency to control dust. • Replace ground cover in disturbed areas as quickly as possible. • Automatic sprinkler system installed on all soil piles.							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site. • Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees. • Implement a shuttle service to and from retail services and food establishments during lunch hours. ***Standard Mitigation Measures for Construction Combustion Equipment*** • Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum. • Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use. • Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). ***Enhanced Mitigation Measures for Construction Equipment*** To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following enhanced measures. • Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways. • Implement activity management (e.g., rescheduling activities to reduce short-term impacts).							
AQ-3	**Dust Suppression.** The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The	During construction, the Department of Planning and Development Services shall verify that	Department of Planning and Development Services	During construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust between the panels as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department access/emergency entry/exit points as approved by Fire/ Office of Emergency Services [OES] Department).	the project applicant is employing a method of dust suppression approved by ICAPCD.						
AQ-4	**Dust Suppression Management Plan.** Prior to any earthmoving activity, the applicant shall submit a construction dust control plan and obtain ICAPCD and Development Services Department (ICPDS) approval.	Prior to any earthmoving activity, the ICAPCD and Department of Planning and Development Services shall review and approve a construction Dust Control Plan.	ICAPCD and Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services and ICAPCD			
AQ-5	**Operational Dust Control Plan.** Prior to issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain ICAPCD and ICPDS approval. ICAPCD Rule 301 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, the ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.	Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an operations dust control plan and obtain ICAPCD and ICPDS approval.	Department of Planning and Development Services	Prior to the issuance of a Certificate of Occupancy	Department of Planning and Development Services and ICAPCD			
Biological Resources								
BIO-1	**Pre-Construction Plant Survey.** Prior to initiating ground disturbance, a focused survey for Harwood's milkvetch shall occur during its blooming period. A reference population shall be identified and confirmed to be blooming at the time that surveys are conducted on the project site. Should Harwood's milkvetch be present on site, project design will be evaluated to determine if modifications can be made to avoid at least 90-percent of the observed individuals or compensatory mitigation shall be provided through off-site preservation of an equivalent population.							
BIO-2	**General Impact Avoidance and Minimization Measures.** The following measures will be applicable throughout the life of the project: • To reduce the potential indirect impact on migratory birds, bats and raptors, the project	The measures as provided in Mitigation Measure BIO-2 shall be implemented throughout the life of the project.	Department of Planning and Development Services	Prior to construction, during construction, and post-construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	will comply with the APLIC 2012 Guidelines for overhead utilities, as appropriate, to minimize avian collisions with transmission facilities (APLIC 2012). • All electrical components on the project site shall be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution. • The Project proponent shall designate a Project Biologist who shall be responsible for overseeing compliance with protective measures for the biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The Project Biologist will be familiar with the local habitats, plants, and wildlife. The Project Biologist will also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and monitor construction. The Project Biologist will monitor activities within construction areas during critical times, such as vegetation removal, the implementation of Best Management Practices (BMP), and installation of security fencing to protect native species. The Project Biologist will ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. • The boundaries of all areas to be newly disturbed (including solar facility areas, staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment will be confined to the flagged areas. • No potential wildlife entrapments (e.g., trenches, bores) will be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	pitfalls will be covered completely to prevent access by small mammals or reptiles. • To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies will be covered or capped in storage or laydown area, and at the end of each work day in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches will be left open either temporarily or permanently. • No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site, on off-site project facilities and activities, or in support of any other project activities. • Avoid wildlife attractants. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife. Water applied to dirt roads and construction areas for dust abatement shall use the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract wildlife. Pooled rainwater or floodwater within retention basins will be removed to avoid attracting wildlife to the active work areas. • To minimize the likelihood for vehicle strikes on wildlife, speed limits will not exceed 15 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads. • Avoid night-time construction lighting or if nighttime construction cannot be avoided use shielded directional lighting pointed downward and towards the interior of the project site, thereby avoiding illumination of adjacent natural areas and the night sky. • All construction equipment used for the Project will be equipped with properly operating and maintained mufflers.							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held equipment, will be stored within secondary containment when within 50 feet of open water to the fullest extent practicable. Secondary containment will consist of a ring of sand bags around each piece of stored equipment/structure. A plastic tarp/visqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by the Contractor. • The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. Any fuel containers, repair materials, including creosote-treated wood, and/or stockpiled material that is left on site overnight, will be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each work day. • In the event that no activity is to occur in the work area for the weekend and/or a period of time greater than 48 hours, the Contractor will ensure that all portable fuel containers are removed from the project site. • All equipment will be maintained in accordance with manufacturer's recommendations and requirements. • Equipment and containers will be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the Stormwater Pollution Prevention Plan or equivalent, Materials Safety Data Sheets, and any specifications required by other permits issued for the project. • The Contractor will utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment.							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks within all areas. Where feasible, maintenance of equipment will occur in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. • Appropriate BMPs will be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from bridge construction to prevent their deposition in waterways. No sediment or debris will be allowed to enter the creek or other drainages. All debris from construction of the bridge will be contained so that it does not fall into channel. Appropriate BMPs will be used by the Contractor during construction to limit the spread of resuspended sediment and to contain debris. • Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard. • Firearms, open fires, and pets would be prohibited at all work locations and access roads. Smoking would be prohibited along the Project alignment. • Cross-country vehicle and equipment use outside of approved designated work areas and access roads shall be prohibited to prevent unnecessary ground and vegetation disturbance. • Any injured or dead wildlife encountered during project-related activities shall be reported to the project biologist, biological monitor, CDFW, or a CDFW-approved veterinary facility as soon as possible to report the observation and determine the best course of action. For special-status species, the Project Biologist shall notify the County,							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery. • Stockpiling of material will be allowed only within established work areas. • Actively manage the spread of noxious weeds (See Mitigation Measure BIO-5) • The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving.							
BIO-3	**Worker Environmental Awareness Program.** Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist, and shall be available in both English and Spanish. Handouts summarizing potential impacts to special-status biological resources and the potential penalties for impacts to these resources shall be provided to all construction personnel. At a minimum, the education program shall including the following: • the purpose for resource protection; • a description of special status species including representative photographs and general ecology; • occurrences of USACE, RWQCB, and CDFW regulated features in the Project study area; • regulatory framework for biological resource protection and consequences if violated; • sensitivity of the species to human activities; • avoidance and minimization measures designed to reduce the impacts to special-status biological resources; • environmentally responsible construction practices; • reporting requirements; • the protocol to resolve conflicts that may arise at any time during the construction process; and • workers sign acknowledgement form indicating that the Environmental Awareness	Prior to construction, the Department of Planning and Development Services shall verify that a Worker Environmental Awareness Program has been implemented by a qualified biologist. The Department of Planning and Development Services shall verify the completion of the Worker Environmental Awareness Program by obtaining signed acknowledgements forms from workers.	Department of Planning and Development Services	Prior to construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Training and Education Program that has been completed and would be kept on record.							
BIO-4	**Desert Tortoise Avoidance and Minimization.** A qualified biologist shall conduct focused presence/absence surveys for Desert Tortoise for 100-percent of the project footprint pursuant to the October 19, 2019 Version of the USFWS Desert Tortoise Survey Protocol. If no live desert tortoise or sign of active desert tortoise are detected, no further avoidance and minimization is required. If live desert tortoise or sign of active desert tortoise are detected, the project proponent shall initiate consultation with USFWS and CDFW to obtain the necessary federal and state ESA authorizations and the following avoidance, minimization and compensatory mitigation measures will be implemented: • Permanent tortoise-proof fencing shall be along the perimeter of the project site. Fencing shall be installed, inspected, and maintained according to specifications in the current USFWS *Desert Tortoise (Mojave Population) Field Manual (Gopherus agassizii)*. An authorized desert tortoise biologist shall conduct pre-construction clearance surveys for the project site no more than 14-days prior to the initiation of fence installation. All potentially active burrows shall be identified for hand excavation. Pre-construction clearance surveys shall be repeated within the fenced impact area after fence installation is complete. If desert tortoise are observed they shall be relocated from within the work area to outside the fenced area by a permitted biologist. • The authorized biologist shall conduct desert tortoise pre-construction clearance surveys along all existing and new dirt access road alignments, and the Gen-tie alignment before any ground disturbing activities are initiated and prior to the start of construction activities each day during ground-disturbing activities and weekly thereafter. Relocate desert tortoises as necessary. Any handling of special-status species must be approved by the appropriate Federal and State agencies	Prior to construction, the Department of Planning and Development Services shall verify that focused presence/absence surveys for Desert Tortoise were conducted by a qualified biologist. If live desert tortoise or sign of active desert tortoise is detected, the measures as listed in Mitigation Measure BIO-4 shall be implemented.	Department of Planning and Development Services	Prior to construction, during construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	and be done in accordance with species-specific handling protocols. • Where burrows would be unavoidably destroyed, they would be excavated carefully using hand tools under the supervision of the authorized biologists with demonstrated prior experience with this species. • Inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches, (b) stored for one or more nights, (c) less than 8 inches aboveground and (d) within desert tortoise habitat, before the materials are moved, buried, or capped. • Incorporate Raven Management into the Pest Control Plan (See BIO-5). • Inspect the ground under vehicles and equipment for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat. If a desert tortoise is seen, it may move on its own. If it does not move within 15 minutes, an authorized biologist or biological monitor under the direction of the authorized biologist may remove and relocate the animal to a safe location. • All culverts for access roads or other barriers will be designed to allow unrestricted access by desert tortoises and will be large enough that desert tortoises are unlikely to use them as shelter sites (e.g., 36 inches in diameter or larger). Desert tortoise exclusion fencing may be utilized to direct tortoise use of culverts and other passages. If possible, pipes and culverts greater than 3 inches in diameter would be stored on dunnage to prevent wildlife from taking refuge in them, to the extent feasible. • To fully mitigate for habitat loss and potential take of the Mojave desert tortoise, the Applicant will provide compensatory mitigation at a ratio of 1:1 For the purposes of this measure, the project site (i.e., footprint) means all Project areas with new direct ground disturbance during construction and operation of the Project. This includes all lands directly disturbed that will no longer provide viable							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	long-term habitat for the Mojave desert tortoise, such as the solar field, substation and new access roads. Areas within the gen-tie line corridor where no ground disturbance will occur are not included in the area to be mitigated through compensation. Compensatory mitigation could include agency-approved payment of an in-lieu fee; acquiring mitigation land or conservation easements; restoration or habitat enhancement activities on preservation lands; or a combination of the three.							
BIO-5	**Prepare and Implement an Operation and Maintenance Worker Education Plan.** An Operation and Maintenance Worker Education Plan shall be prepared to advise personnel on general operations measures. The Worker Education Plan shall be submitted to the County of Imperial Planning and Development Services Department for review and approval prior to issuance of building permits. The following provisions shall be included in the Worker Education Plan and implemented throughout the operational lifespan of the Project: Operation and maintenance personnel shall be prohibited from: • Exceeding nighttime and daytime vehicle speeds of 10 miles per hour and 25 miles per hour, respectively, within the facility, on access roads and within the Gen-Tie line corridor. Speed limit signs shall be posted throughout the project site to remind workers of travel speed restrictions. • Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species. • Disturbing active avian nests • Traveling (either on foot or in a vehicle) outside of the Project footprint except on public roads. • Littering on the Project area. • Allowing persons not employed at the facility to remain on site after daylight hours. • Exceeding normal nighttime operational noise or lighting levels	Prior to issuance of building permits, the Department of Planning and Development Services shall review and approve the Operation and Maintenance Worker Education Plan.	Department of Planning and Development Services	Prior to issuance of building permits	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Bringing domestic pets and firearms to the site. The Operation and Maintenance Worker Education Plan shall require that: • All operation and maintenance vehicles and equipment park in approved designated areas only. • The project site and Gen-Tie line corridor be kept clear of trash and other litter to reduce the attraction of opportunistic predators such as common ravens, coyotes, and feral dogs that may prey on sensitive species. • Operation and maintenance employees maintain Hazardous Materials Spill Kits on-site. All operation and maintenance staff shall be trained in how to use Hazardous Materials Spill Kits in the event of a spill. • An approved Long-Term Maintenance Plan for the retention/detention basins be developed and implemented. • Weed and Raven management shall be addressed in a project-specific pest management plan (See BIO-5) • Maintain shielding on external lighting to direct down and towards the project site and away from adjacent undeveloped land. • Workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed and would be kept on record • desert tortoise avoidance and minimization measures be implemented if desert tortoise is detected during pre-construction surveys • The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving. • Personnel are trained to avoid causing wildfires and manage them safely and promptly if necessary							
BIO-6	**Burrowing Owl Avoidance and Minimization.** Take Avoidance (pre-construction) surveys for burrowing owl shall be completed prior to project construction.	Prior to construction, the Department of Planning and Development Services shall verify that	Department of Planning and Development Services	Prior to construction, during construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game [CDFG] 2012). If burrowing owl is not detected, construction may proceed. • If burrowing owl is identified during the non-breeding season (September 1 through January 31), then a 50 meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities. • If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities.	pre-construction surveys for burrowing owl were conducted. If burrowing owl are present, the measures as listed in Mitigation Measure BIO-6 shall be implemented.						
BIO-7	**Pre-Construction Nesting Bird Surveys.** To the extent possible, construction shall occur outside the typical avian breeding season (February 15 through September 15). If construction must occur during the general avian breeding season, a pre-construction nest survey shall be conducted within the impact area and a 500-foot (150-meter) buffer by qualified biologist no more than 7 days prior to the start of vegetation clearing and/or ground disturbing construction activities in any given area of the Project footprint. Construction crews shall coordinate with the qualified biologist at least 7 days prior to the start of construction in a given area to ensure that the construction area has been adequately surveyed. A nest is defined as active once birds begin constructing or repairing the nest in readiness for egg-laying. A	Prior to construction, the Department of Planning and Development Services shall verify that a pre-construction nesting survey was conducted. If nesting birds are present, the measures as listed in Mitigation Measure BIO-7 shall be implemented.	Department of Planning and Development Services	Prior to construction, during construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	nest is no longer an "active nest" if abandoned by the adult birds or once nestlings or fledglings are no longer dependent on the nest. If no active nests are discovered, construction may proceed. If active nests are observed that could be disturbed by construction activities, these nests and an appropriately sized buffer (typically a 200-foot (61-meter) buffer for non-raptor species nests and at least a 500-foot (150-meter) buffer for raptor or federally listed species nests) would be avoided until the young have fledged. Final construction buffers or setback distances shall be determined by the qualified biologist in coordination with USFWS and CDFW on a case-by-case basis, depending on the species, season in which disturbance shall occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). Active nests shall be avoided until the young have fledged and/or the monitor determines that no impacts are anticipated to the nesting birds or their young. If vegetation clearing and/or ground disturbing activities cease for 14 or more consecutive days during the nesting season in areas where suitable nesting habitat remains, repeat nesting bird surveys shall be required to ensure new nesting locations have not been established within the impact area and the defined buffers.							
BIO-8	**Develop a Bird and Bat Conservation Strategy (BBCS).** A BBCS shall be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW. The BBCS will include the following components: • A description and assessment of the existing habitat and avian and bat species; • An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the project. • A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. • The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass	Prior to construction, the Department of Planning and Development Services shall verify that a Bird and Bat Conservation Strategy has been developed by the project applicant in coordination with the County of Imperial, USFWS, and CDFW.	Department of Planning and Development Services	Prior to construction, during construction, post-construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	removal) trials, searcher efficiency trials, and reporting. Statistical methods will be used to estimate Project avian and bat fatalities if sufficient data is collected to support statistical analysis. • An injured bird response plan that delineates care and curation of any and all injured birds. • A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project. • A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results. • Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses. During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with Global Positioning System), and condition of carcass. • If any federal listed, state listed or fully protected avian carcasses or injured birds are found during construction or post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	to determine the appropriate course of action for these species. For such listed species, the CUP owner shall obtain or retain a biologist with the appropriate USFWS Special Purpose Utility Permit(s) and CDFW Scientific Collecting Permit(s) to collect and salvage all dead and injured birds, and store/curate them in freezers for later disposition and analysis.							
BIO-9	**Pre-Construction Surveys for American Badger.** Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger dens within 14 days prior to commencement of construction activities. The surveys shall be conducted in areas of suitable habitat for American badger, which include desert scrub habitats. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site disturbed. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: • American badger potential den: 30 feet. • American badger active den: 100 feet. • American badger natal den: 500 feet. • If avoidance of the potential dens is not possible, the following measures are required to avoid potential adverse effects to the American badger • Outside the reproductive season defined as February 1 through September 30 for American badger if the qualified Lead Biologist determines through camera monitoring for three consecutive days that potential dens are inactive, the biologist shall excavate these dens by hands with a shovel to prevent American badgers from re-using them during construction. • Outside of the reproductive season defined as February 1 through September 30 for American badger if the Lead Biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers from occupied	The Department of Planning and Development Services shall verify that pre-construction surveys for American badger dens were conducted within 14 days prior to commencement of construction activities. If American badger dens are present, the measures as listed in Mitigation Measure BIO-9 shall be implemented.	Department of Planning and Development Services	Prior to construction, during construction	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for seven days to confirm usage has discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers have stopped using the dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent use during construction.							
BIO-10	**Compensatory Mitigation for Riparian Woodland and Ephemeral Wash.** Following the completion of project construction, Palo Verde- Ironwood Woodland will be created, enhanced and or conserved within the undeveloped portions of the project site at a ratio of 3:1 (i.e., 3 acres created or enhanced for each acre impacted) by permanent or temporary project activities). Permanent impacts to jurisdictional waters and wetlands shall be mitigated at a minimum 1:1 ratio either through on-site and/or off-site re-establishment, enhancement and conservation of jurisdictional waters or through an approved-mitigation bank or in lieu fee program, if one is available. The type of mitigation, mitigation location and the final mitigation ratios will be established during the permit process for the Project's USACE Section 404 permit, the RWQCB Section 401 Water Quality Certification, and a CDFW Streambed Alteration Agreement, as applicable.	Within 1 year of project construction, the Department of Planning and Development Services shall confirm that Palo Verde- Ironwood Woodland has been created, enhanced, and/or conserved within the undeveloped portions of the project site at a ratio of 3:1. The Department of Planning and Development Services shall confirm that impacts to jurisdictional waters and wetlands were mitigated at a minimum 1:1 ratio either through on-site and/or off-site re-establishment, enhancement and conservation of jurisdictional waters or through an approved-mitigation bank or in lieu fee program.	Department of Planning and Development Services	Post construction	Department of Planning and Development Services			
BIO-11	**Develop and Implement a Pest Management Plan.** The Project shall develop and implement a Pest Management Plan that will reduce negative impacts to surrounding (not necessarily adjacent) farmland during construction, operation and reclamation. The Plan shall include: • Methods for Preventing the Introduction and Spread of pests, including weeds. • Monitoring methods for all agricultural pests and weeds with potential to adversely impact adjacent native habitat (Species on California	The Department of Planning and Development Services shall verify that a Pest Management Plan has been reviewed and approved by the Imperial County Agricultural Commissioner.	Department of Planning and Development Services and Imperial County Agricultural Commissioner	Prior to construction, during construction	Department of Planning and Development Services and Imperial County Agricultural Commissioner			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Invasive Plants Council Inventory rated as Moderately to Highly Invasive) to including insects, vertebrates, weeds, and pathogens. • Eradication and Control Methods All treatments must be performed by a qualified applicator or a licensed pest control business. o "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. o Effective control methods may include physical/mechanical removal, biocontrol, cultural control, or chemical treatments. o Use of "permanent" soil sterilants to control weeds or other pests is prohibited due to the fact that this would interfere with reclamation. • Notification Requirements: o Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food Agriculture (CDFA) and the USDA. o Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. • Eradication of exotic pests will be done under the direction of the Agricultural Commissioner's Office and/or CDFA. • Obey all pesticide use laws, regulations, and permit conditions. • Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties. • Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and available for inspection, and that all permits and other required legal documents are current.							

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this. • Reporting Methods • Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. • The report is required even if no pests were found or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.							
Cultural Resources								
CR-1	Pursuant to CEQA Guidelines §15064.5(f), in the event that previously unidentified unique archaeological resources are encountered during construction or operational repairs, archaeological monitors will be authorized to temporarily divert construction work within 100 feet of the area of discovery until significance and the appropriate mitigation measures are determined by a qualified archaeologist familiar with the resources of the region. Applicant shall notify the County within 24 hours. Applicant shall provide contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation.	The applicant shall notify the County within 24 hours if unidentified unique archaeological resources are encountered. The County shall verify that the applicant has provided contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation.	Department of Planning and Development Services	During grading and construction	Department of Planning and Development Services			
CR-2	In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation	The applicant shall notify the County immediately if unknown archaeological resources are encountered. The applicant shall retain the services of a qualified professional archaeologist	Department of Planning and Development Services	During grading	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph. In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.	in the event of an unanticipated discovery.						
CR-3	In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the HSC). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC, which will designate a MLD for the project (Section 5097.98 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).	During construction and operational repair period, discovery of human remains shall result in workstoppage in that area until the coroner and the Native American Heritage Commission are contacted.	Department of Planning and Development Services	During construction and operations	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
Geology and Soils								
GEO-1	**Prepare Geotechnical Report(s) as Part of Final Engineering for the Project and Implement Required Measures.** Facility design for all project components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the project applicant. The final geotechnical and/or civil engineering report shall address and make recommendations on the following: • Site preparation • Soil bearing capacity • Appropriate sources and types of fill • Potential need for soil amendments • Structural foundations • Grading practices • Soil corrosion of concrete and steel • Erosion/winterization • Seismic ground shaking • Liquefaction • Expansive/unstable soils In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant. The final geotechnical and/or civil engineering report shall be submitted to Imperial County Public Works Department, Engineering Division for review and approval prior to issuance of building permits.	Prior to the issuance of a grading permit, the Imperial County Public Works Department, Engineering Division shall review and approve a Final Geotechnical Report and/or Civil Engineering Report.	Department of Planning and Development Services and Imperial County Public Works Department, Engineering Division	Prior to issuance of a grading permit	Department of Planning and Development Services and Imperial County Public Works Department, Engineering Division			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
GEO-2	In the event that unanticipated paleontological resources or unique geologic resources are encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. If any paleontological resources or unique geologic features are found within the project site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion of the monitoring program.	The applicant shall retain the services of a qualified paleontological monitor in the event of an unanticipated discovery. The paleontological monitor shall be on-site in accordance with this measure to implement this measure. A monitoring report shall be prepared and submitted to the Department of Planning and Development Services for review and approval.	Department of Planning and Development Services	During grading	Department of Planning and Development Services			
Hydrology/Water Quality								
HYD-1	**Prepare SWPPP and Implement BMPs Prior to Construction and Site Restoration.** The project applicant or its contractor shall prepare a SWPPP specific to the project and be responsible for securing coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ). The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the appropriate agency prior to commencement of work and shall be made conditions of the contract with the contractor selected to build and decommission the project. The SWPPP shall incorporate control measures in the following categories: • Soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching)	Prior to construction and site restoration, the project applicant or its contractor shall prepare a SWPPP with incorporated control measures outlined in Mitigation Measure HYD-1; and implement BMPs. Department of Planning and Development Services to confirm.	Department of Planning and Development Services	Prior to issuance of a grading permit and site restoration	Department of Planning and Development Services			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	• Sediment control practices (e.g., temporary sediment basins, fiber rolls) • Temporary and post-construction on- and off-site runoff controls • Special considerations and BMPs for water crossings and drainages • Monitoring protocols for discharge(s) and receiving waters, with emphasis place on the following water quality objectives: dissolved oxygen, floating material, oil and grease, potential of hydrogen (pH), and turbidity • Waste management, handling, and disposal control practices • Corrective action and spill contingency measures • Agency and responsible party contact information • Training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP The SWPPP shall be prepared by a Qualified SWPPP Practitioner and/or Qualified SWPPP Developer with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil stabilization and erosion control practices and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure.							
HYD-2	**Incorporate Post-Construction Runoff BMPs into Project Drainage Plan.** The project Drainage Plan shall adhere to the County's Engineering Guidelines	Post construction for the project site, the Applicant shall implement a	Department of Planning and Development Services	Post construction	Department of Planning and Development Services and IID			

Table 0.4-1. Mitigation Measures

MM No.	Mitigation Measure	Monitoring Method	Responsible Monitoring Party	Monitoring Phase	Verification/Approval Party	Date Mitigation Measure Verified or Implemented	Location of Documents (Monitoring Record)	Completion Requirement
	Manual, IID "Draft" Hydrology Manual, or other recognized source with approval by the County Engineer to control and manage the on- and off-site discharge of stormwater to existing drainage systems. Infiltration basins will be integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and management of runoff generated from project impervious surfaces as necessary.	Drainage Plan in accordance with the County and Imperial Irrigation District guidelines as outlined in Mitigation Measure HYD-3. Department of Planning and Development Services and Imperial Irrigation District to confirm.						

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Executive Summary

This Environmental Impact Report (EIR) has been prepared in compliance with the California Environmental Quality Act (CEQA) Public Resources Code [PRC] Section 21000 et seq., the CEQA Guidelines (Section 15000 et seq.) as promulgated by the California Resources Agency and the Governor's Office of Planning and Research (OPR). The purpose of this environmental document is to assess the potential environmental effects associated with the Wister Solar Energy Facility Project and to propose mitigation measures, where required, to reduce significant impacts.

Project Overview

The Wister Solar Energy Facility Project is located on Assessor Parcel No. 003-240-001. The proposed solar energy facility consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect the proposed on-site substation to the Point of Interconnection (POI) at the existing Imperial Irrigation District's (IID) 92-kilovolt (kV) "K" line; and, 3) on-site wireless communication system or off-site fiberoptic cable. These components are collectively referred to as the "proposed project" or "project."

The proposed project involves the construction and operation of a 20 Megawatt (MW) photovoltaic (PV) solar energy facility on approximately 100 acres of privately-owned land north of Niland. The proposed project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, transformers, and underground electrical cables. The proposed project also includes either an on-site wireless communication system, or an approximately two-mile ~~s of~~ fiberoptic line that would extend from the proposed on-site substation to the existing Niland Substation to connect the proposed Wister Substation to the region's telecommunications system.

The power produced by the proposed project would be conveyed to the local power grid via an on-site 92-kV substation, which will be tied directly to IID's 92-kV transmission line. A gen-tie line would connect the Wister substation to the POI at the existing IID 92-kV "K" line. The project applicant has secured a Power Purchase Agreement with San Diego Gas and Electric for the sale of power from the project.

The proposed project may utilize groundwater available at the project site for project construction, and potentially limited operational activities. A groundwater well would be constructed and operated near the existing geothermal well pad (and proposed project construction staging area) located in the north-western portion of the project site.

Purpose of an EIR

The purpose of an EIR is to analyze the potential environmental impacts associated with a project. CEQA (Section 15002) states that the purpose of CEQA is to: (1) inform the public and governmental decision makers of the potential significant environmental impacts of a project; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

Eliminated from Further Review in Notice of Preparation

Based on the Initial Study and Notice of Preparation (IS/NOP) prepared for the proposed project (Appendix A of this EIR), Imperial County (County) has determined that the proposed project would not have the potential to cause significant adverse effects associated with the topics identified below. Therefore, these topics are not addressed in this EIR. However, the rationale for eliminating these topics is briefly discussed below.

Agriculture Resources

According to the farmland maps prepared by the California Department of Conservation (2017), the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation 2017). The proposed project would not convert Important Farmland to non-agricultural uses.

The project site is currently designated by the General Plan as “Recreation” and is zoned “Open Space/Preservation” with a Geothermal Overlay (S-2-G). According to the 2016/2017 Imperial County Williamson Act Map produced by the California Department of Conservation’s Division of Land Resource Protection, the project site is not located within Williamson Act contracted land (California Department of Conservation 2016). The proposed project has no potential to conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, implementation of the proposed project would not impact agriculture resources.

Forestry Resources

No portion of the project site or the immediate vicinity is zoned or designated as forest lands, timberlands, or timberland production. As such, the proposed project would not result in a conflict with existing zoning or cause the need for a zone change. Therefore, implementation of the proposed project would not impact forestry resources.

Energy

The use of energy associated with the project includes both construction and operational activities. Construction activities consume energy through the use of heavy construction equipment and truck and worker traffic. The proposed project will use energy-conserving construction equipment, including standard mitigation measures for construction combustion equipment recommended in the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook (ICAPCD 2017). The use of better engine technology, in conjunction with the ICAPCD’s standard mitigation measures will reduce the amount of energy used for the project.

Implementation and operation of the proposed project would promote the use of renewable energy and contribute incrementally to the reduction in demand for fossil fuel use for electricity-generating purposes. The project would generate renewable energy resources and is considered a beneficial effect. Based on these considerations, the proposed project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The project will help California meet its Renewable Portfolio Standard of 50 percent of retail electricity sales from renewable sources by the end of 2030. The electricity generation process associated with the project would utilize solar technology to convert sunlight directly into electricity. Solar PV technology is consistent with the definition of an "eligible renewable energy resource" in Section 399.12 of the California Public Utilities Code and the definition of "in-state renewable electricity generation facility" in Section 25741 of the California Public Resources Code (PRC). The proposed project would not conflict with or obstruct a state or local plan for renewable energy of energy efficiency. The proposed project would result in a less than significant impact related to energy.

Hazards and Hazardous Materials

Construction of the proposed project will involve the limited use of hazardous materials, such as fuels and greases to fuel and service construction equipment. No extremely hazardous substances are anticipated to be produced, used, stored, transported, or disposed of as a result of project construction. No operations and maintenance facilities, or habitable structures are proposed on-site. Operation of the project will be conducted remotely. Regular, routine maintenance of the project may result in the potential to handle hazardous materials. However, the hazardous materials handled on-site would be limited to small amounts of everyday use cleaners and common chemicals used for maintenance. The applicant will be required to comply with State laws and County Ordinance restrictions, which regulate and control hazardous materials handled on-site. Such hazardous wastes would be transported off-site for disposal according to applicable State and County restrictions and laws governing the disposal of hazardous waste during construction and operation of the project. Based on these considerations, a less than significant impact would occur.

The project site is not located within 0.25 mile of an existing or proposed school. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur.

Based on a review of the Cortese List conducted in November 2019, the project site is not listed as a hazardous materials site. Therefore, the proposed project would not create a significant hazard to the public or the environment and no impact would occur.

The project site is not located within two miles of a public airport or public use airport. Therefore, the proposed project would not result in airport hazards for people residing or working in the project area and no impact would occur.

The proposed project is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project applicant will be required, through the conditions of approval, to prepare a street improvement plan for the project that will include emergency access points and safe vehicular travel. In addition, local building codes would be followed to minimize flood, seismic, and fire hazard. Therefore, the proposed project would result in a less than significant impact associated with the possible impediment to emergency plans.

Mineral Resources

The project site is not used for mineral resource production and the applicant is not proposing any form of mineral extraction. According to Figure 8: Imperial County Existing Mineral Resources of the Conservation and Open Space Element of the General Plan (County of Imperial 2016), no known mineral resources occur within the project site nor does the project site contain mapped mineral resources. Therefore, the proposed project would not result in the loss of availability of any known mineral resources that would be of value to the region and the residents of California nor would the proposed project result in the loss of availability of a locally important mineral resource.

Based on a review of the California Department Division of Oil, Gas, and Geothermal Resources Well Finder, there is one idle geothermal well (Well No. 02591491) located in the northwest quarter of the project parcel (California Department of Oil, Gas, and Geothermal Resources n.d). This geothermal well would be avoided by the proposed project. Implementation of the proposed project would not impact geothermal wells.

Noise and Vibration

The Imperial County Title 9 Land Use Ordinance, Division 7, Chapter 2, Section 90702.00 - Sound level limits, establishes one-hour average sound level limits for the County's land use zones. Industrial operations are required to comply with the noise levels prescribed under the general industrial zones. Therefore, the project is required to maintain noise levels below 75 decibels (dB) (averaged over one hour) during any time of day. The project would be expected to comply with the Noise Element of the General Plan which states that construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB, when averaged over an eight hour period, and measured at the nearest sensitive receptor. Construction equipment operation is also limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturdays. Compliance with Imperial County's standards for construction noise levels would result in less than significant noise impacts during project construction.

Groundborne vibration and groundborne noise could originate from earth movement during the construction phase of the proposed project. Construction of the proposed project may require post driving and vibratory rollers and has the potential to result in temporary vibration impacts on structures and humans. However, the project site is in a generally rural area and surrounded by relatively undisturbed desert lands. Sensitive receptors located within one mile of the project site consist of a few scattered rural homes west of the site. There are no sensitive receptors within 1,500 feet of the project site boundary. The project would be expected to comply with all applicable requirements for long-term operation, as well as with measures to reduce excessive groundborne vibration and noise to ensure that the project would not expose persons or structures to excessive groundborne vibration. No further analysis is warranted.

The project site is not located within two miles of a public airport or private airstrip. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels and no impact would occur.

Population and Housing

Development of housing is not proposed as part of the project. No full-time employees are required to operate the project. The project facility will be monitored remotely. It is anticipated that maintenance of the facility will require minimal site presence to perform periodic visual inspections and minor repairs. On intermittent occasions, the presence of additional workers may be required for repairs or

replacement of equipment and panel cleaning; however, due to the nature of the facility, such actions will likely occur infrequently. Therefore, the proposed project would not result in a substantial growth in the area, as the number of employees required to operate and maintain the facility is minimal.

No housing exists within the project site and no people reside within the project site. Therefore, the proposed project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere. The proposed project would result in no impact to population and housing.

Public Services

Fire Protection. Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road). While the proposed project may result in an increase in demand for fire protection service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Based on these considerations, the project would not result in a need for fire facility expansion and a less than significant impact would occur.

Police Protection. Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project ~~may~~ could attract ~~vandals~~ trespassers or other ~~security risks~~ unauthorized uses. The increase in construction related traffic could temporarily increase demand on law enforcement services. However, the project site would be fenced with a 6-foot high chain link security fence topped with barbed wire and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. While the proposed project may result in a temporary increase in demand for law enforcement service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The sheriff's department has indicated that an all-terrain vehicle would be needed in order to patrol the project site; however, the fenced and secure project site does not result in an increase in demand on law enforcement that would require existing or new facilities to be upgraded in order to maintain service ratios. Further, as conditions of approval of the project, the project applicant will be required to participate in the Imperial County Public Benefit Program for the life of this CUP and shall at all times be a party to a public benefit agreement in a form acceptable to County Counsel in order to pay for all costs, benefits, and fees associated with the approved project, and the applicant will be required to reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. These potential impacts are less than significant. ~~This is considered a less than significant impact.~~

Schools. The proposed project does not include the development of residential land uses that would result in an increase in population or student generation. Construction of the proposed project would not result in an increase in student population within the Imperial County's School District since it is anticipated that construction workers would commute in during construction operations. The proposed project would have no impact on Imperial County schools.

Parks and Other Public Facilities. No full-time employees are required to operate the project. The project facility will be monitored remotely. It is anticipated that maintenance of the facility will require minimal site presence to perform periodic visual inspections and minor repairs. Therefore, substantial permanent increases in population that would adversely affect local parks, libraries, and other public facilities are not expected. The project is not expected to have an impact on parks, libraries, and other public facilities.

Recreation

The project site is not used for formal recreational purposes. Also, the proposed project would not generate new employment on a long-term basis. As such, the project would not significantly increase the use or accelerate the deterioration of regional parks or other recreational facilities. The temporary increase of population during construction that might be caused by an influx of workers would be minimal and not cause a detectable increase in the use of parks. Additionally, the project does not include or require the expansion of recreational facilities. Therefore, no impact is identified for recreation.

Utilities and Service Systems

Wastewater Facilities. The project would generate a minimal volume of wastewater during construction. During construction activities, wastewater would be contained within portable toilet facilities and disposed of at an approved site. No habitable structures are proposed on the project site, such as Operations & Maintenance (O&M) buildings. Therefore, there would be no wastewater generation from the proposed project. The proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities.

Storm Water Facilities. The proposed project will involve the construction of storm water drainage control facilities within the project site as shown on Figure 2-4 Preliminary Site Plan, ~~which are identified in the project site plan~~, and included in the project impact footprint, of which environmental impacts have been evaluated. Otherwise, the project does not require expanded or new storm drainage facilities off-site (i.e., outside of the project footprint) because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events, and therefore, would not require the construction of off-site storm water management facilities. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious. The proposed project would not require or result in the relocation or construction of new or expanded storm water facilities beyond those proposed as part of the project and evaluated in the EIR.

Water Facilities. The proposed project is not anticipated to result in a significant increase in water demand/use during operation; however, water will be needed for solar panel washing and dust suppression. During operation, water would either be obtained from the proposed on-site groundwater well, or would be trucked to the project site from a local water source. Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water facilities.

Power, Natural Gas, and Telecommunication Facilities. The proposed project would involve construction of power facilities, and would include a fiber optic connection. These components of the project have been evaluated in the EIR and would not generate the demand for, or require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities that would in turn, result in a significant impact to the environment.

Solid Waste Facilities. Solid waste generation would be minor for the construction and operation of the project. Solid waste would be disposed of using a locally-licensed waste hauling service, most likely Allied Waste. Trash would likely be hauled to the Niland Solid Waste Site (13-AA-0009) located in Niland. The Niland Solid Waste Site has approximately 318,669 cubic yards of remaining capacity and is estimated to remain in operation through 2056 (CalRecycle n.d.). Therefore, there is ample landfill capacity in the County to receive the minor amount of solid waste generated by construction and operation of the project.

Additionally, because the proposed project would generate solid waste during construction and operation, the project would be required to comply with state and local requirements for waste reduction and recycling; including the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991. Also, conditions of the CUP would contain provisions for recycling and diversion of Imperial County's construction waste policies.

Further, when the proposed project reaches the end of its operational life, the components would be decommissioned and deconstructed. When the project concludes operations, much of the wire, steel, and modules of which the system is comprised would be recycled to the extent feasible. The project components would be deconstructed and recycled or disposed of safely, and the site could be converted to other uses in accordance with applicable land use regulations in effect at the time of closure. Commercially reasonable efforts would be used to recycle or reuse materials from the decommissioning. All other materials would be disposed of at a licensed facility. Therefore, a less than significant impact is identified for this issue.

Wildfire

According to the Draft Fire Hazard Severity Zone Map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). Therefore, no impact is identified for wildfire.

Summary of Significant Impacts and Mitigation Measures that Reduce or Avoid the Significant Impacts

Based on the analysis presented in the IS/NOP and the information provided in the comments to the IS/NOP, the following environmental topics are analyzed in this EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources (includes Tribal Cultural Resources)
- Geology and Soils
- GHG Emissions
- Hydrology/Water Quality
- Land Use Planning
- Transportation/Traffic
- Utilities/Service Systems

Table ES-1 summarizes existing environmental impacts that were determined to be potentially significant, mitigation measures, and level of significance after mitigation associated with the project.

Areas of Controversy and Issues to be Resolved

Areas of Concern

Section 15123(b)(2) of the CEQA Guidelines requires that an EIR identify areas of controversy as well as issues to be resolved known to the Lead Agency, including issues raised by other agencies and the public. A primary issue associated with this solar farm project, and other solar facility projects that are proposed in the County, is the corresponding land use compatibility and fiscal/economic impacts to the County. Through the environmental review process for this project, other areas of concern and issues to be resolved include groundwater supply; relocation, modification, or reconstruction of IID facilities; and access.

Detailed analyses of these topics are included within each corresponding section contained within this document.

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
Air Quality			
Impact 3.3-1: Conflict with or obstruct implementation of the applicable air quality plan	Less than Significant	**AQ-1** **Construction Equipment.** Construction equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). A list of the construction equipment, including all off-road equipment utilized at each of the projects by make, model, year, horsepower and expected/actual hours of use, and the associated EPA Tier shall be submitted to the County Planning and Development Services Department and ICAPCD prior to the issuance of a grading permit. The equipment list shall be submitted periodically to ICAPCD to perform a NOx analysis. ICAPCD shall utilize this list to calculate air emissions to verify that equipment use does not exceed significance thresholds. The Planning and Development Services Department and ICAPCD shall verify implementation of this measure. **AQ-2** **Fugitive Dust Control.** Pursuant to ICAPCD, all construction sites, regardless of size, must comply with the requirements contained within Regulation VIII – Fugitive Dust Control Measures. Whereas these Regulation VIII measures are mandatory and are not considered project environmental mitigation measures, the ICAPCD CEQA Handbook's required additional standard and enhanced mitigation measures listed below shall be implemented prior to and during construction. ICAPCD will verify implementation and compliance with these measures as part of the grading permit review/approval process. **ICAPCD Standard Measures for Fugitive Dust (PM10) Control** • All disturbed areas, including bulk material storage, which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material, such as vegetative ground cover.	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• All on-site and offsite unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. • All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants, and/or watering. • The transport of bulk materials shall be completely covered unless 6 inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material. • All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area. • Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line. • The construction of any new unpaved road is prohibited within any area with a population of 500 or more unless the road meets the definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants, and/or watering.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		ICAPCD "Discretionary" Measures for Fugitive Dust (PM10) Control • Water exposed soil only in those areas where active grading and vehicle movement occurs with adequate frequency to control dust. • Replace ground cover in disturbed areas as quickly as possible. • Automatic sprinkler system installed on all soil piles. • Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site. • Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees. • Implement a shuttle service to and from retail services and food establishments during lunch hours. **Standard Mitigation Measures for Construction Combustion Equipment** • Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment. • Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum. • Limit, to the extent feasible, the hours of operation of heavy-duty equipment and/or the amount of equipment in use.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). **Enhanced Mitigation Measures for Construction Equipment** To help provide a greater degree of reduction of PM emissions from construction combustion equipment, ICAPCD recommends the following enhanced measures. • Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways. • Implement activity management (e.g., rescheduling activities to reduce short-term impacts). **AQ-3** **Dust Suppression.** The project applicant shall employ a method of dust suppression (such as water or chemical stabilization) approved by ICAPCD. The project applicant shall apply chemical stabilization as directed by the product manufacturer to control dust between the panels as approved by ICAPCD, and other non-used areas (exceptions will be the paved entrance and parking area, and Fire Department access/emergency entry/exit points as approved by Fire/Office of Emergency Services [OES] Department). **AQ-4** **Dust Suppression Management Plan.** Prior to any earthmoving activity, the applicant shall submit a construction dust control plan and obtain ICAPCD and Imperial County Planning and Development Services Department (ICPDS) approval. **AQ-5** **Operational Dust Control Plan.** Prior to issuance of a Certificate of Occupancy, the applicant shall submit an	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		operations dust control plan and obtain ICAPCD and ICPDS approval. ICAPCD Rule 301 Operational Fees apply to any project applying for a building permit. At the time that building permits are submitted for the proposed project, ICAPCD shall review the project to determine if Rule 310 fees are applicable to the project.	
Biological Resources			
Impact 3.4-1: Potential impacts on special-status species	Potentially Significant	**BIO-1** **Pre-Construction Plant Survey.** Prior to initiating ground disturbance, a focused survey for Harwood's milkvetch shall occur during its blooming period. A reference population shall be identified and confirmed to be blooming at the time that surveys are conducted on the project site. Should Harwood's milkvetch be present on site, project design will be evaluated to determine if modifications can be made to avoid at least 90-percent of the observed individuals or compensatory mitigation shall be provided through off-site preservation of an equivalent population. **BIO-2** **General Impact Avoidance and Minimization Measures.** The following measures will be applicable throughout the life of the project: • To reduce the potential indirect impact on migratory birds, bats and raptors, the project will comply with the APLIC 2012 Guidelines for overhead utilities, as appropriate, to minimize avian collisions with transmission facilities (APLIC 2012) • All electrical components on the project site shall be either undergrounded or protected so that there will be no exposure to wildlife and therefore no potential for electrocution.	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• The Project proponent shall ~~will~~ designate a Project Biologist who shall be responsible for overseeing compliance with protective measures for the biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The Project Biologist will be familiar with the local habitats, plants, and wildlife. The Project Biologist will also maintain communications with the Contractor to ensure that issues relating to biological resources are appropriately and lawfully managed and monitor construction. The Project Biologist will monitor activities within construction areas during critical times, such as vegetation removal, the implementation of Best Management Practices (BMP), and installation of security fencing to protect native species. The Project Biologist will ensure that all wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. • The boundaries of all areas to be newly disturbed (including solar facility areas, staging areas, access roads, and sites for temporary placement of construction materials and spoils) will be delineated with stakes and flagging prior to disturbance. All disturbances, vehicles, and equipment will be confined to the flagged areas. • No potential wildlife entrapments (e.g., trenches, bores) will be left uncovered overnight. Any uncovered pitfalls will be excavated to 3:1 slopes at the ends to provide wildlife escape ramps. Alternatively, man-made ramps may be installed. Covered pitfalls will be covered completely to prevent access by small mammals or reptiles. • To avoid wildlife entrapment (including birds), all pipes or other construction materials or supplies will be covered or	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		capped in storage or laydown area, and at the end of each work day in construction, quarrying and processing/handling areas. No pipes or tubing of sizes or inside diameters ranging from 1 to 10 inches will be left open either temporarily or permanently. • No anticoagulant rodenticides, such as Warfarin and related compounds (indandiones and hydroxycoumarins), may be used within the project site, on off-site project facilities and activities, or in support of any other project activities. • Avoid wildlife attractants. All trash and food-related waste shall be placed in self-closing containers and removed regularly from the site to prevent overflow. Workers shall not feed wildlife. Water applied to dirt roads and construction areas for dust abatement shall use the minimal amount needed to meet safety and air quality standards to prevent the formation of puddles, which could attract wildlife. Pooled rainwater or floodwater within retention basins will be removed to avoid attracting wildlife to the active work areas. • To minimize the likelihood for vehicle strikes on wildlife, speed limits will not exceed 15 miles per hour when driving on access roads. All vehicles required for O&M must remain on designated access/maintenance roads. • Avoid night-time construction lighting or if nighttime construction cannot be avoided use shielded directional lighting pointed downward and towards the interior of the project site, thereby avoiding illumination of adjacent natural areas and the night sky. • All construction equipment used for the Project will be equipped with properly operating and maintained mufflers. • Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel hand-held	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		equipment, will be stored within secondary containment when within 50 feet of open water to the fullest extent practicable. Secondary containment will consist of a ring of sand bags around each piece of stored equipment/structure. A plastic tarp/visqueen lining with no seams shall be placed under the equipment and over the edges of the sandbags, or a plastic hazardous materials secondary containment unit shall be utilized by the Contractor. • The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. Any fuel containers, repair materials, including creosote-treated wood, and/or stockpiled material that is left on site overnight, will be secured in secondary containment within the work area and staging/assembly area and covered with plastic at the end of each work day. • In the event that no activity is to occur in the work area for the weekend and/or a period of time greater than 48 hours, the Contractor will ensure that all portable fuel containers are removed from the project site. • All equipment will be maintained in accordance with manufacturer's recommendations and requirements. • Equipment and containers will be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the Stormwater Pollution Prevention Plan or equivalent, Materials Safety Data Sheets, and any specifications required by other permits issued for the project.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• The Contractor will utilize off-site maintenance and repair shops as much as possible for maintenance and repair of equipment. • If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks within all areas. Where feasible, maintenance of equipment will occur in upland areas where fuel cannot enter waters of the U.S. and in areas that do not have potential to support federally threatened or endangered species. • Appropriate BMPs will be used by the Contractor to control erosion and sedimentation and to capture debris and contaminants from bridge construction to prevent their deposition in waterways. No sediment or debris will be allowed to enter the creek or other drainages. All debris from construction of the bridge will be contained so that it does not fall into channel. Appropriate BMPs will be used by the Contractor during construction to limit the spread of resuspended sediment and to contain debris. • Erosion and sediment control devices used for the proposed project, including fiber rolls and bonded fiber matrix, will be made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard. • Firearms, open fires, and pets would be prohibited at all work locations and access roads. Smoking would be prohibited along the Project alignment. • Cross-country vehicle and equipment use outside of approved designated work areas and access roads shall be prohibited to prevent unnecessary ground and vegetation disturbance.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• Any injured or dead wildlife encountered during project-related activities shall be reported to the project biologist, biological monitor, CDFW, or a CDFW-approved veterinary facility as soon as possible to report the observation and determine the best course of action. For special-status species, the Project Biologist shall notify the County, USFWS, and/or CDFW, as appropriate, within 24 hours of the discovery. • Stockpiling of material will be allowed only within established work areas. • Actively manage the spread of noxious weeds (See Mitigation Measure BIO-5) • The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving. **BIO-3** **Worker Environmental Awareness Program.** Prior to project construction, a Worker Environmental Awareness Program shall be developed and implemented by a qualified biologist, and shall be available in both English and Spanish. Handouts summarizing potential impacts to special-status biological resources and the potential penalties for impacts to these resources shall be provided to all construction personnel. At a minimum, the education program shall including the following: • the purpose for resource protection; • a description of special status species including representative photographs and general ecology; • occurrences of USACE, RWQCB, and CDFW regulated features in the Project study area; • regulatory framework for biological resource protection and consequences if violated;	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• sensitivity of the species to human activities; • avoidance and minimization measures designed to reduce the impacts to special-status biological resources; • environmentally responsible construction practices; • reporting requirements; • the protocol to resolve conflicts that may arise at any time during the construction process; and • workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed and would be kept on record. **BIO-4** **Desert Tortoise Avoidance and Minimization** A qualified biologist shall conduct focused presence/absence surveys for Desert Tortoise for 100-percent of the project footprint pursuant to the October 19, 2019 Version of the USFWS Desert Tortoise Survey Protocol. If no live desert tortoise or sign of active desert tortoise ~~if~~ are detected, no further avoidance and minimization is required. If live desert tortoise or sign of active desert tortoise are~~is~~ detected, the project proponent shall initiate consultation with USFWS and CDFW to obtain the necessary federal and state ESA authorizations and the following avoidance, minimization and compensatory mitigation measures will be implemented: • Permanent tortoise-proof fencing shall be along the perimeter of the project site. Fencing shall be installed, inspected, and maintained according to specifications in the current USFWS *Desert Tortoise (Mojave Population) Field Manual (Gopherus agassizii)*. An authorized desert tortoise biologist shall conduct pre-construction clearance surveys for the project site no more than 14-days prior to the	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		initiation of fence installation. All potentially active burrows shall be identified for hand excavation. Pre-construction clearance surveys shall be repeated within the fenced impact area after fence installation is complete. If desert tortoise are observed they shall be relocated from within the work area to outside the fenced area by a permitted biologist. • The authorized biologist shall conduct desert tortoise pre-construction clearance surveys along all existing and new dirt access road alignments, and the Gen-tie alignment before any ground disturbing activities are initiated and prior to the start of construction activities each day during ground-disturbing activities and weekly thereafter. Relocate desert tortoises as necessary. Any handling of special-status species must be approved by the appropriate Federal and State agencies and be done in accordance with species-specific handling protocols. • Where burrows would be unavoidably destroyed, they would be excavated carefully using hand tools under the supervision of the authorized biologists with demonstrated prior experience with this species. • Inspect construction pipes, culverts, or similar structures: (a) with a diameter greater than 3 inches, (b) stored for one or more nights, (c) less than 8 inches aboveground and (d) within desert tortoise habitat, before the materials are moved, buried, or capped. • Incorporate Raven Management into the Pest Control Plan (See BIO-5) • Inspect the ground under vehicles and equipment for the presence of desert tortoise any time a vehicle or construction equipment is parked in desert tortoise habitat. If a desert tortoise is seen, it may move on its own. If it does	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		not move within 15 minutes, an authorized biologist or biological monitor under the direction of the authorized biologist may remove and relocate the animal to a safe location. • All culverts for access roads or other barriers will be designed to allow unrestricted access by desert tortoises and will be large enough that desert tortoises are unlikely to use them as shelter sites (e.g., 36 inches in diameter or larger). Desert tortoise exclusion fencing may be utilized to direct tortoise use of culverts and other passages. If possible, pipes and culverts greater than 3 inches in diameter would be stored on dunnage to prevent wildlife from taking refuge in them, to the extent feasible. • To fully mitigate for habitat loss and potential take of the Mojave desert tortoise, the Applicant will provide compensatory mitigation at a ratio of 1:1 ~~3:1~~. For the purposes of this measure, the project site (i.e., footprint) means all Project areas with new direct ground disturbance during construction and operation of the Project. This includes all lands directly disturbed that will no longer provide viable long-term habitat for the Mojave desert tortoise, such as the solar field, substation and new access roads. Areas within the gen-tie line corridor where no ground disturbance will occur are not included in the area to be mitigated through compensation. Compensatory mitigation could include agency-approved payment of an in-lieu fee; acquiring mitigation land or conservation easements; restoration or habitat enhancement activities on preservation lands; or a combination of the three. **BIO-5** **Prepare and Implement an Operation and Maintenance Worker Education Plan.** An Operation and Maintenance Worker Education Plan shall be prepared to advise personnel on general operations measures. The Worker Education Plan	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		shall be submitted to the County of Imperial Planning and Development Services Department for review and approval prior to issuance of building permits. The following provisions shall be included in the Worker Education Plan and implemented throughout the operational lifespan of the Project: Operation and maintenance personnel shall be prohibited from: • Exceeding nighttime and daytime vehicle speeds of 10 miles per hour and 25 miles per hour, respectively, within the facility, on access roads and within the Gen-Tie line corridor. Speed limit signs shall be posted throughout the project site to remind workers of travel speed restrictions. • Harming, harassing, or feeding wildlife and/or collecting special-status plant or wildlife species. • Disturbing active avian nests • Traveling (either on foot or in a vehicle) outside of the Project footprint except on public roads. • Littering on the Project area. • Allowing persons not employed at the facility to remain on site after daylight hours. • Exceeding normal nighttime operational noise or lighting levels • Bringing domestic pets and firearms to the site. The Operation and Maintenance Worker Education Plan shall require that: • All operation and maintenance vehicles and equipment park in approved designated areas only. • The project site and Gen-Tie line corridor be kept clear of trash and other litter to reduce the attraction of opportunistic	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		predators such as common ravens, coyotes, and feral dogs that may prey on sensitive species. • Operation and maintenance employees maintain Hazardous Materials Spill Kits on-site. All operation and maintenance staff shall be trained in how to use Hazardous Materials Spill Kits in the event of a spill. • An approved Long-Term Maintenance Plan for the retention/detention basins be developed and implemented. • Weed and Raven management shall be addressed in a project-specific pest management plan (See BIO-5) • Maintain shielding on external lighting to direct down and towards the project site and away from adjacent undeveloped land. • Workers sign acknowledgement form indicating that the Environmental Awareness Training and Education Program that has been completed and would be kept on record • desert tortoise avoidance and minimization measures be implemented if desert tortoise is detected during pre-construction surveys • The ground beneath all parked equipment and vehicles shall be inspected for wildlife before moving. • Personnel are trained to avoid causing wildfires and manage them safely and promptly if necessary **BIO-6** **Burrowing Owl Avoidance and Minimization.** Take Avoidance (pre-construction) surveys for burrowing owl shall be completed prior to project construction. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (California Department of Fish and	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		Game [CDFG] 2012). If burrowing owl is not detected, construction may proceed. • If burrowing owl is identified during the non-breeding season (September 1 through January 31), then a 50 meter buffer will be established by the biological monitor. Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until a CDFW-approved exclusion plan has been implemented. The buffer distance may be reduced if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities. • If burrowing owl is identified during the breeding season (February 1 through August 31), then an appropriate buffer will be established by the biological monitor in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Construction within the buffer will be avoided until a qualified biologist determines that burrowing owl is no longer present or until young have fledged. The buffer distance may be reduced in consultation with CDFW if noise attenuation buffers such as hay bales are placed between the occupied burrow and construction activities. **BIO-7** **Pre-Construction Nesting Bird Surveys.** To the extent possible, construction shall occur outside the typical avian breeding season (February 15 through September 15). If construction must occur during the general avian breeding season, a pre-construction nest survey shall be conducted within the impact area and a 500-foot (150-meter) buffer by qualified biologist no more than 7 days prior to the start of vegetation clearing and/or ground disturbing construction activities in any given area of the Project footprint. Construction crews shall coordinate with the qualified biologist at least 7 days prior to the start of construction in a given area to ensure that the construction area has been adequately surveyed. A nest is	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		defined as active once birds begin constructing or repairing the nest in readiness for egg-laying. A nest is no longer an "active nest" if abandoned by the adult birds or once nestlings or fledglings are no longer dependent on the nest. If no active nests are discovered, construction may proceed. If active nests are observed that could be disturbed by construction activities, these nests and an appropriately sized buffer (typically a 200-foot (61-meter) buffer for non-raptor species nests and at least a 500-foot (150-meter) buffer for raptor or federally listed species nests) would be avoided until the young have fledged. Final construction buffers or setback distances shall be determined by the qualified biologist in coordination with USFWS and CDFW on a case-by-case basis, depending on the species, season in which disturbance shall occur, the type of disturbance, and other factors that could influence susceptibility to disturbance (e.g., topography, vegetation, existing disturbance levels, etc.). Active nests shall be avoided until the young have fledged and/or the monitor determines that no impacts are anticipated to the nesting birds or their young. If vegetation clearing and/or ground disturbing activities cease for 14 or more consecutive days during the nesting season in areas where suitable nesting habitat remains, repeat nesting bird surveys shall be required to ensure new nesting locations have not been established within the impact area and the defined buffers. **BIO-8** **Develop a Bird and Bat Conservation Strategy (BBCS)**. A BBCS shall be developed by the Project Applicant in coordination with the County of Imperial, USFWS, and CDFW. The BBCS will include the following components: • A description and assessment of the existing habitat and avian and bat species;	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• An avian and bat risk assessment and specific measures to avoid, minimize, reduce, or eliminate avian and bat injury or mortality during all phases of the project. • A post-construction monitoring plan that will be implemented to assess impacts on avian and bat species resulting from the Project. • The post-construction monitoring plan will include a description of standardized carcass searches, scavenger rate (i.e., carcass removal) trials, searcher efficiency trials, and reporting. Statistical methods will be used to estimate Project avian and bat fatalities if sufficient data is collected to support statistical analysis. • An injured bird response plan that delineates care and curation of any and all injured birds. • A nesting bird management strategy to outline actions to be taken for avian nests detected within the impact footprint during operation of the Project. • A conceptual adaptive management and decision-making framework for reviewing, characterizing, and responding to monitoring results. • Monitoring studies following commencement of commercial operation of each CUP area. Monitoring results will be reviewed annually by the Applicant and the County of Imperial, in consultation with CDFW and USFWS, to inform adaptive management responses. During Project construction, incidental avian carcasses or injured birds found during construction shall be documented. Should a carcass be found by Project personnel, the carcass shall be photographed, the location shall be marked, the carcass shall not be moved, and a qualified biologist shall be contacted to examine the carcass. When a carcass is	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		detected, the following data shall be recorded (to the extent possible): observer, date/time, species or most precise species group possible, sex, age, estimated time since death, potential cause of death or other pertinent information, distance and bearing to nearest structure (if any) that may have been associated with the mortality, location (recorded with Global Positioning System), and condition of carcass. • If any federal listed, state listed or fully protected avian carcasses or injured birds are found during construction or post-construction monitoring, the Project Applicant shall notify USFWS and CDFW within 24 hours via email or phone and work with the resource agencies to determine the appropriate course of action for these species. For such listed species, the CUP owner shall obtain or retain a biologist with the appropriate USFWS Special Purpose Utility Permit(s) and CDFW Scientific Collecting Permit(s) to collect and salvage all dead and injured birds, and store/curate them in freezers for later disposition and analysis. **BIO-9** **Pre-Construction Surveys for American Badger.** Preconstruction surveys shall be conducted by a qualified biologist for the presence of American badger dens within 14 days prior to commencement of construction activities. The surveys shall be conducted in areas of suitable habitat for American badger, which include desert scrub habitats. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site disturbed. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: • American badger potential den: 30 feet.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• American badger active den: 100 feet. • American badger natal den: 500 feet. • If avoidance of the potential dens is not possible, the following measures are required to avoid potential adverse effects to the American badger • Outside the reproductive season defined as February 1 through September 30 for American badger if the qualified Lead Biologist determines through camera monitoring for three consecutive days that potential dens are inactive, the biologist shall excavate these dens by hands with a shovel to prevent American badgers from re-using them during construction. • Outside of the reproductive season defined as February 1 through September 30 for American badger if the Lead Biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for seven days to confirm usage has discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers have stopped using the dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent use during construction.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
Impact 3.4-2: Potential impacts on riparian habitat or sensitive vegetation	Potentially Significant	**BIO-10** **Compensatory Mitigation for Riparian Woodland and Ephemeral Wash.** Following the completion of project construction, Palo Verde- Ironwood Woodland will be created, enhanced and or conserved within the undeveloped portions of the project site at a ratio of 3:1 (i.e., 3 acres created or enhanced for each acre impacted)by permanent or temporary project activities). Permanent impacts to jurisdictional waters and wetlands shall be mitigated at a minimum 1:1 ratio either through on-site and/or off-site re-establishment, enhancement and conservation of jurisdictional waters or through an approved-mitigation bank or in lieu fee program, if one is available. The type of mitigation, mitigation location and the final mitigation ratios will be established during the permit process for the Project's USACE Section 404 permit, the RWQCB Section 401 Water Quality Certification, and a CDFW Streambed Alteration Agreement~~.~~, as applicable. **BIO-11** **Develop and Implement a Pest Management Plan.** The Project shall develop and implement a Pest Management Plan that will reduce negative impacts to surrounding (not necessarily adjacent) farmland during construction, operation and reclamation. The Plan shall include: • Methods for Preventing the Introduction and Spread of pests, including weeds. • Monitoring methods for all agricultural pests and weeds with potential to adversely impact adjacent native habitat (Species on California Invasive Plants Council Inventory rated as Moderately to Highly Invasive) to including insects, vertebrates, weeds, and pathogens.	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• Eradication and Control Methods All treatments must be performed by a qualified applicator or a licensed pest control business. o "Control" means to reduce the population of common pests below economically damaging levels, and includes attempts to exclude pests before infestation, and effective control methods after infestation. o Effective control methods may include physical/mechanical removal, biocontrol, cultural control, or chemical treatments. o Use of "permanent" soil sterilants to control weeds or other pests is prohibited due to the fact that this would interfere with reclamation. • Notification Requirements: o Notify the Agricultural Commissioner's office immediately regarding any suspected exotic/invasive pest species as defined by the California Department of Food Agriculture (CDFA) and the USDA. o Request a sample be taken by the Agricultural Commissioner's Office of a suspected invasive species. • Eradication of exotic pests will be done under the direction of the Agricultural Commissioner's Office and/or CDFA. • Obey all pesticide use laws, regulations, and permit conditions.	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• Allow access by Agricultural Commissioner staff for routine visual and trap pest surveys, compliance inspections, eradication of exotic pests, and other official duties. • Ensure that all project employees that handle pest control issues are appropriately trained and certified, that all required records are maintained and available for inspection, and that all permits and other required legal documents are current. • Maintain records of pests found and treatments or pest management methods used. Records should include the date, location/block, project name (current and previous if changed), and methods used. For pesticides include the chemical(s) used, EPA Registration numbers, application rates, etc. A pesticide use report may be used for this. • Reporting Methods o Submit a report of monitoring, pest finds, and treatments, or other pest management methods to the Agricultural Commissioner quarterly within 15 days after the end of the previous quarter, and upon request. o The report is required even if no pests were found or treatment occurred. It may consist of a copy of all records for the previous quarter, or may be a summary letter/report as long as the original detailed records are available upon request.	
Impact 3.4-4: Potential impacts on the movement of any native resident or migratory fish and wildlife species or with established	Potentially Significant	Implement Mitigation Measures BIO-5 and BIO-8 (as described above).	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
native resident or migratory wildlife corridors			
Cultural Resources			
Impact 3.5-2: Impact on archaeological resources	Potentially Significant	**CR-1** Pursuant to CEQA Guidelines §15064.5(f), in the event that previously unidentified unique archaeological resources are encountered during construction or operational repairs, archaeological monitors will be authorized to temporarily divert construction work within 100 feet of the area of discovery until significance and the appropriate mitigation measures are determined by a qualified archaeologist familiar with the resources of the region. Applicant shall notify the County within 24 hours. Applicant shall provide contingency funding sufficient to allow for implementation of avoidance measures or appropriate mitigation. **CR-2** In the event of the discovery of previously unidentified archaeological materials, the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the contractor shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph. In the event of an unanticipated discovery of archaeological materials during construction, the applicant shall retain the services of a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, to evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures		Significance After Mitigation
			the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program.	
Impact 3.5-3: Impact on Human Remains	Potentially Significant	**CR-3**	In the event that evidence of human remains is discovered, construction activities within 200 feet of the discovery will be halted or diverted and the Imperial County Coroner will be notified (Section 7050.5 of the HSC). If the Coroner determines that the remains are Native American, the Coroner will notify the NAHC, which will designate a MLD for the project (Section 5097.98 of the PRC). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a document with the county in which the property is located (AB 2641).	Less than Significant
Geology and Soils				
Impact 3.6-2: Possible risks to people and structures caused by seismic ground shaking.	Potentially Significant	**GEO-1**	**Prepare Geotechnical Report(s) as Part of Final Engineering for the Project and Implement Required Measures.** Facility design for all project components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the project applicant. The final geotechnical and/or civil engineering report shall address and make recommendations on the following:	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		• Site preparation • Soil bearing capacity • Appropriate sources and types of fill • Potential need for soil amendments • Structural foundations • Grading practices • Soil corrosion of concrete and steel • Erosion/winterization • Seismic ground shaking • Liquefaction • Expansive/unstable soils In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant. The final geotechnical and/or civil engineering report shall be submitted to Imperial County Public Works Department, Engineering Division for review and approval prior to issuance of building permits.	
Impact 3.6-5: Substantial soil erosion or the loss of topsoil	Potentially Significant	Implement Mitigation Measure GEO-1 and Mitigation Measure HYD-1.	Less than Significant
Impact 3.6-9: Impact on paleontological resources	Potentially Significant	**GEO-2** **Paleontological Resources.** In the event that unanticipated paleontological resources or unique geologic resources are	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures		Significance After Mitigation
			encountered during ground-disturbing activities, work must cease within 50 feet of the discovery and a paleontologist shall be hired to assess the scientific significance of the find. The consulting paleontologist shall have knowledge of local paleontology and the minimum levels of experience and expertise as defined by the Society of Vertebrate Paleontology's Standard Procedures (2010) for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. If any paleontological resources or unique geologic features are found within the project site, the consulting paleontologist shall prepare a paleontological Treatment and Monitoring Plan to include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation of specimens into an accredited repository, and preparation of a report at the conclusion of the monitoring program.	
Hydrology/Water Quality				
Impact 3.8-1: Violation of water quality standards	Potentially Significant	**HYD-1**	**Prepare SWPPP and Implement BMPs Prior to Construction and Site Restoration.** The project applicant or its contractor shall prepare a SWPPP specific to the project and be responsible for securing coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ). The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the appropriate agency prior to commencement of work and shall be made conditions of the contract with the contractor selected to build and	Less than Significant

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		decommission the project. The SWPPP shall incorporate control measures in the following categories: • Soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching) • Sediment control practices (e.g., temporary sediment basins, fiber rolls) • Temporary and post-construction on- and off-site runoff controls • Special considerations and BMPs for water crossings and drainages • Monitoring protocols for discharge(s) and receiving waters, with emphasis place on the following water quality objectives: dissolved oxygen, floating material, oil and grease, potential of hydrogen (pH), and turbidity • Waste management, handling, and disposal control practices • Corrective action and spill contingency measures • Agency and responsible party contact information • Training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP The SWPPP shall be prepared by a Qualified SWPPP Practitioner and/or Qualified SWPPP Developer with BMPs selected to achieve maximum pollutant removal and that represent the best available technology that is economically achievable. Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. BMPs for soil stabilization and erosion control practices	

Table ES-1. Summary of Project Impacts and Proposed Mitigation Measures

Environmental Impact	Significance Before Mitigation	Proposed Mitigation Measures	Significance After Mitigation
		and sediment control practices will also be required. Performance and effectiveness of these BMPs shall be determined either by visual means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) is required to determine adequacy of the measure. **HYD-2** **Incorporate Post-Construction Runoff BMPs into Project Drainage Plan**. The project Drainage Plan shall adhere to the County's Engineering Guidelines Manual, IID "Draft" Hydrology Manual, or other recognized source with approval by the County Engineer to control and manage the on- and off-site discharge of stormwater to existing drainage systems. Infiltration basins will be integrated into the Drainage Plan to the maximum extent practical. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities and management of runoff generated from project impervious surfaces as necessary.	
Impact 3.8-8: Conflict with water quality control plan or sustainable groundwater management plan	Potentially Significant	Implement Mitigation Measures HYD-1 through HYD-2	Less than Significant

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Statement of Overriding Considerations

CEQA Guidelines Section 15093 requires the Lead Agency to balance, as applicable, the economic, legal, social, and technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. No significant and unmitigated impacts have been identified for the proposed project; therefore, the County would not be required to adopt a Statement of Overriding Considerations pursuant to Section 15093 for this project.

Project Alternatives

Alternatives Considered but Rejected

Alternative Site

Section 15126.6(f)(2) of the CEQA Guidelines addresses alternative locations for a project. The key question and first step in the analysis is whether any of the significant effects of the proposed project would be avoided or substantially lessened by constructing the proposed project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR. Further, CEQA Guidelines Section 15126.6(f)(1) states that among the factors that may be taken into account when addressing the feasibility of alternative locations are whether the project proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).

With respect to the proposed project, no significant, unmitigable impacts have been identified. With implementation of proposed mitigation, all potentially significant environmental impacts will be mitigated to a level of less than significant.

The Applicant investigated the opportunity to develop the project site in the general project area and determined that the currently proposed project site is the most suitable for development of the solar facility. An alternative site was considered and is depicted on Figure 7-1 (Chapter 7, Alternatives). This site is located southeast of the project site on privately-owned agricultural lands. The site, located on APN 025-600-027, comprises approximately 126 acres of land.

However, this site was rejected from detailed analysis for the following reasons:

- The alternative location site, as compared to the proposed project site, is located on agricultural land. According to the farmland maps prepared by the California Department of Conservation (2017), the alternative site is designated as Prime Farmland and Farmland of Statewide Importance. Therefore, compared to the proposed project, the alternative site would result in potentially significant impacts associated with conversion of Important Farmland to non-agricultural uses.
- Burrowing owls were not present on the project site during the biological surveys. As the proposed project is not within the IID Service District, no IID canals or drains (which are very attractive to burrowing owls) are present within the project site. Compared to the proposed project site, the alternative site is located entirely on agricultural fields and surrounded on all sides by agricultural fields. Agricultural fields provide habitat for burrowing owl. Irrigation canals and drains are commonly used as burrowing nesting sites in the Imperial Valley. It is anticipated that the potential for burrowing owl to occur on the alternative site during construction and operations is greater compared to the proposed project site.

- No significant, unmitigated impacts have been identified for the proposed project. Construction and operation of the proposed project at this alternative location would likely result in similar impacts associated with the proposed project, or additional impacts (conversion of Important Farmland to non-agricultural uses) that are currently not identified for the project at the currently proposed location.

As such, the County considers this alternative location infeasible and rejects further analysis of this alternative because of the factors listed above.

Original Site Plan Submittal

The project applicant originally proposed to construct and operate a 40 MW solar energy facility on approximately 300 acres within the western portion of the larger 640-acre project site parcel. The originally-proposed project was contemplated to be constructed in two phases (see Figure 7-2 in Chapter 7, Alternatives). Each phase would have produced 20 MW of energy and cover approximately 146 acres. A Power Purchase Agreement for 20 MW to San Diego Gas & Electric was secured by the project applicant for the first phase of the project. The second 20 MW phase would not be constructed until the time that an additional PPA is secured. The remaining portion of the property would remain undeveloped in order to protect sensitive environmental resources. (Note: The project was subsequently modified to a 20 MW solar energy facility on an approximately 100-acre site as described in Section 2 Project Description).

Although this alternative would result in an increased power production capacity and greater GHG emission offset compared to the proposed project, the County rejects the Original Site Plan Submittal from further analysis due to increased biological resources impacts, increased jurisdictional waters impacts, and potential disturbance to known and unknown cultural resources.

As shown on Figure 3.4-1 (Section 3.4, Biological Resources), arrow weed thicket, which is recognized by CDFW as a sensitive vegetation type, is known to occur in the southwest portion of the project site (Phase I development area as shown on 7-2). As shown on Figure 3.4-2 (Section 3.4, Biological Resources), the Phase I development area contains numerous braided ephemeral drainage channels, which could be considered federally and state jurisdictional. Based on this context, the Original Site Plan Submittal has the potential to impact a sensitive vegetation community and increased impacts on potentially jurisdictional waters compared to the proposed project. Further this alternative has the potential to disturb portions of a known cultural resource site.

Alternatives Evaluated

The environmental analysis for the proposed project evaluated the potential environmental impacts resulting from implementation of the proposed project, as well as alternatives to the project. The alternatives include: Alternative 1: No Project/No Development; Alternative 2: Development within Renewable Energy Overlay Zone – Agricultural Lands; Alternative 3: Development within Renewable Energy Overlay Zone – Desert Lands; and Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative. A detailed discussion of the alternatives considered is included in Chapter 7. Table ES-2 summarizes the impacts resulting from the proposed project and the identified alternatives.

Alternative 1: No Project/No Development Alternative

The CEQA Guidelines require analysis of the No Project Alternative (PRC Section 15126). According to Section 15126.6(e), "the specific alternative of 'no project' shall also be evaluated along with its

impacts. The 'no project' analysis shall discuss the existing conditions at the time the Notice of Preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services."

The No Project/No Development Alternative assumes that the project, as proposed, would not be implemented and the project site would not be developed.

The No Project/No Development Alternative would not meet a majority of the objectives of the project. Additionally, the No Project/No Development Alternative would not help California meet its statutory and regulatory goal of increasing renewable power generation, including GHG reduction goals of Assembly Bill (AB) 32 (California Global Warming Solutions Act of 2006).

Alternative 2: Development within Renewable Energy Overlay Zone – Agricultural Lands

The purpose of this alternative is to develop the proposed project within the existing boundary of County's Renewal Energy (RE) Overlay Zone. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of renewable energy facilities while minimizing the impact on other established areas.

The Alternative 2 project site is located entirely within the RE Overlay Zone. Alternative 2 would involve the construction and operation of a 20 MW solar energy facility and associated infrastructure on approximately 100 acres within a 130-acre parcel (APN 034-260-036) located approximately 4 miles northeast of the Dixieland area in unincorporated Imperial County. The Alternative 2 project site is designated as Agriculture under the County's General Plan and zoned A-3 (Heavy Agriculture).

Similar to the proposed project, Alternative 2 would require approval of a CUP to allow for the construction and operation of a solar project. Compared to the proposed project, the Alternative 2 project site is located within the RE Overlay Zone and would not require a General Plan Amendment or Zone Change to include/classify the project site into the RE Overlay Zone. The A-3 zone allows a maximum height limit of 120 feet for non-residential structures. No Variance would be required under this alternative because the proposed height of the transmission towers (70 feet) would not exceed 120 feet.

Alternative 2 would meet most of the basic objectives of the proposed project. However, this alternative would result in greater impacts for the following environmental issue areas as compared to the proposed project: aesthetics and visual resources, biological resources, cultural resources, and tribal cultural resources. Because the Alternative 2 site is located on agricultural lands, this alternative would result in the conversion of agricultural land to non-agricultural uses. Compared to the proposed project, this alternative would result in additional impacts (conversion of agricultural land to non-agricultural uses) that are currently not identified for the project at the currently proposed location. Further, the project applicant does not own, or otherwise control this property.

Alternative 3: Development within Renewable Energy Overlay Zone – Desert Lands

The purpose of this alternative is to develop the proposed project within the existing boundary of the County's RE Overlay Zone. The Alternative 3 project site is located entirely within the RE Overlay Zone. Alternative 3 would involve the construction and operation of a 20 MW solar energy facility and associated infrastructure on approximately 100 acres within a 161-acre parcel (APN 021-190-003) located approximately 0.5 mile south of Slab City. The Alternative 3 project site is located on undeveloped desert land. Existing transmission lines traverse the southwest corner of the project site.

The Alternative 3 project site is located within the RE Overlay Zone and would not require a General Plan Amendment or Zone Change to include/classify the project site into the RE Overlay Zone. The Alternative 3 project site is designated as Recreation under the County's General Plan and zoned General Agricultural with a renewable energy overlay (A-2-RE).

Similar to the proposed project, Alternative 3 will require approval of a CUP to allow for the construction and operation of a solar project. Compared to the proposed project, the Alternative 3 project site is located within the RE Overlay Zone and would not require a General Plan Amendment or Zone Change to include/classify the project site into the RE Overlay Zone. The A-2-RE zone allows a maximum height limit of 120 feet for non-residential structures. No Variance would be required under this alternative because the proposed height of the transmission towers (70 feet) would not exceed 120 feet.

Alternative 3 would meet most of the basic objectives of the proposed project. However, this alternative would result in greater impacts for the following environmental issue areas as compared to the proposed project: aesthetics and visual resources, cultural resources, tribal cultural resources, and hydrology/water quality. Further, the project applicant does not own, or otherwise control this property.

Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative

This alternative would involve the development of a number of geographically distributed small to medium solar PV systems (100 kilowatts to 1 MW) within existing developed areas, typically on the rooftops of commercial and industrial facilities throughout Imperial County. Under this alternative, no new land would be developed or altered. Depending on the type of solar modules installed and the type of tracking equipment used, a similar or greater amount of acreage (i.e., greater than 100 acres of total rooftop area) may be required to attain the proposed project's capacity of 20 MW of solar PV generating capacity. This alternative would involve placement of PV structures, transmission lines, and development of additional supporting facilities, such as switching stations and substations at various locations throughout the County. This alternative assumes that rooftop development would occur primarily on commercial and industrial structures due to the greater availability of large, relatively flat roof areas necessary for efficient solar installations.

This alternative would require hundreds of installation locations across Imperial County, many of which would require approval of discretionary actions, such as design review, CUPs, or zone variances depending on local jurisdictional requirements. Similar to the proposed project, this alternative would be designed to operate year-round using PV panels to convert solar energy directly to electrical power. This alternative would involve the construction of transmission lines and development of additional supporting facilities, such as switching stations and substations at various locations throughout the County to distribute the energy.

Rooftop PV systems exist in small areas throughout California. Larger distributed solar PV installations are becoming more common. An example of a distributed PV system is 1 MW of distributed solar energy installed by Southern California Edison on a 458,000 square-foot industrial building in Chino, California.[1]

Similar to utility-scale PV systems, the acreage of rooftops or other infrastructure required per MW of electricity produced is wide ranging, which is largely due to site-specific conditions (e.g., solar

[1] http://newsroom.edison.com/releases/california-regulators-approve-southern-california-edison-proposal-to-create-nations-largest-solar-panel-installation-program

insolation levels, intervening landscape or topography, PV panel technology, etc.). Based on SCE's use of 458,000-square feet for 1 MW of energy, approximately 9,160,000 square feet (approximately 210 acres) would be required to produce 20 MW.

As shown on Table ES-2, implementation of Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative would result in reduced impacts for the following environmental issue areas as compared to the proposed project: hydrology/water quality. Overall, this alternative would result in greater impacts related to aesthetics, air quality, biological resources, cultural resources, tribal cultural resources, and utilities and service systems.

Environmentally Superior Alternative

The No Project/No Development Alternative would be considered the environmentally superior alternative, since it would eliminate all of the significant impacts identified for the project. However, CEQA Guidelines Section 15126.6(e)(2) states that "if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." As shown in Table ES-2, Alternative 2 and Alternative 3 would both result in less impacts on Land Use and Planning because they are located within the RE Overlay Zone and would not require a General Plan Amendment or Zone Change to include/classify the project site into the RE Overlay Zone. No Variance would be required under either of these alternatives because the proposed height of the transmission towers (70 feet) would not exceed the 120 feet height limit of non-residential structures in the A-2-RE Zone or A-3 Zone. However, compared to the proposed project, the Alternative 2 site is located on agricultural lands and would result in the conversion of agricultural land to non-agricultural uses. Compared to the proposed project, this alternative would result in additional impacts (conversion of agricultural land to non-agricultural uses) that are currently not identified for the project at the currently proposed location. Based on these considerations, Alternative 3 is considered the Environmentally Superior Alternative.

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Table ES-2. Comparison of Alternative Impacts to Proposed Project

Environmental Issue Area	Proposed Project	Alternative 1: No Project/No Development	Alternative 2: Development within Renewable Energy Overlay Zone – Agricultural Lands	Alternative 3: Development within Renewable Energy Overlay Zone – Desert Lands	Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative
Aesthetics and Visual Resources	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact
Air Quality	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact
Biological Resources	Less than Significant with Mitigation	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact (Avoid)	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact
Cultural Resources	Less than Significant with Mitigation	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact (Avoid)	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact

Table ES-2. Comparison of Alternative Impacts to Proposed Project

Environmental Issue Area	Proposed Project	Alternative 1: No Project/No Development	Alternative 2: Development within Renewable Energy Overlay Zone – Agricultural Lands	Alternative 3: Development within Renewable Energy Overlay Zone – Desert Lands	Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative
Geology and Soils	Less than Significant with Mitigation	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact (Avoid)	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Similar Impact
GHG Emissions	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact
Hydrology/ Water Quality	Less than Significant with Mitigation	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact (Avoid)	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Potentially Significant *Comparison to Proposed Project:* Greater Impact	*CEQA Significance:* Less than Significant with Mitigation *Comparison to Proposed Project:* Less Impact
Land Use/Planning	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact

Table ES-2. Comparison of Alternative Impacts to Proposed Project

Environmental Issue Area	Proposed Project	Alternative 1: No Project/No Development	Alternative 2: Development within Renewable Energy Overlay Zone – Agricultural Lands	Alternative 3: Development within Renewable Energy Overlay Zone – Desert Lands	Alternative 4: Distributed Commercial and Industrial Rooftop Solar Only Alternative
Transportation/ Traffic	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact
Utilities/Service Systems	Less than Significant	*CEQA Significance:* No Impact *Comparison to Proposed Project:* Less Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Similar Impact	*CEQA Significance:* Less than Significant *Comparison to Proposed Project:* Greater Impact

Notes:
CEQA=California Environmental Quality Act; GHG=greenhouse gas

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1 Introduction

This environmental impact report (EIR) has been prepared to meet the requirements of the California Environmental Quality Act (CEQA) for purposes of evaluating the potential environmental impacts, mitigation measures, and alternatives associated with the proposed Wister Solar Energy Facility Project. This EIR describes the existing environment that would be affected by, and the environmental impacts which could potentially result from the construction and operation of the proposed project as described in detail in Chapter 3.0 of this EIR.

1.1 Overview of the Proposed Project

The proposed Wister Solar Energy Facility Project is located on Assessor Parcel Number (APN) 003-240-001. The proposed solar energy facility consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect the proposed on-site substation to the Point of Interconnection (POI) at the existing IID 92 kV "K" line; and, 3) an on-site wireless communication system or off-site fiberoptic cable.

The proposed Wister Solar Energy Facility Project involves the construction and operation of a 20 megawatt (MW) photovoltaic (PV) solar energy facility on approximately 100 acres of privately-owned land north of Niland. The proposed project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, transformers, and underground electrical cables.

The power produced by the proposed project would be conveyed to the local power grid via an on-site 92 kilovolt (kV) substation, which will be tied directly to the Imperial Irrigation District's (IID) 92 kV transmission line. A gen-tie line would connect the Wister substation to the POI at the existing IID 92kV "K" line.

An on-site communication system or ~~A proposed~~ an off-site fiberoptic line that would extend from the proposed on-site substation would be connected with the existing Niland Substation approximately two miles to the south, which would then be added to connect the proposed on-site substation to the region's telecommunications system. The length of the proposed fiber optic telecommunications cable route would be approximately two miles.

1.1.1 Agency Roles and Responsibilities

This section identifies and summarizes federal, state, and local laws, policies, and regulations that are applicable to the project.

County of Imperial

Implementation of the project would involve the following approvals by the County of Imperial:

1. **Approval of Conditional Use Permit (CUP) – Solar Energy Facility.** Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility project. The project site is located on one privately-owned legal parcel (APN No. 003-240-001) zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). Pursuant to Title 9, Division 5, Chapter 19, the following

uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: *Major facilities relating to the generation and transmission of electrical energy provide[d] such facilities are not under State or Federal law, to [be] approved exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:*

- *Electrical generation plants*
- *Facilities for the transmission of electrical energy (100-200 kV)*
- *Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)*
- *Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.*

2. **Approval of CUP – Groundwater Well.** Pursuant to Title 9 Division 21: Water Well Regulations, §92102.00, the Applicant will be required to obtain a CUP for the proposed on-site groundwater well. As required by §92102.00, no person shall (1) drill a new well, (2) activate a previously drilled but unused well, (unused shall mean a well or wells that have not been used for a 12 month period) by installing pumps, motors, pressure tanks, piping, or other equipment necessary or intended to make the well operational, (3) increase the pumping capacity of a well, or (4) change the use of a well, without first obtaining a CUP through the County Planning & Development Services Department.
3. **General Plan Amendment.** An amendment to the County's General Plan, Renewable Energy and Transmission Element is required to implement the proposed project. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the Renewal Energy (RE) Overlay Zone. APN No. 003-240-001 (in which the solar energy facility will be located) is immediately adjacent to, but outside of the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment to include/classify APN No. 003-240-001, into the RE Overlay Zone. No change in the underlying general plan land use is proposed.
4. **Zone Change.** The project site (APN No. 003-240-001) is located immediately adjacent to, but outside of the RE Overlay Zone; therefore, the applicant is requesting a zone change to include/classify APN No. 003-240-001 (which includes the solar energy facility) into the RE Overlay Zone.
5. **Variance.** A Variance is required to exceed the height limit for transmission towers within the S-2 zone. The existing S-2 zone allows a maximum height limit of 40 feet, whereas implementation of the project may involve the construction of transmission towers of up to 70 feet in height. Therefore, a variance for any structure exceeding the existing maximum height limit of 40 feet would be required.
6. **Certification of the EIR.** After the required public review for the Draft EIR, the County will respond to written comments, edit the document, and produce a Final EIR to be certified by the Planning Commission and Board of Supervisors prior to making a decision on the project.

Subsequent ministerial approvals may include, but are not limited to:

- Grading and clearing permits
- Building permits
- Reclamation plan
- Encroachment permits
- Transportation permit(s)

Other Agencies Reviews and/or Consultations

The following agencies may be involved in reviewing and/or consultations with the project proponent as it relates to construction of the project:

Federal

UNITED STATES FISH AND WILDLIFE SERVICE

- The United States Fish and Wildlife Service (USFWS) enforces compliance with regulations related to special-status species or their habitat as required under the Federal Endangered Species Act (ESA).

UNITED STATES ARMY CORPS OF ENGINEERS

- Section 404 Permit (Clean Water Act [CWA]). The CWA establishes a program to regulate the discharge of dredge and fill material into waters of the U.S. including wetlands. Activities regulated under this program include fills for development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and airports), and conversion of wetlands to uplands for farming and forestry. Either an individual 404b permit or authorization to use an existing USACE Nationwide Permit will need to be obtained if any portion of the construction requires fill into a river, stream, or stream bed that has been determined to be a jurisdictional waterway.

State

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (TRUSTEE AGENCY)

- The California Department of Fish and Wildlife (CDFW) is a Trustee Agency and enforces compliance with regulations related to California special-status species or their habitats as required under the California Endangered Species Act (CESA).

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

- **National Pollution Discharge Elimination System Construction General Permit Order No. 2009-009-DWQ.** Requires the applicant to file a public Notice of Intent to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP).
- **Jurisdictional Waters.** Agencies and/or project proponents must consultant with the California Regional Water Quality Control Board (RWQCB) regarding, when applicable, regarding compliance with the CWA Section 401 Water Quality Certification or permitting under California Porter-Cologne Act.

Local

IMPERIAL COUNTY FIRE DEPARTMENT

- Review as part of the EIR process including the final design of the proposed fire system.

IMPERIAL IRRIGATION DISTRICT

- For any approvals related to the fiber optic cable.

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

- Review as part of the EIR process regarding consistency with the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook, the final "Modified" 2009 8-hour Ozone Air Quality Management Plan, the State Implementation Plan for particulate matter less than 10 microns in diameter (PM_{10}) in the Imperial Valley, the State Implementation Plan (SIP) for particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), and verification of Rule 801 compliance.

1.2 Relationship to Statutes, Regulations, and Other Plans

1.2.1 County of Imperial General Plan and Land Use Ordinance

The General Plan provides guidance on future growth in the County of Imperial. Any development in the County of Imperial must be consistent with the General Plan and Land Use Ordinance (Title 9, Division 10).

1.2.2 Renewables Portfolio Standard Program

Established in 2002 under Senate Bill (SB) 1078, California's Renewables Portfolio Standard (RPS) was accelerated in 2006 under SB 107 by requiring that 20 percent of electricity retail sales be served by RE resources by 2010. RE sources include wind, geothermal, and solar. Subsequent recommendations in California energy policy reports advocated a goal of 33 percent by 2020. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order (EO) S-14-08 requiring that "… all retail sellers of electricity shall serve 33 percent of their load with RE by 2020." The following year, EO S-21-09 directed the California Air Resources Board (CARB), under its Assembly Bill (AB) 32 authority, to enact regulations to achieve the goal of 33 percent renewables by 2020.

In the ongoing effort to codify the ambitious 33 percent by 2020 goal, SB X12 was signed by Governor Brown, in April 2011. This new RPS preempts the CARB's 33 percent Renewable Electricity Standard and applies to all electricity retailers in the state including publicly owned utilities, investor-owned utilities, electricity service providers, and community choice aggregators. All of these entities had to adopt the new RPS goals of 20 percent of retails sales from renewables by the end of 2013, 25 percent by the end of 2016, and the 33 percent requirement being met by the end of 2020.

Governor Brown signed into legislation SB 350 in October 2015, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible RE resources by 2030.

1.2.3 California Global Warming Solutions Act of 2006, Assembly Bill 32 (Statutes 2006; Chapter 488; Health and Safety Code Sections 38500 et seq.)

This Act requires the CARB to enact standards that will reduce greenhouse gas (GHG) emissions to 1990 levels by 2020. Electricity production facilities are regulated by the CARB.

1.2.4 Title 17 California Code of Regulations, Subchapter 10, Article 2, Sections 95100 et seq.

These CARB regulations implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006.

1.2.5 Federal Clean Air Act

The legal authority for federal programs regarding air pollution control is based on the 1990 Clean Air Act (CAA) Amendments. These are the latest in a series of amendments made to the CAA. This legislation modified and extended federal legal authority provided by the earlier Clean Air Acts of 1963 1970, and 1977.

The Air Pollution Control Act of 1955 was the first Federal legislation involving air pollution. This Act provided funds for federal research in air pollution. The CAA of 1963 was the first Federal legislation regarding air pollution control. It established a federal program within the U.S. Public Health Service and authorized research into techniques for monitoring and controlling air pollution. In 1967, the Air Quality Act was enacted in order to expand Federal government activities. In accordance with this law, enforcement proceedings were initiated in areas subject to interstate air pollution transport. As part of these proceedings, the Federal government for the first time conducted extensive ambient monitoring studies and stationary source inspections.

The Air Quality Act of 1967 also authorized expanded studies of air pollutant emission inventories, ambient monitoring techniques, and control techniques.

1.2.6 Imperial County Air Pollution Control District

The ICAPCD enforces rules and regulations regarding air emissions associated with various activities, including construction and farming, and operational activities associated with various land uses, in order to protect the public health.

1.2.7 Federal Clean Water Act (33 United States Code Section 1251-1387)

The Federal Water Pollution Control Act (33 United States Code [USC] §§1251-1387), otherwise known as the CWA, is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters. Enacted originally in 1948, the Act was amended numerous times until it was reorganized and expanded in 1972. It continues to be amended almost every year. Primary authority for the implementation and enforcement of the CWA rests with the U.S. Environmental Protection Agency (EPA). In addition to the measures authorized before 1972, the Act authorizes water quality programs, requires federal effluent limitations and state water quality standards, requires permits for the discharge of pollutants into navigable waters, provides enforcement mechanisms, and authorizes funding for wastewater treatment works construction grants and state

revolving loan programs, as well as funding to states and tribes for their water quality programs. Provisions have also been added to address water quality problems in specific regions and specific waterways.

Important for wildlife protection purposes are the provisions requiring permits to dispose of dredged and fill materials into navigable waters. Permits are issued by the United States Army Corps of Engineers (USACE) under guidelines developed by EPA pursuant to Section 404 of the CWA.

1.2.8 Federal Clean Water Act and California Porter-Cologne Water Quality Control Act

The project is located within the Colorado River Basin RWQCB, Region 7. The CWA and the California Porter-Cologne Water Quality Control Act require that Water Quality Control Plans (more commonly referred to as Basin Plans) be prepared for the nine state-designated hydrologic basins in California. The Basin Plan serves to guide and coordinate the management of water quality within the region.

1.2.9 Federal Endangered Species Act

The ESA (16 USC 1531-1544) provides protection for plants and animals whose populations are dwindling to levels that are no longer sustainable in the wild. The Act sets out a process for listing species, which allows for petition from any party to list a plant or animal. Depending on the species, USFWS or the National Marine Fisheries Service (NMFS) will determine whether listing the species is warranted. If it is warranted, the species will be listed as either threatened or endangered. The difference between the two categories is one of degree, with endangered species receiving more protections under the statute.

1.2.10 National Historic Preservation Act

Federal regulations (36 Code of Federal Regulations [CFR] Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, in the National Register of Historic Places (NRHP)." The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

1.2.11 California Endangered Species Act

CESA is enacted through Government Code Section 2050. Section 2080 of the California Fish and Game Code (FGC) prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. Take is defined in Section 86 of the FGC as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

CESA allows for take incidental to otherwise lawful development projects. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project-caused losses of listed species populations and their essential habitats.

1.2.12 California Lake and Streambed Program (Fish and Game Code Section 1602)

CDFW is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the FGC (Section 1602) requires an entity to notify CDFW of any proposed activity that may substantially modify a river, stream, or lake.

1.3 Purpose of an EIR

The purpose of an EIR is to analyze the potential environmental impacts associated with a project. CEQA (Section 15002) states that the purpose of CEQA is to: (1) inform the public and governmental decision makers of the potential, significant environmental impacts of a project; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.4 EIR Process

1.4.1 Availability of Reports

~~This~~ The Draft EIR and documents incorporated by reference ~~are~~ were made available for public review at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243. Copies ~~are~~ were also available for review at the City of El Centro Public Library, 1140 N. Imperial Avenue, El Centro, California. Documents at these locations ~~may be reviewed~~ were available for review during regular business hours.

Patricia Valenzuela, Planner IV

County of Imperial, Planning and Development Services Department

801 Main Street

El Centro, California 92243

Comments received during the public review period of the Draft EIR ~~will be~~ have been reviewed and responded to in the Final EIR. The Final EIR will then be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedure to adopt the EIR. Additional information on this process may be obtained by contacting the County of Imperial Planning and Development Services Department at (442) 265-1736.

1.4.2 Public Participation Opportunities/Comments and Coordination

Notice of Preparation

The County of Imperial issued a notice of preparation (NOP) for the preparation of an EIR for the Wister Solar Energy Facility Project on November 6, 2019. The NOP was distributed to city, county, state, and federal agencies, other public agencies, and various interested private organizations and individuals in order to define the scope of the EIR. The NOP was also published in the Imperial Valley Press on November 6, 2019. The purpose of the NOP was to identify public agency and public

concerns regarding the potential impacts of the project, and the scope and content of environmental issues to be addressed in the EIR. Correspondence in response to the NOP was received from the following entities and persons:

- Native American Heritage Commission
- IID
- Imperial County Department of Public Works
- Augustine Band of Cahuilla Indians

The comments submitted on the NOP during the public review and comment period are included as Appendix A to this EIR.

Scoping Meeting and Environmental Evaluation Committee

During the NOP public review period, the Wister Solar Energy Facility Project was discussed as an informational item at the County's Environmental Evaluation Committee meeting on November 14, 2019.

Additionally, a scoping meeting for the general public as well public agencies was held on November 14, 2019 at 6:00 p.m., to further obtain input as to the scope of environmental issues to be examined in the EIR. The NOP, which included the scoping meeting date and location, was published in the Imperial Valley Press on November 6, 2019. The meeting was held by the Imperial County Planning & Development Services Department in the Board of Supervisors Chambers located at the County Administration Center at 940 Main Street, El Centro, California. At the scoping meeting, members of the public were invited to ask questions regarding the proposed project and the environmental review process, and to comment both verbally and in writing on the scope and content of the EIR. No written or verbal comments were received during the scoping meeting.

1.4.3 Environmental Topics Addressed

Based on the analysis presented in the NOP and the information provided in the comments to the NOP, the following environmental topics are analyzed in this EIR.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources (includes Tribal Cultural Resources)
- Geology and Soils
- GHG Emissions
- Hydrology/Water Quality
- Land Use and Planning
- Transportation/Traffic
- Utilities/Service Systems

Eliminated from Further Review in Notice of Preparation

The initial study (IS)/NOP completed by the County (Appendix A of this EIR) determined that environmental effects to Agriculture and Forestry Resources, Energy, Hazards and Hazardous Materials, Mineral Resources, Noise and Vibration, Recreation, Population/Housing, Public Services, Utilities (Wastewater, Stormwater, and Solid Waste), and Wildfire would not be potentially significant. Therefore, these impacts are not addressed in this EIR; however, the rationale for eliminating these issues is briefly discussed below:

Agriculture Resources

According to the farmland maps prepared by the California Department of Conservation (2017), the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation 2017). The proposed project would not convert Important Farmland to non-agricultural uses.

The project site is currently designated by the General Plan as "Recreation" and is zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). According to the 2016/2017 Imperial County Williamson Act Map produced by the California Department of Conservation's Division of Land Resource Protection, the project site is not located on Williamson Act contracted land (California Department of Conservation 2016). The proposed project has no potential to conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, implementation of the proposed project would not impact agriculture resources.

Forestry Resources

No portion of the project site or the immediate vicinity is zoned or designated as forest lands, timberlands, or Timberland Production. As such, the proposed project would not result in a conflict with existing zoning or cause rezoning. Therefore, implementation of the proposed project would not impact forestry resources.

Energy

The use of energy associated with the project includes both construction and operational activities. Construction activities consume energy through the use of heavy construction equipment and truck and worker traffic. The proposed project will use energy-conserving construction equipment, including standard mitigation measures for construction combustion equipment recommended in the ICAPCD CEQA Air Quality Handbook (ICAPCD 2017). The use of better engine technology, in conjunction with the ICAPCD's standard mitigation measures will reduce the amount of energy used for the project.

Implementation and operation of the proposed project would promote the use of renewable energy and contribute incrementally to the reduction in demand for fossil fuel use for electricity-generating purposes. The project would generate renewable energy resources and is considered a beneficial effect. Based on these considerations, the proposed project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

The project will help California meet its Renewable Portfolio Standard of 50 percent of retail electricity sales from renewable sources by the end of 2030.The electricity generation process associated with the project would utilize solar technology to convert sunlight directly into electricity. Solar PV technology is consistent with the definition of an "eligible renewable energy resource" in Section 399.12 of the California Public Utilities Code and the definition of "in-state renewable electricity generation facility" in Section 25741 of the California Public Resources Code (PRC). The proposed project would not conflict with or obstruct a state or local plan for renewable energy of energy efficiency. The proposed project would result in a less than significant impact related to energy.

Hazards and Hazardous Materials

Construction of the proposed project will involve the limited use of hazardous materials, such as fuels and greases to fuel and service construction equipment. No extremely hazardous substances are anticipated to be produced, used, stored, transported, or disposed of as a result of project construction.

No operations and maintenance facilities, or habitable structures are proposed on-site. Operation of the project will be conducted remotely. Regular, routine maintenance of the project may result in the potential to handle hazardous materials. However, the hazardous materials handled on-site would be limited to small amounts of everyday use cleaners and common chemicals used for maintenance.

The applicant will be required to comply with State laws and County Ordinance restrictions, which regulate, and control hazardous materials handled on-site. Such hazardous wastes would be transported off-site for disposal according to applicable State and County restrictions and laws governing the disposal of hazardous waste during construction and operation of the project. Based on these considerations, a less than significant impact would occur.

The project site is not located within 0.25 mile of an existing or proposed school. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur.

Based on a review of the Cortese List conducted in October 2019, the project site is not listed as a hazardous materials site. Therefore, the proposed project would not create a significant hazard to the public or the environment and no impact would occur.

The project site is not located within two miles of a public airport or public use airport. Therefore, the proposed project would not result in airport hazards for people residing or working in the project area and no impact would occur.

The proposed project is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project applicant will be required, through the conditions of approval, to prepare a street improvement plan for the project that will include emergency access points and safe vehicular travel. In addition, local building codes would be followed to minimize flood, seismic, and fire hazard. Therefore, the proposed project would result in a less than significant impact associated with the possible impediment to emergency plans.

Mineral Resources

The project site is not used for mineral resource production and the applicant is not proposing any form of mineral extraction. According to Figure 8: Imperial County Existing Mineral Resources of the Conservation and Open Space Element of the General Plan, no known mineral resources occur within the project site nor does the project site contain mapped mineral resources. Therefore, the proposed project would not result in the loss of availability of any known mineral resources that would be of value to the region and the residents of California nor would the proposed project result in the loss of availability of a locally important mineral resource.

Based on a review of the California Department Division of Oil, Gas, and Geothermal Resources Well Finder, there is one idle geothermal well (Well No. 02591491) located in the northwest quarter of the project parcel (California Department of Oil, Gas, and Geothermal Resources n.d.). This geothermal well would be avoided by the proposed project. Implementation of the proposed project would not impact geothermal wells.

Noise and Vibration

The Imperial County Title 9 Land Use Ordinance, Division 7, Chapter 2, Section 90702.00 - Sound level limits, establishes one-hour average sound level limits for the County's land use zones. Industrial operations are required to comply with the noise levels prescribed under the general industrial zones.

Therefore, the project is required to maintain noise levels below 75 decibels (dB) (averaged over one hour) during any time of day.

The project would be expected to comply with the Noise Element of the General Plan which states that construction noise, from a single piece of equipment or a combination of equipment, shall not exceed 75 dB, when averaged over an eight hour period, and measured at the nearest sensitive receptor. Construction equipment operation is also limited to the hours of 7 a.m. to 7 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturdays. Compliance with Imperial County's standards for construction noise levels would result in less than significant noise impacts during project construction.

Ground-borne vibration and ground-borne noise could originate from earth movement during the construction phase of the proposed project. Construction of the proposed project may require post driving and vibratory rollers and has the potential to result in temporary vibration impacts on structures and humans. However, the project site is in a generally rural area and surrounded by relatively undisturbed desert lands. Sensitive receptors located within one mile of the project site consist of a few scattered rural homes west of the site. There are no sensitive receptors within 1,500 feet of the project site boundary. The project would be expected to comply with all applicable requirements for long-term operation, as well as with measures to reduce excessive ground-borne vibration and noise to ensure that the project would not expose persons or structures to excessive ground-borne vibration. No further analysis is warranted.

The project site is not located within two miles of a public airport or private airstrip. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels and no impact would occur.

Population/Housing

Development of housing is not proposed as part of the project. No full-time employees are required to operate the project. The project facility will be monitored remotely. It is anticipated that maintenance of the facility will require minimal site presence to perform periodic visual inspections and minor repairs. On intermittent occasions, the presence of additional workers may be required for repairs or replacement of equipment and panel cleaning; however, due to the nature of the facility, such actions will likely occur infrequently. Therefore, the proposed project would not result in a substantial growth in the area, as the number of employees required to operate and maintain the facility is minimal.

No housing exists within the project site and no people reside within the project site. Therefore, the proposed project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere. The proposed project would result in no impact to population and housing.

Public Services

Fire Protection. Fire protection and emergency medical services in the area are provided by the Imperial County Fire Department. The project site is located in the unincorporated area of Imperial County. According to the Seismic and Public Safety Element of the General Plan (County of Imperial 1997), the potential for a major fire in the unincorporated areas of the County is generally low. Both the access and service roads (along the perimeter of the project facility) would have turnaround areas to allow clearance for fire trucks per fire department standards (70 feet by 70 feet, and 20-foot-wide access road). While the proposed project may result in an increase in demand for fire protection service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered fire protection

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Based on these considerations, the project would not result in a need for fire facility expansion and a less than significant impact would occur.

Police Protection. Police protection services in the project area is provided by the Imperial County Sheriff's Department. Although the potential is low, the proposed project ~~may~~ could attract ~~vandals~~ trespassers or other ~~security risks~~ unauthorized uses. The increase in construction related traffic could temporarily increase demand on law enforcement services. However, the project site would be fenced with a 6-foot high chain link security fence topped with barbed wire and points of ingress/egress would be accessed via locked gates. In addition, periodic on-site personnel visitations for security would occur during operations and maintenance of the proposed project, thereby minimizing the need for police surveillance. While the proposed project may result in a temporary increase in demand for law enforcement service, the project would not result in an increase in demand that would, in turn, result in a substantial adverse physical impact associated with the provision of new or physically altered sheriff facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. The sheriff's department has indicated that an all-terrain vehicle would be needed in order to patrol the project site; however, the fenced and secure project site does not result in an increase in demand on law enforcement that would require existing or new facilities to be upgraded in order to maintain service ratios. Further, as conditions of approval of the project, the project applicant will be required to participate in the Imperial County Public Benefit Program for the life of this CUP and shall at all times be a party to a public benefit agreement in a form acceptable to County Counsel in order to pay for all costs, benefits, and fees associated with the approved project, and the applicant will be required to reimburse the Sheriff's Department for any investigations regarding theft on the Project site and related law enforcement. Approval of this public benefit agreement will be by the Board of Supervisors prior to the issuance of the first building permit. These potential impacts are less than significant. ~~This is considered a less than significant impact.~~

Schools. The proposed project does not include the development of residential land uses that would result in an increase in population or student generation. Construction of the proposed project would not result in an increase in student population within the Imperial County's School District since it is anticipated that construction workers would commute in during construction operations. The proposed project would have no impact on Imperial County schools.

Parks and Other Public Facilities. No full-time employees are required to operate the project. The project facility will be monitored remotely. It is anticipated that maintenance of the facility will require minimal site presence to perform periodic visual inspections and minor repairs. Therefore, substantial permanent increases in population that would adversely affect local parks, libraries, and other public facilities are not expected. The project is not expected to have an impact on parks, libraries, and other public facilities.

Recreation

The project site is not used for formal recreational purposes. Also, the proposed project would not generate new employment on a long-term basis. As such, the project would not significantly increase the use or accelerate the deterioration of regional parks or other recreational facilities. The temporary increase of population during construction that might be caused by an influx of workers would be minimal and not cause a detectable increase in the use of parks. Additionally, the project does not

include or require the expansion of recreational facilities. Therefore, no impact is identified for recreation.

Utilities and Service Systems

Wastewater Facilities. The project would generate a minimal volume of wastewater during construction. During construction activities, wastewater would be contained within portable toilet facilities and disposed of at an approved site. No habitable structures are proposed on the project site, such as O&M buildings; therefore, there would be no wastewater generation from the proposed project. The proposed project would not require or result in the relocation or construction of new or expanded wastewater facilities.

Storm Water Facilities. The proposed project will involve the construction of storm water drainage control facilities within the project site as shown on Figure 2-4 Preliminary Site Plan, ~~which are identified in the project site plan~~, and included in the project impact footprint, of which environmental impacts have been evaluated. Otherwise, the project does not require expanded or new storm drainage facilities off-site (i.e., outside of the project footprint) because the proposed solar facility would not generate a significant increase in the amount of impervious surfaces that would increase runoff during storm events, and therefore, would not require the construction of off-site storm water management facilities. Water from solar panel washing would continue to percolate through the ground, as a majority of the surfaces within the project site would remain pervious. The proposed project would not require or result in the relocation or construction of new or expanded storm water facilities beyond those proposed as part of the project and evaluated in the EIR.

Water Facilities. The proposed project is not anticipated to result in a significant increase in water demand/use during operation; however, water will be needed for solar panel washing and dust suppression. During operation, water would be trucked to the project site from a local water source. Therefore, the proposed project would not require or result in the relocation or construction of new or expanded water facilities.

Power, Natural Gas, and Telecommunication Facilities. The proposed project would involve construction of power facilities and would include a fiber optic connection. However, these are components of the project as evaluated in the EIR. The proposed project would not otherwise generate the demand for or require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities that would in turn, result in a significant impact to the environment.

Solid Waste Facilities. Solid waste generation would be minor for the construction and operation of the project. Solid waste would be disposed of using a locally licensed waste hauling service, most likely Allied Waste. Trash would likely be hauled to the Niland Solid Waste Site (13-AA-0009) located in Niland. The Niland Solid Waste Site has approximately 318,669 cubic yards of remaining capacity and is estimated to remain in operation through 2056 (CalRecycle n.d.). Therefore, there is ample landfill capacity in the County to receive the minor amount of solid waste generated by construction and operation of the project.

Additionally, because the proposed project would generate solid waste during construction and operation, the project would be required to comply with state and local requirements for waste reduction and recycling; including the 1989 California Integrated Waste Management Act and the 1991 California Solid Waste Reuse and Recycling Access Act of 1991. Also, conditions of the CUP would contain provisions for recycling and diversion of Imperial County construction waste policies.

Further, when the proposed project reaches the end of its operational life, the components would be decommissioned and deconstructed. When the project concludes operations, much of the wire, steel, and modules of which the system is comprised would be recycled to the extent feasible. The project components would be deconstructed and recycled or disposed of safely, and the site could be converted to other uses in accordance with applicable land use regulations in effect at the time of closure. Commercially reasonable efforts would be used to recycle or reuse materials from the decommissioning. All other materials would be disposed of at a licensed facility. A less than significant impact is identified for this issue.

Wildfire

According to the Draft Fire Hazard Severity Zone Map for Imperial County prepared by the California Department of Forestry and Fire Protection, the project site is not located in or near state responsibility areas or lands classified as very high hazard severity zones (California Department of Forestry and Fire Protection 2007). Therefore, no impact is identified for wildfire.

1.4.4 Areas of Controversy and Issues to be Resolved

Section 15123(b)(2) of the CEQA Guidelines requires that an EIR identify areas of controversy known to the Lead Agency, including issues raised by other agencies and the public as well as issues to be resolved. A primary issue associated with this solar farm project, and other solar facility projects that are proposed in the County, is the corresponding land use compatibility and fiscal/economic impacts to the County. Through the environmental review process for this project, other areas of concern and issues to be resolved include groundwater supply; relocation, modification, or reconstruction of IID facilities; and access.

1.4.5 Document Organization

The structure of the Draft EIR is identified below. The Draft EIR is organized into 11 chapters, including the Executive Summary.

- The **Executive Summary** provides a summary of the proposed project, including a summary of project impacts, mitigation measures, and project alternatives.
- **Chapter 1 Introduction** provides a brief introduction of the proposed project; relationship to statutes, regulations and other plans; the purpose of an EIR; public participation opportunities; availability of reports; and comments received on the NOP.
- **Chapter 2 Project Description** provides a description of the Wister Solar Energy Facility Project. This chapter also defines the goals and objectives of the proposed project, provides details regarding the individual components that together comprise the project, and identifies the discretionary approvals required for implementation of the project.
- **Chapter 3 Environmental Analysis** provides a description of the existing environmental setting and conditions, an analysis of the environmental impacts of the project for the following environmental issues: aesthetics; air quality; biological resources; cultural resources (includes tribal cultural resources); geology and soils; GHG emissions; hydrology/water quality; land use and planning; transportation/traffic; and utilities/service systems. This chapter also identifies mitigation measures to address potential impacts to the environmental issues identified above.
- **Chapter 4 Analysis of Long-Term Effects** provides an analysis of growth inducing impacts, significant irreversible environmental changes, and unavoidable adverse impacts.

- **Chapter 5 Cumulative Impacts** discusses the impact of the proposed project in conjunction with other planned and future development in the surrounding areas.
- **Chapter 6 Effects Found Not to be Significant** lists all the issues determined to not be significant as a result of the preparation of this EIR.
- **Chapter 7 Alternatives** analyzes the alternatives to the proposed project.
- **Chapter 8 References** lists the data references utilized in preparation of the EIR.
- **Chapter 9 EIR Preparers and Organizations Contacted** lists all the individuals and companies involved in the preparation of the EIR, as well as the individuals and agencies consulted and cited in the EIR.

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2 Project Description

Chapter 2 provides a description of the Wister Solar Energy Project. This chapter also defines the goals and objectives of the proposed project, provides details regarding the individual components that together comprise the project, and identifies the discretionary approvals required for project implementation.

The proposed project consists of three primary components: 1) solar energy generation equipment and associated facilities including a substation and access roads (herein referred to as "solar energy facility"); 2) gen-tie line that would connect the proposed on-site substation to the POI at the existing IID 92-kV "K" line; and, 3) on-site wireless communication system or off-site fiberoptic cable.

2.1 Project Location

2.1.1 Solar Energy Facility and Gen-Tie Line

The project site is located approximately three miles north of Niland, a census-designated place, in the unincorporated area of Imperial County (Figure 2-1). The project site is located on one parcel of land identified as APN 003-240-001 (Figure 2-2). The parcel is comprised of approximately 640 acres of land and is currently zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). The proposed solar energy facility component (including on-site wireless communication system), of the project would be located on approximately 100 acres within the northwest portion of the larger 640-acre project site parcel.

The project site is located east of the intersection of Wilkins Road and an unnamed county road. The project footprint (physical area where proposed project components are to be located) is generally located east of Wilkins Road, north of the East Highline Canal, and west of Gas Line Road.

2.1.2 Fiberoptic Cable

The proposed project includes approximately two miles of fiberoptic line (i.e. cable) from the proposed on-site substation to the existing Niland Substation, located at 402 Beal Road in Niland. Figure 2-3 shows the alignment of the proposed fiberoptic cable. The fiber optic cable would only be constructed in the event that the proposed wireless communication system is not constructed on-site.

Figure 2-1. Regional Location

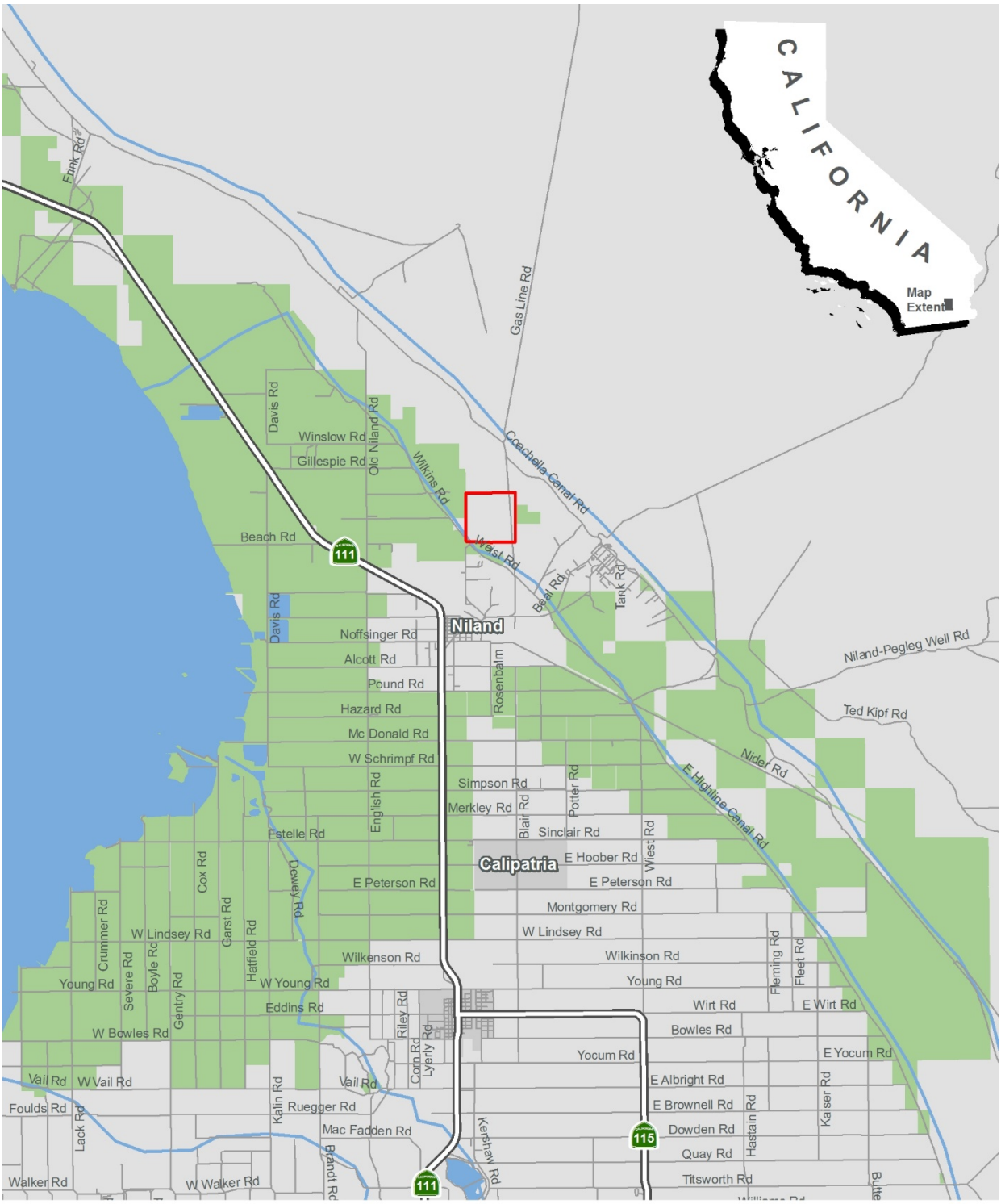
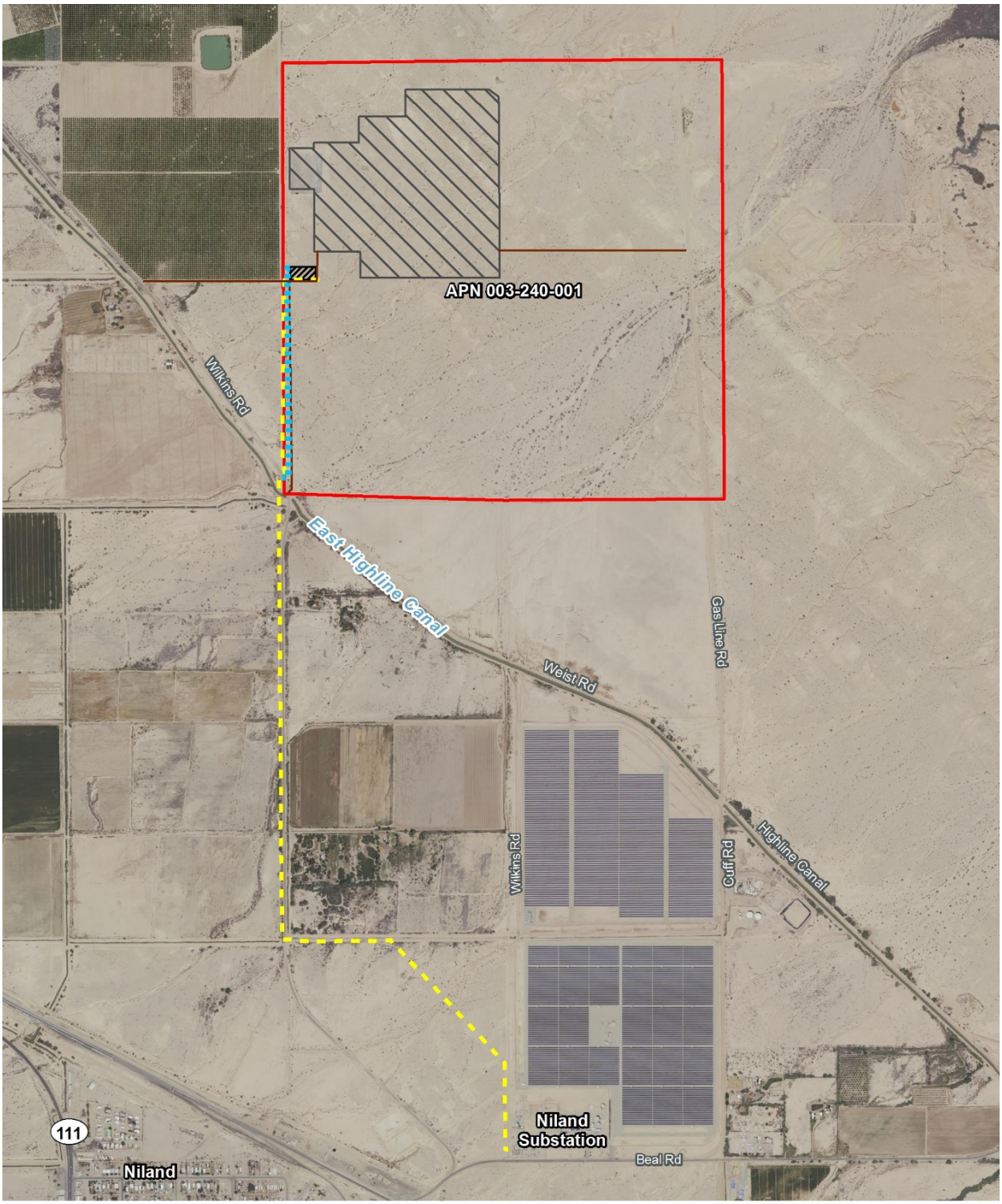


Figure 2-2. Project Site

Figure 2-3. Fiberoptic Cable and Gen-Tie Alignment



2.1.3 Renewable Energy Overlay Zone

In 2016, the County adopted the Imperial County Renewable Energy and Transmission Element, which includes an RE Zone (RE Overlay Map). This General Plan element was created as part of the California Energy Commission Renewable Energy Grant Program to amend and update the County's General Plan to facilitate future development of renewable energy projects.

The County Land Use Ordinance, Division 17, includes the RE Overlay Zone, which authorizes the development and operation of renewable energy projects with an approved CUP. The RE Overlay Zone is concentrated in areas determined to be the most suitable for the development of renewable energy facilities while minimizing the impact on other established uses. CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone.

The County's General Plan and Land Use Ordinance allows for renewable energy projects proposed on land classified as a non-RE Overlay zone if the renewable energy project: 1) would be located adjacent to an existing RE Overlay Zone; 2) is not located in a sensitive area; 3) is located in proximity to renewable energy infrastructure; and, 4) and would not result in any significant environmental impacts.

As shown on Figure 3-1, APN No. 003-240-001 (the project site) is located outside, but immediately adjacent to the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment and Zone Change to add APN No. 003-240-001 to the County's RE Overlay Zone. The underlying "Recreation" General Plan designation would remain.

2.2 Project Objectives

- Construct, operate and maintain an efficient, economic, reliable, safe and environmentally sound solar-powered electricity generating facility.
- Help meet California's RPS requirements, which require that by 2030, California's electric utilities are to obtain 50 percent of the electricity they supply from renewable sources.
- Generate renewable solar-generated electricity from proven technology, at a competitive cost, with low environmental impact, and deliver it to the local markets as soon as possible.
- Develop, construct, own and operate the Wister Solar Energy Facility, and ultimately sell its electricity and all renewable and environmental attributes to an electric utility purchaser under a long-term contract to meet California's RPS goals.
- Utilize a location that is in close proximity to an existing switching station and powerlines.
- Minimize and mitigate any potential impact to sensitive environmental resources within the project area.

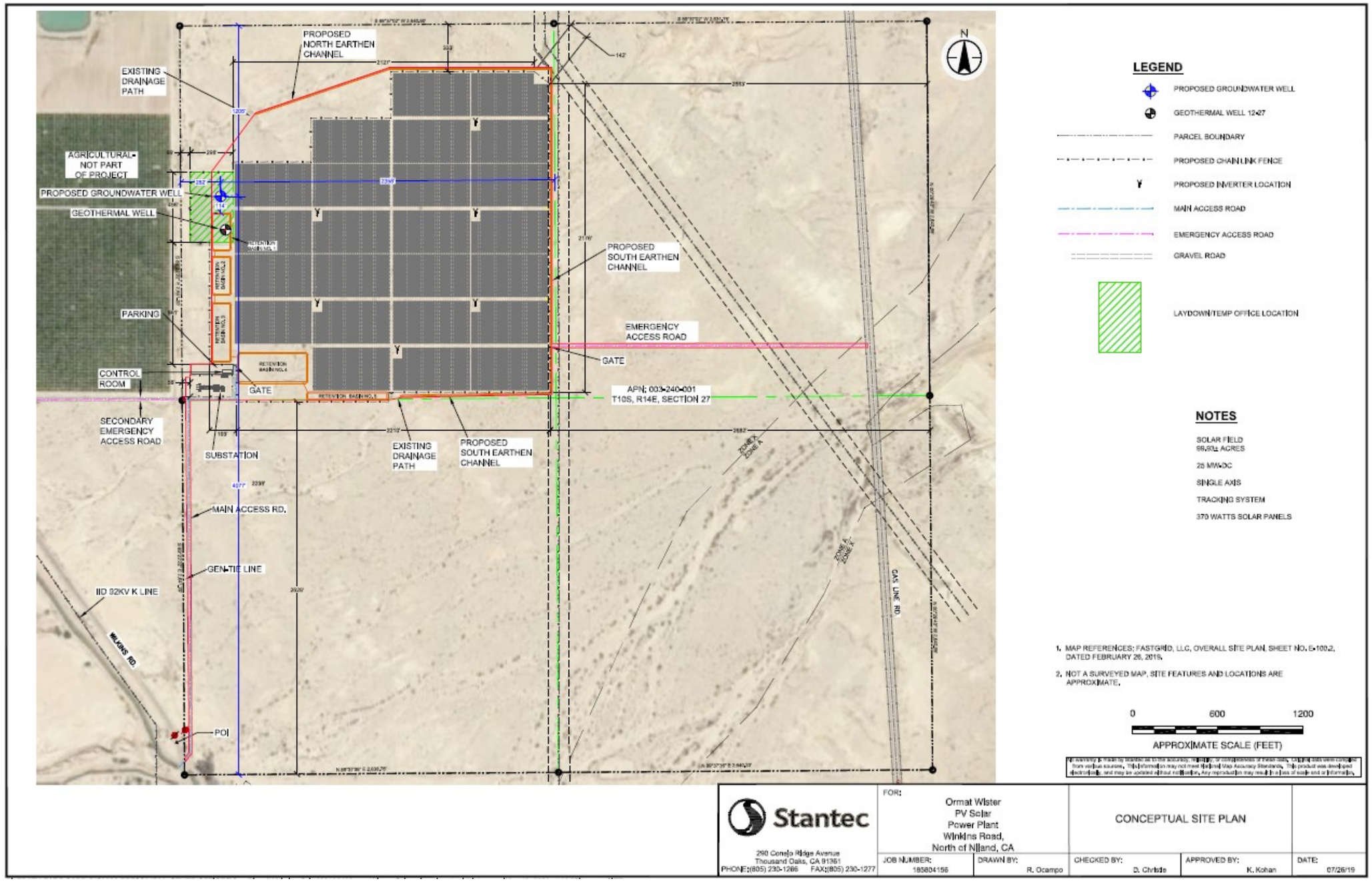
2.3 Project Characteristics

The proposed Wister Solar Energy Facility Project involves the construction and operation of a 20 MW PV solar energy facility on approximately 100 acres within APN No. 003-240-001 (privately-owned land) north of Niland. The proposed solar energy project would be comprised of solar PV panels on single-axis horizontal trackers, an on-site substation and inverters, an on-site wireless communication system, transformers, and underground electrical cables. Figure 2-4 depicts the proposed site plan.

The power produced by the proposed project would be conveyed to the local power grid via an on-site 92-kV substation, which will be tied directly to the Imperial Irrigation District's 92-kV transmission line. A gen-tie line would connect the Wister substation to the POI at the existing IID 92-kV "K" line.

The project applicant has secured a Power Purchase Agreement (PPA) with San Diego Gas and Electric for the sale of power from the project.

Figure 2-4. Preliminary Site Plan



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2.3.1 Photovoltaic Panels/Solar Arrays

PV solar cells convert sunlight directly into direct current (DC) electricity. The process of converting light (photons) to electricity (voltage) in a solid-state process is called the PV effect. A number of individual PV cells are electrically arranged and connected into solar PV modules, sometimes referred to as solar panels.

The solar PV generating facility would consist of 3.5 foot by 4.8-foot PV modules (or panels) on single-axis horizontal trackers in blocks that each hold 2,520 PV panels. Figure 2-5 provides a representative example of single-axis horizontal trackers. The panels would be oriented from east to west for maximum exposure and the foundation would be designed based on soil conditions, with driven piles as the preferred method. The PV modules would be made of a poly-crystalline silicon semiconductor material encapsulated in glass. Installation of the PV arrays would include installation of mounting posts, module rail assemblies, PV modules, inverters, transformers and buried electrical conductors. Concrete would be required for the footings, foundations and pads for the transformers and substation work.

PV modules would be organized into electrical groups referred to as “blocks.” The proposed project would consist of 12 blocks. Every two blocks will be collected to an inverter and would typically encompass approximately 8 acres, including a pad for one transformer and one inverter. Approximately 96 acres of ground disturbance, including acreage for 12 blocks, is required for the proposed project. The proposed project would include design elements (e.g., non- or anti-reflective material) to reduce the potential glare impacts on adjacent sensitive receptors (e.g. local residents, aircraft, traveling public on adjacent County roads).

The electrical output from the PV modules would be low voltage DC power that would be collected and routed to a series of inverters and their associated pad-mounted transformers. Each array would have one inverter and one transformer, which are collectively known as a Power Conversion Station (PCS). The inverters would convert the DC power generated by the panels to alternating current (AC) power and the pad mounted transformers step up the voltage to a nominal level. The outputs from the transformers are grouped together in PV combining switchgear, which in turn supplies the switchyard, where the power is stepped up to 92-kV for interconnection with the transmission system.

Figure 2-5. Representative Example of Typical Single-Axis Tracking Solar Panels

2.3.2 Substation

The proposed Wister Substation would be a new 92/12-kV unstaffed, automated, low-profile substation. The dimensions of the fenced substation would be approximately 300 feet by 175 feet. The enclosed substation footprint would encompass approximately 1.2 acres within the 100-acre project site footprint as part of the approximately 640-acre project parcel. As shown on Figure 2-4, the proposed Wister Substation site would be located at the northwest quarter of the parcel, immediately southwest of the solar field. The California Building Code and the Institute of Electrical and Electronics Engineers (IEEE) 693, Recommended Practices for Seismic Design of Substations, will be followed for the substation's design, structures, and equipment.

A wireless communication system will be located in the southwest portion of the site, within the substation area. This communication system will include a communication tower less than 40-feet in height. The tower will be a freestanding mono-pole without guy wire supports. Equipment associated with the communication system will be located within the substation control building. Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER). A representative example of a substation is presented on Figure 2-6.

Figure 2-6. Representative Example of Typical Substation Design

2.3.3 Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~A proposed~~ a fiberoptic line extending from the proposed Wister Substation would be connected with the existing Niland Substation approximately two miles to the south, which would then be added to connect the proposed Wister Substation to the region's telecommunications system. ~~Overall, this would provide Supervisory Control and Data Acquisition (SCADA), protective relaying, data transmission, and telephone services for the proposed Wister Substation and associated facilities. New telecommunications equipment would be installed at the proposed Wister Substation within the Mechanical and Electrical Equipment Room (MEER).~~ As shown on Figure 2-3, the proposed fiber optic telecommunications cable would utilize existing transmission lines to connect to the Niland Substation. The length of the proposed fiber optic telecommunications cable route would be approximately two miles.

2.3.4 Gen-Tie Line

As shown on Figure 2-4, a proposed gen-tie line would connect the Wister substation to the POI at the existing IID 92-kV "K" line. The proposed gen-tie line would originate at the proposed Wister substation and would terminate at the POI, at a distance of approximately 2,500 feet to the south-southwest. Steel poles, standing at a maximum height of 70 feet tall, will be spaced approximately every 300 feet along the route, and would support the 92-kV conductor and fiberoptic cable to the POI. Construction of the 2,500-foot gen-tie line to the POI would utilize overland travel via an all-weather improved access road along the entire route.

2.3.5 Auxiliary Facilities

This section describes the auxiliary facilities that would be constructed and operated in conjunction with the solar facility.

Site Security and Fencing

The project site would be fenced with a 6-foot high chain link security fence topped with barbed wire. Points of ingress/egress would be accessed via locked gates.

Lighting System

Minimal lighting would be required for operations and would be limited to safety and security functions. All lighting would be directed downward and shielded to confine direct rays to the project site and muted to the maximum extent consistent with safety and operational necessity (Title 9, Division 17, Chapter 2: Specific Standards for all Renewable Energy Projects, of the County's Zoning Ordinance).

Access

A total of three access roads will service the proposed project. Access to the project site from the east would be located off Gas Line Road. Access to the solar energy facility portion of the project site from the west would include two routes: one route north from the southwest corner of the parcel off Wilkins Road (main access road), and another route off Wilkins Road just south of the existing orchard to the west of the project. These two access roads from the west would both lead to the same gate at the project site.

All access roads would be constructed with an all-weather surface, to meet the County Fire Department's standards, and lead to a locked gate that can be opened by any emergency responders. The access and service roads would also have turnaround areas at any dead-end to allow clearance for fire trucks per fire department standards (70 feet by 70 feet and 20-foot-wide access road).Figure 2-4 illustrates the project site layout and access points.

An all-weather surface access road, to meet the County's standards, would surround the perimeter of the site, as well as around solar blocks no greater than 500 by 500 feet.

Groundwater Well

The proposed project may utilize groundwater available at the project site for project construction, and potentially limited operational activities. A groundwater well would be constructed and operated near the existing geothermal well pad (and proposed project construction staging area) located in the north-western portion of the project site. Figure 2-4 depicts the location of the proposed groundwater well.

2.4 Project Construction

2.4.1 Construction Sequence

Construction activities would be sequenced and conducted in a manner that addresses storm water management and soil conservation. During construction, electrical equipment would be placed in service at the completion of each 2,500-kilowatt (kW) power-block. The activation of the power-blocks is turned over to interconnection following the installation of transformer and interconnection equipment upgrades. This in-service timing is critical because PV panels can produce power as soon as they are exposed to sunlight, and because the large number of blocks and the amount of time needed to commission each block requires commissioning to be integrated closely with construction on a block-by-block basis.

Construction would generally occur during daylight hours, Monday through Friday. However, non- daylight work hours may be necessary to make up schedule deficiencies, or to complete critical construction activities. For example, during hot weather, it may be necessary to start work earlier to avoid pouring concrete during high ambient temperatures. If construction is to occur outside of the County's specified working hours, permission in writing will be sought at the time. Construction of the proposed project would occur in phases beginning with site preparation and grading and ending with equipment setup and commencement of commercial operations. Overall, construction would consist of three major phases over a period of approximately 6-9 months:

1. Site Preparation, which includes clearing grubbing, grading, service roads, fences, drainage, and concrete pads; (1 month)
2. PV system installation and testing, which includes installation of mounting posts, assembling the structural components, mounting the PV modules, wiring; (7 months) and
3. Site clean-up and restoration. (1 month)

To support these activities, the main pieces of equipment that may be used during construction are listed in Table 2-1.

Construction activities would be conducted in a manner consistent with Imperial County Codified Ordinance. Noise generating sources in Imperial County are regulated under the County of Imperial Codified Ordinances, Title 9, Division 7 (Noise Abatement and Control). Noise limits are established in Chapter 2 of this ordinance. Under Section 90702.00 of this rule, average hourly noise in residential areas is limited to 50 to 55 A-weighted decibel (dbA) from 7 a.m. to 10 p.m., and to 45 to 50 dBA from 10 p.m. to 7 a.m. There are no sensitive noise receptors (e.g., residences, schools) within or adjacent to the project site.

2.4.2 Workforce

The temporary on-site construction workforce would consist of laborers, electricians, supervisory personnel, support personnel and construction management personnel. The average number of construction workers would be approximately 50-60 people per day.

2.4.3 Materials

The proposed project would require general construction materials (i.e., concrete, wood, metal, fuel, etc.) as well as the materials necessary to construct the proposed PV arrays and which are readily available and accessible locally. Most construction waste is expected to be non-hazardous and to consist primarily of cardboard, wood pallets, copper wire, scrap steel, common trash and wood wire spools and can be disposed of safely in local sanitary landfills. Although field equipment used during construction activities could contain various hazardous materials (i.e., hydraulic oil, diesel fuel, grease, lubricants, solvents, adhesives, paints, etc.), these materials are not considered to be acutely hazardous and would be used and disposed of in accordance with the manufacturer's specifications and all applicable County regulations.

Each PV module would be constructed out of poly-crystalline silicon semiconductor material encapsulated in glass. Construction of the PV arrays will include installation of support beams, module rail assemblies, PV modules, inverters, transformers, and underground electrical cables. Concrete will be required for the footings, foundations, pads for transformers, and substation equipment. Concrete will be purchased from a local supplier and transported to the proposed project site by truck. The

poly-crystalline silicon housing the inverters will have a precast concrete base. Final concrete specifications will be determined during detailed design engineering in accordance with applicable building codes.

Table 2-1. Example Construction Equipment

Equipment	Use
1-ton crew trucks	Transport construction personnel
2-ton flatbed trucks; flatbed boom trucks	Haul and unload materials
Mechanic truck	Service and repair equipment
Aerial bucket trucks	Access poles, string conductor, and other uses
Shop vans	Store tools
Bulldozers	Grade pole sites; reclamation
Truck-mounted diggers or backhoes	Excavate
Small mobile cranes (12 tons)	Load and unload materials
Large mobile cranes (75 tons)	Erect structures
Transport	Haul poles and equipment
Drill rigs with augers	Excavate and install fences
Semi tractor-trailers	Haul structures and equipment
Splice trailers	Store splicing supplies
Air compressor	Operate air tools
Air tampers	Compact soil around structure foundations
Concrete trucks	Pour concrete
Dump trucks	Haul excavated materials/import backfill
Fuel and equipment fluid trucks	Refuel and maintain vehicles
Water trucks	Suppress dust and fire

2.4.4 Site Preparation

Project construction would include the renovation of existing dirt roads to all-weather surfaces (to meet the County standards) from Wilkins Road just south of the orchard, and a new road would be graded west from Gas Line Road and a new road graded north from the southwest corner of the parcel off Wilkins Road. Construction of the proposed project would begin with clearing of existing brush and installation of fencing around the project boundary. A 20 foot road of engineering-approved aggregate will surround the site within the fencing.

Material and equipment staging areas would be established on-site within an approximate 4-acre area. The staging area would include an air-conditioned temporary construction office, a first-aid station and other temporary facilities including, but not limited to, sanitary facilities, worker parking, truck loading and unloading, and a designated area for assembling the support structures for the placement of PV modules. The location of the staging area would change as construction progresses throughout the project site. The project construction contractor would then survey, clear and grade road corridors in order to bring equipment, materials, and workers to the various areas under construction within the project site. Road corridors, buried electrical lines, PV array locations and locations of other facilities

may be flagged and staked in order to guide construction activities. In addition, water truck reloading stations would be established for dust control.

2.4.5 Start-up

PV system installation would include earthwork, grading and erosion control, as well as erection of the PV modules, mounting posts and associated electrical equipment. The PV modules require a moderately flat surface for installation and therefore some earthwork, including grading, fill, compaction and erosion control, may be required to accommodate the placement of PV arrays, concrete for foundations, access roads and/or drainage features.

Construction of the PV arrays would be expected to take place at a rate of approximately 0.10 MW per day. Construction of the PV arrays would include installation of the mounting posts, module assemblies, PV modules, inverters, transformers and buried electrical conductors.

The module assemblies would then be cut off at the appropriate heights since the center posts must be completely level. Field welding would be required to attach the module assemblies to the top of the mounting posts.

Finally, the PV panels would be attached to the module assemblies. Heavy equipment lifters (e.g., forklift) would be required to place the module assemblies in position, while welding and cutting equipment would be necessary to cut off the posts at the appropriate height.

2.4.6 Construction Water Requirements

The proposed project is anticipated to take approximately 6-9 months from the commencement of the construction process to complete. Construction water (non-potable) needs would be limited to earthwork, soil conditioning, dust suppression, and compaction efforts. During construction, on-site groundwater is proposed to be utilized. Approximately 900,000 gallons (2.76 acre-feet [af]) of water (40,909 gallons per work day) would be required during the first phase of construction for site preparation and grading and would be obtained from the proposed on-site groundwater well. The second phase of construction (PV system installation and testing) would take approximately 6 months and require approximately 2,130,000 gallons (6.54 af) of water (16,136 gallons per work day) and also be derived from the proposed on-site groundwater well. Water usage would then be reduced to approximately 300,000 gallons (0.92 af) (13,636 gallons per workday) of water required during the last phase of the construction (clean-up and restoration). Therefore, the proposed project would require a total of 3,330,000 gallons (10.22 af) of water during the construction period.

2.4.7 Dust Suppression

The project would comply with all applicable air pollution and dust control regulations. During the construction phase of the project, standard dust control measures would be used to mitigate emissions of fugitive dust. These may include watering or applying dust reducers with low environmental toxicity to suppress dust during construction.

2.4.8 Clean-up and Demobilization

After construction is complete, all existing County and private roads utilized would be left in a condition equal to or better than their preconstruction condition. All other areas disturbed by construction activities would be recontoured and decompacted.

Waste materials and debris from construction areas would be collected, hauled away, and disposed of at approved landfill sites. Cleared vegetation would be shredded and distributed over the disturbed site as mulch and erosion control or disposed of offsite, depending on agency agreements. Rocks removed during foundation excavation would be redistributed over the disturbed site to resemble adjacent site conditions. Interim reclamation would include re-contouring of impacted areas to match the surrounding terrain, and cleaning trash out of gullies. Equipment used could include a blader, front-end loader, tractor, and a dozer with a ripper.

A covered portable dumpster would be kept on site during the construction period to contain any trash that can be blown away. After completion of the proposed project, the project engineer would complete a final walk-through and note any waste material left on site and any ruts or terrain damage or vegetation disturbance that has not been repaired.

2.5 Operations and Maintenance

Once fully constructed, the proposed project would be operated on an unstaffed basis and be monitored remotely, with periodic on-site personnel visitations for security, maintenance and system monitoring. Therefore, no full-time site personnel would be required on-site during operations and employees would only be on-site four times per year to wash the panels.

As the project's PV arrays produce electricity passively, maintenance requirements are anticipated to be very minimal. Any required planned maintenance activities would generally consist of equipment inspection and replacement and would be scheduled to avoid peak load periods. Any unplanned maintenance would be responded to as needed, depending on the event.

Estimated annual water consumption for operation and maintenance of the proposed project, including periodic PV module washing, would be approximately 0.81 acre-feet per year (afy). As discussed previously, the project will utilize groundwater from a proposed on-site groundwater well.

2.6 Facility Decommissioning

Solar equipment has a lifespan of approximately 20 to 25 years. At the end of the project's operation term, the applicant may determine that the project should be decommissioned and deconstructed. Should the project be decommissioned, concrete footings, foundations, and pads would be removed using heavy equipment and recycled at an off-site location. All remaining components would be removed, and all disturbed areas would be reclaimed and recontoured.

2.7 Required Project Approvals

2.7.1 Imperial County

The following are the primary discretionary approvals required for implementation of the project:

1. **Approval of CUP – Solar Energy Facility.** Implementation of the project would require the approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility project. The project site is located on one privately-owned legal parcel zoned Open Space/Preservation with a Geothermal Overlay (S-2-G). Pursuant to Title 9, Division 5, Chapter 19, the following uses are permitted in the S-2 zone subject to approval of a CUP from Imperial County: *Major facilities relating to the generation and transmission of electrical energy provide[d] such facilities are not under State or Federal law, to [be] approved*

exclusively by an agency, or agencies of the State or Federal government, and provided such facilities shall be approved subsequent to coordination review of the Imperial Irrigation District for electrical matters. Such uses shall include but be limited to the following:

- *Electrical generation plants*
- *Facilities for the transmission of electrical energy (100-200 kV)*
- *Electrical substations in an electrical transmission system (500 kv/230 kv/161 kV)*
- *Communication Towers: including radio, television, cellular, digital, along with the necessary support equipment such as receivers, transmitters, antennas, satellite dishes, relays, etc.*

2. **Approval of CUP – Groundwater Well.** Pursuant to Title 9 Division 21: Water Well Regulations, §92102.00, the Applicant will be required to obtain a CUP for the proposed on-site groundwater well. As required by §92102.00, no person shall (1) drill a new well, (2) activate a previously drilled but unused well, (unused shall mean a well or wells that have not been used for a 12 month) period by installing pumps, motors, pressure tanks, piping, or other equipment necessary or intended to make the well operational, (3) increase the pumping capacity of a well, or (4) change the use of a well, without first obtaining a CUP through the County Planning & Development Services Department.
3. **General Plan Amendment.** An amendment to the County's General Plan, Renewable Energy and Transmission Element is required to implement the proposed project. CUP applications proposed for specific renewable energy projects not located in the Renewable Energy (RE) Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. APN No. 003-240-001 (in which the solar energy facility will be located), is immediately adjacent to, but outside of the RE Overlay Zone; therefore, the applicant is requesting a General Plan Amendment to include/classify APN No. 003-240-001 into the RE Overlay Zone. The underlying "Recreation" General Plan designation would remain.
4. **Zone Change.** The project site (APN No. 003-240-001) is located immediately adjacent to, but outside of the RE Overlay Zone; therefore, the applicant is requesting a zone change to include/classify APN No. 003-240-001 (which includes the solar energy facility) into the RE Overlay Zone.
5. **Variance.** A Variance is required to exceed the height limit for transmission towers within the S-2 zone. The existing S-2 zone allows a maximum height limit of 40 feet, whereas implementation of the project may involve the construction of transmission towers of up to 70 feet in height. Therefore, a Variance for any structure exceeding the existing maximum height limit of 40 feet would be required.
6. **Certification of the EIR.** After the required public review for the Draft EIR, the County will respond to written comments, edit the document, and produce a Final EIR to be certified by the Planning Commission and Board of Supervisors prior to making a decision on approval or denial of the project.

Subsequent ministerial approvals may include, but are not limited to:

- Grading and clearing permits
- Building permits
- Reclamation plan
- Encroachment permits
- Transportation permit(s)

2.7.2 Discretionary Actions and Approvals by Other Agencies

Responsible Agencies are those agencies that have discretionary approval over one or more actions involved with development of the project. Trustee Agencies are state agencies that have discretionary approval or jurisdiction by law over natural resources affected by a project. These agencies may include, but are not limited to the following:

- California RWQCB – Notice of Intent for General Construction Permit, CWA 401 Water Quality Certification
- ICAPCD – Fugitive Dust Control Plan, Rule 801 Compliance
- CDFW (Trustee Agency) – ESA Compliance, Section 1600 Streambed Alteration Agreement
- USFWS – ESA Compliance
- USACE – Section 404 of the CWA Permit

2.7.3 Potential Actions/Approvals by Other Agencies

The proposed fiber optic cable may require actions or approvals by the following agency:

- IID – for any approvals related to the fiber optic cable

3 Environmental Analysis, Impacts, and Mitigation

3.1 Introduction to Environmental Analysis

This section provides an overview of the environmental analysis and presents the format for the environmental analysis in each topical section.

3.1.1 Organization of Issue Areas

Chapter 3 provides an analysis of impacts for those environmental topics that the County determined could result in "significant impacts," based on preparation of an Initial Study and review by the County's Environmental Evaluation Committee and responses received during the scoping process, including the NOP review period and public scoping meeting. Sections 3.1 through 3.11 discuss the environmental impacts that may result with approval and implementation of the project, and where impacts are identified, recommends mitigation measures that, when implemented, would reduce significant impacts to a level less than significant. Each environmental issue area in Chapter 3 contains a description of the following:

- The environmental setting as it relates to the specific issue
- The regulatory framework governing that issue
- The threshold of significance (from Appendix G of the CEQA Guidelines)
- The methodology used in identifying and considering the issues
- An evaluation of the project-specific impacts and identification of mitigation measures
- A determination of the level of significance after mitigation measures are implemented
- The identification of any residual significant impacts following mitigation

3.1.2 Format of the Impact Analysis

This analysis presents the potential impacts that could occur under the project along with any supporting mitigation requirements. Each section identifies the resulting level of significance of the impact using the terminology described below following the application of the proposed mitigation. The section includes an explanation of how the mitigation measure(s) reduces the impact in relation to the applied threshold of significance. If the impact remains significant (i.e., at or above the threshold of significance), additional discussion is provided to disclose the implications of the residual impact and indicate why no mitigation is available or why the applied mitigation does not reduce the impact to a less than significant level.

Changes that would result from the project were evaluated relative to existing environmental conditions within the project site as defined in Chapter 2 and illustrated on Figure 2-2 (Chapter 2). Existing environmental conditions are based on the time at which the NOP was published on November 6, 2019. In evaluating the significance of these changes, this EIR applies thresholds of significance that have been developed using: (1) criteria discussed in the CEQA Guidelines; (2) criteria based on factual

or scientific information; and (3) criteria based on regulatory standards of local, state, and/or federal agencies. Mechanisms that could cause impacts are discussed for each issue area.

This EIR uses the following terminology to denote the significance of environmental impacts of the project:

- *No impact* indicates that the construction, operation, and maintenance of the project would not have any direct or indirect effects on the environment. It means no change from existing conditions. This impact level does not need mitigation.
- A *less than significant impact* is one that would not result in a substantial or potentially substantial adverse change in the physical environment. This impact level does not require mitigation, even if feasible, under CEQA.
- A *significant impact* is defined by CEQA Section 21068 as one that would cause "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." Levels of significance can vary by project, based on the change in the existing physical condition. Under CEQA, mitigation measures or alternatives to the project must be provided, where feasible, to reduce the magnitude of significant impacts.
- An *unmitigable significant impact* is one that would result in a substantial or potentially substantial adverse effect on the environment, and that could not be reduced to a less than significant level even with any feasible mitigation. Under CEQA, a project with significant and unmitigable impacts could proceed, but the lead agency would be required to prepare a "statement of overriding considerations" in accordance with State CEQA Guidelines California Code of Regulations (CCR) Section 15093, explaining why the lead agency would proceed with the project in spite of the potential for significant impacts.

3.2 Aesthetics and Visual Resources

This section provides a description of the existing visual and aesthetic resources within the project area and relevant state and local plans and policies regarding the protection of scenic resources. Effects to the existing visual character of the project area as a result of project-related facilities are considered and mitigation is proposed based on the anticipated level of significance. The information provided in this section is summarized from the Visual Resources Technical Report (Appendix B of this EIR) and Glare Hazard Analysis Report (Appendix C of this EIR) prepared by Stantec.

3.2.1 Existing Conditions

The project site is located north-northeast of the intersection of Wilkins Road and an unnamed county road, about 3 miles north of the unincorporated town of Niland. Niland is the northernmost community within the agricultural portion of the Imperial Valley, which extends from the southeastern portion of the Salton Sea to the United States and Mexico border. The 45-mile-long and 20-mile-wide Salton Sea defines the landscape to the west of the project site. Elevations within the project site range from nearly 50 feet below sea level to 30 feet above mean sea level (amsl). With elevations extending to 277 feet below sea level, the Salton Sea sits comparatively lower in the landscape than the project site, as does much of the agricultural land to the immediate west and lands to the south. To the north and east of the project site are the Chocolate Mountains, which extend to heights of more than 2,000 feet amsl.

Because of this gradual downward slope from east to west within the project site and its surroundings, areas to the north and east of the project site would be more likely to have views of the project where views are not impeded by natural or built features. Viewers in this area are associated with land uses. Thus, potential viewers include workers traveling north/south on Gas Line Road, which extends north from Niland Avenue – near IID facilities and an existing solar power facility – to a facility northeast of the project site. Further away, to the southeast and just slightly higher in elevation than the project site, are Slab City and Salvation Mountain. Slab City is a former military facility that now serves as the site of an informal community for artists, travelers, and winter-time recreational vehicle (RV) campers. Salvation Mountain is an outdoor art project at the western entrance to Slab City. Both attract tourists and sight-seers. However, topography, intervening structures, and distance limit and obscure visibility of the project site in direct views from publicly accessible portions of these areas.

Land uses to the west and south include agricultural production and dispersed rural residences, and desert lands. The closest residences are aligned along Wilkins Road and an unnamed private road. The segments of these roads closest to the southwest corner of the project site are generally lower in altitude than the project site by approximately 20 feet, which reduces visibility of the project site. Areas further away – including the aforementioned IID facilities approximately 2 miles to the south, Niland and the State Route (SR) 111 corridor approximately 3 miles to the southwest, and the Wister Waterfowl Management Area approximately 3 miles to the west beyond the SR 111 corridor – are also lower in elevation, and thus do not afford direct views of the project site from public vantage points.

Views in this area are expansive and are generally characterized by sparse development framed by topographical features. Low-profile, weedy plants, such as salt cedar and russian thistle, typical of this portion of the Colorado Desert, are widespread on undeveloped and unfarmed lands, and ruderal vegetation is found along waterways associated with IID canals. Individual residences, transmission lines, transportation corridors (including roads and railroads), and agricultural equipment are discernable in the foreground (within 0.25 mile) and middleground (0.25 to 3-5 miles away) views

throughout the area. Geothermal plants in the vicinity of the Salton Sea are visible in most views to the west. They are identifiable by their vapor plumes. These views to the west from the project site are backdropped by the Santa Rosa Mountains and Vallecito Mountains. Views to the east are backdropped by the Chocolate Mountains.

Scenic Vista

Scenic vistas are typically expansive views from elevated areas. They may or may not be part of a designated scenic overlook or other area providing a static vista view of a landscape. The project site is located in a rural portion of Imperial County and is not located within an area containing a scenic vista designated by the State or the County's General Plan.

Scenic Highways

According to the Conservation and Open Space Element, no State scenic highways have been designated in Imperial County (County of Imperial 2016). The project site is not located within a state scenic highway corridor, nor are there any state scenic highways located in proximity to the project site. The nearest road segment considered eligible for a State scenic highway designation is the portion of SR 111 from Bombay Beach to the County line. The project site is located approximately 14 miles southeast of Bombay Beach and so would not be visible from this location.

Visual Character

Aerial imagery was reviewed to identify where the project would potentially be visible from visually sensitive areas and selected preliminary viewpoints for site photography. Field surveys were conducted to photo-document existing visual conditions and views toward the project site. A representative subset of photographed viewpoints was selected as Key Observation Points (KOP). Assessments of existing visual conditions were made based on professional judgment that took into consideration sensitive receptors and sensitive viewing areas in the project area. The locations of the two KOPs in relation to the project site are presented on Figure 3.2-1.

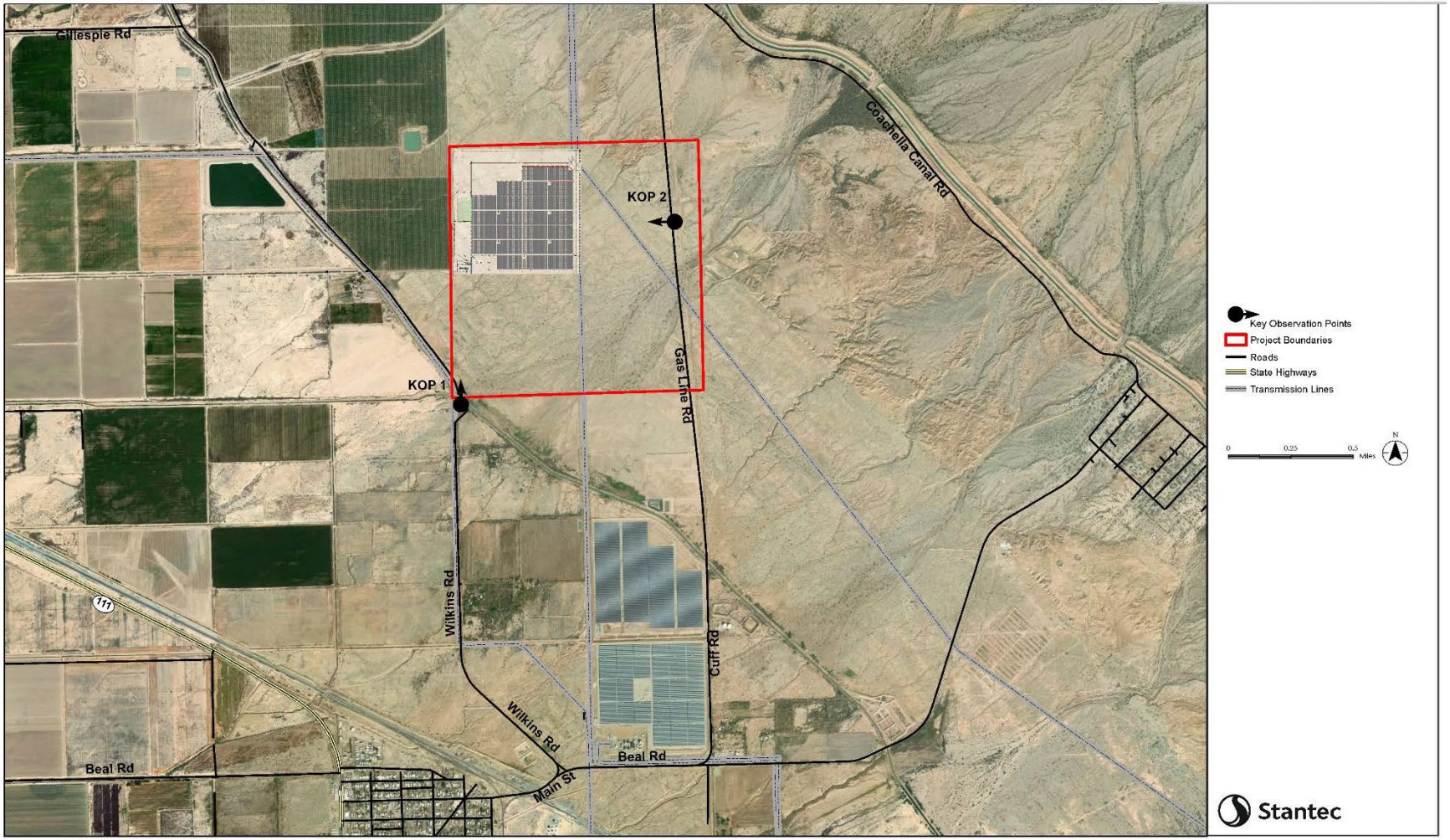
KEY OBSERVATION POINT 1

KOP 1 is located along Wilkins Road, at its intersection with an unnamed private road, adjacent to the southwest corner of the project site. The view from KOP 1 is to the north, toward the proposed project's solar arrays and substation (Figure 3.2-2).

This viewpoint represents views from an identifiable point along the most proximate roadway, where topography allows visibility of the project site. This view is characterized by the contrast between the vegetated and relatively flat area in the foreground and middleground of the view and Chocolate Mountains backdrop, which appears multi-colored and defines the skyline with its jagged and irregular form.

The tree in the center of the view, as well as other vegetation, partially blocks views toward the project site. A utility tie-in pole is visible on the far side of Wilkins Road in the left half of the view.

Figure 3.2-1. Key Observation Points



Source: Appendix B of this EIR

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Figure 3.2-2. Existing View at Key Observation Point 1

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KEY OBSERVATION POINT 2

KOP 2 is located along Gas Line Road, 2.2 miles north of Beal Road and just under 0.5 mile east of the project site. Multiple transmission lines are visible extending across the view, with a tubular-steel pole in the immediate foreground and the H-frame towers appearing in front of the project site (Figure 3.2-3).

This viewpoint represents views from workers and travelers along the north-south oriented Gas Line Road as well and from the broader, slightly uphill area to the east. The view is characterized by the visible striations, or the layered qualities of what appear in view as linear elements. Beyond the project site is another transmission line, an orchard that appears linear in form from this vantage point, and the railroad and SR 111 corridor, which is not discernible in this view.

The Salton Sea appears here as a strip of royal blue hue across the middleground of most of the view, beyond which are the Santa Rosa and Vallecito Mountains. While jagged and uneven, the distant mountain skyline's linear qualities are accentuated in this view due to the layer of snow visible along numerous peaks and upper extents of the mountain. The gradual downward slope of the project site is apparent only by reference to further, observably lower elements in the view.

Light, Glare, and Glint

Glare is considered a continuous source of brightness, relative to diffused light, whereas glint is a direct redirection of the sun beam in the surface of a PV solar module. Glint is highly directional, since its origin is purely reflective, whereas glare is the reflection of diffuse irradiance; it is not a direct reflection of the sun.

The project site is currently vacant and does not generate any light or glare. The majority of the light and glare in the project vicinity is a result of motor vehicles traveling on surrounding roadways, airplanes, and farm equipment. Local roadways generate glare both during the night hours when cars travel with lights on, and during daytime hours because of the sun's reflection from cars and pavement surfaces.

The Chocolate Mountains are located to the north and east of the project site. The Chocolate Mountain Aerial Gunnery Range is used by the United States Marine Corps (USMC) for training purposes.

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Figure 3.2-3. Existing View at Key Observation Point 2

Source: Appendix B of this EIR

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3.2.2 Regulatory Setting

This section identifies and summarizes laws, policies, and regulations that are applicable to the project.

State

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Caltrans manages the California Scenic Highway Program. The goal of the program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to the scenic corridor.

Local

IMPERIAL COUNTY GENERAL PLAN

The Imperial County General Plan contains policies for the protection and conservation of scenic resources and open spaces within the County. These policies also provide guidance for the design of new development. The Conservation and Open Space Element of the General Plan provides specific goals and objectives for maintaining and protecting the aesthetic character of the region. Table 3.2-1 provides an analysis of the project's consistency with the Conservation and Open Space Element Goal 5. Additionally, the Circulation and Scenic Highways Element of the General Plan provides policies for protecting and enhancing scenic resources within highway corridors in Imperial County, consistent with the Caltrans State Scenic Highway Program.

COUNTY OF IMPERIAL LAND USE ORDINANCE, TITLE 9

The County's Land Use Ordinance Code provides specific direction for lighting requirements.

Division 17: Renewable Energy Resources, Section 91702.00 – Specific Standards for All Renewable Energy Projects

(R) Lights should be directed or shielded to confine direct rays to the Project site and muted to the maximum extent consistent with safety and operational necessity.

Table 3.2-1. Consistency with Applicable General Plan Conservation and Open Space Policies

General Plan Policies	Consistency with General Plan	Analysis
Goal 5: The aesthetic character of the region shall be protected and enhanced to provide a pleasing environment for residential, commercial, recreational, and tourist activity.	Consistent	As described in Section 3.2.3, in close views, the proposed project would be visible and identifiable, resulting in some changes to the existing visual character of the project site. However, such views of the proposed project would be limited in both duration and availability. The majority of the portion of the Imperial Valley where the project site is located is dedicated to agricultural production and power production and transmission. Desert lands are generally located north and east of the East Highline Canal. The project site is located on the eastern edge of active agricultural lands with desert lands located immediately to the east and beyond. The proposed project would not substantially degrade the existing visual character or quality of views as the limited views available to the project site would appear absorbed into the broader landscape that already includes agricultural development, electricity transmission, geothermal power plants, IID facilities and infrastructure, and existing utility-scale solar facilities. The proposed project would not result in a significant deterioration in the visual character of the project site or surrounding area.
Objective 5.1: Encourage the conservation and enhancement of the natural beauty of the desert and mountain landscape.	Consistent	The project site is located on the eastern edge of active agricultural lands with desert lands located immediately to the north and east and beyond. The solar arrays (up to 15 feet high at maximum rotation angle) would not create a permanent visual obstruction for the background views of the desert or Chocolate Mountains. The solar arrays would be relatively low profile in the context of the mountains in the background. The proposed project would be absorbed into the broader landscape that already includes agricultural development, electricity transmission, geothermal power plants, IID facilities and infrastructure, and existing utility-scale solar facilities. With their relatively low profile, and in the context of topographical conditions, the project would not obstruct views of desert or mountain areas to the north and east of the project site.

Source: County of Imperial 2016

3.2.3 Impacts and Mitigation Measures

Thresholds of Significance

Based on CEQA Guidelines Appendix G, project impacts related to aesthetics are considered significant if any of the following occur:

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area

Methodology

VISUAL CHANGE

A comparison of the project site's existing conditions and the change to the visual character of the landscape with implementation of the project is based on the production of visual simulations. As a part of this process, aerial imagery was reviewed to identify where the project would potentially be visible from visually sensitive areas and selected preliminary viewpoints for site photography. Field surveys were conducted to photo-document existing visual conditions and views toward the project site. A representative subset of photographed viewpoints was selected as KOPs, which collectively serve as the basis for this assessment. Assessments of existing visual conditions were made based on professional judgment that took into consideration sensitive receptors and sensitive viewing areas in the project area. The locations of the two KOPs in relation to the project site are presented on Figure 3.2-1.

The site photos were used to generate a rendering of the existing conditions and a proposed visualization of the proposed project. The visual simulations provide clear before-and-after images of the location, scale, and visual appearance of the features affected by and associated with the project. Design data — consisting of engineering drawings, elevations, site and topographical contour plans, concept diagrams, and reference pictures — were used as a platform from which digital models were created. In cases where detailed design data were unavailable, more general descriptions about alternative facilities and their locations were used to prepare the digital models.

GLARE/GLINT

The web-based ForgeSolar Pro glare hazard analysis program was utilized to perform the glare/glint analysis of the proposed project. ForgeSolar provides a quantified assessment of (1) when and where glare will occur throughout the year for a prescribed solar installation, (2) potential effects on the human eye at locations where glare occurs, (3) a general map showing where glare is coming from within an array, and (4) the annual energy production from the PV array so that alternative designs can be compared to maximize energy production while mitigating the impacts of glare. ForgeSolar employs an interactive Google Map for site location, mapping the proposed PV array(s), and specifying

observer locations or flight paths. Latitude, longitude, and elevation are automatically recorded through the Google Interface, providing necessary information for sun position and vector calculations. Additional information regarding the orientation and tilt of the PV panels, reflectance, environment, and ocular factors are entered by the user.

Flight Path Analysis. The glare study analyzed the flight path provided by the USMC (Figure 3.2-4) and two observation points at ground level. If glare is found, the tool calculates the retinal irradiance and subtended angle (size/distance) of the glare source to predict potential ocular hazards ranging from temporary after-image to retinal burn.

Adjacent Roadways. Two observation points (Figure 3.2-1) were analyzed for vehicles travelling along adjacent roads:

- Intersection of Wilkins and an unnamed county road
- Gas Line Road

Potential glare to drivers was evaluated for both passenger vehicles and semi-trucks, where the passenger vehicles were assumed to have a maximum viewing height of 5 feet while the viewing height for drivers of semi-trucks was assumed to be a maximum of 9 feet.

Figure 3.2-4. Flight Path Analysis

Source: Appendix C of this EIR

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Impact Analysis – Solar Energy Facility and Gen-Tie Line

Impact 3.2-1 Would the project have a substantial adverse effect on a scenic vista?

There are no designated scenic vistas in the project vicinity. The proposed project would involve the use of standard construction equipment including, but limited to, trucks, cranes, and tractors. The presence of this equipment within the project area during construction would alter views of the area from undeveloped land to a construction site. However, the views of construction activity from the surrounding vicinity would be temporary and would not involve any designated scenic vistas. Therefore, impacts to a scenic vista are considered less than significant during construction.

Views to the west from elevated areas near the project site, including views from Gas Line Road (KOP 2), could be considered scenic vistas given the expansiveness of the views and distance one can see under favorable conditions. However, as described under Impact 3.2-3, the project would not have a substantial adverse effect on such views. The proposed project would not be a prominent visual presence in the context of the surrounding development, as it would largely be absorbed into the broader landscape that already includes agricultural development, electricity transmission, geothermal power plants, IID facilities and infrastructure, and an existing utility-scale solar facility 0.5 mile to the south. Also, the project's low profile in the context of topographical conditions would not obscure or degrade views of the desert lands and mountains north and east of the site. Therefore, impacts to a scenic vista would be less than significant during project operation.

Mitigation Measure(s)

No mitigation measures are required.

Impact 3.2-2 Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The project site is not located within a state scenic highway corridor, nor are there any state scenic highways located in proximity to the project site. The nearest road segment considered eligible for a State Scenic Highway designation is the portion of SR 111 from Bombay Beach to the County line. The project site is located approximately 14 miles south of Bombay Beach. Therefore, no impacts to scenic resources within a designated state scenic highway would occur.

Mitigation Measure(s)

No mitigation measures are required.

Impact 3.2-3 In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Short-term visual impacts would occur in association with construction activities, including introducing heavy equipment (e.g., cranes), staging and materials storage areas and potential dust and exhaust to the project area. While construction equipment and activity may present a visual nuisance, it is temporary (approximately 6-9 months) and does not represent a permanent change in views.

Therefore, impacts associated with degrading the existing visual character or quality of the project site during construction are considered less than significant.

Figure 3.2-5 and Figure 3.2-6 illustrates the visual changes from KOP 1 and KOP 2 with the proposed project.

KEY OBSERVATION POINT 1

Figure 3.2-5 shows the view from KOP 1 with the proposed project simulated. As simulated, the gen-tie structures, which would extend from the project site approximately 2,500 feet toward the KOP, would be the most prominently visible portion of the project from this location. As conceptually shown in the simulation, the gen-tie structures would be visible in the center of the view and the southernmost structure would connect to the existing IID line in the left edge of the view, replacing the current interconnection to the parcel. The photosimulation illustrates that while appearing as new and highly visible features, the transmission structures would be comparable in size and appearance to other existing structures and would blend with the numerous lines visible throughout the landscape, including the existing line to which the project would interconnect. They would also occupy a relatively narrow portion of the view to the north from KOP 1.

The substation for the proposed project has not yet been designed. However, the facility shown on Figure 3.2-5 is an approximation based on representative examples of substations of similar size and in similar environments. The proposed substation would be low-profile and would be approximately 300 feet by 175 feet. As simulated, the substation would be partially visible in views from KOP 1, alongside the solar arrays, which would appear as a comparatively dark, horizontal bar across a portion of the view's middle ground. Aside from the relatively narrow gen-tie structures, no project component would substantially obscure or appear above the mountain skyline from this vantage point.

KEY OBSERVATION POINT 2

Figure 3.2-6 shows the view from KOP 2 with the proposed project simulated. The proposed project appears within the front portion of the view's middleground, within the layered landscape described for the existing view. From 0.5 mile away and at a slightly higher elevation, the project would appear as a generally uniform line across the view, with solar arrays broken up by internal roads. The substation would be detectable beyond the arrays in the southern portion of the project site, and the gen-tie structures would be visible extending to the south from the project site. The land east of the Salton Sea would serve as backdrop to the substation, which the gen-tie poles would appear against the water body, itself.

Portions of the landscape beyond the project, including the orchard, would be obscured by the project. The blue-toned color of the arrays under conditions simulated here (morning light, mostly sunny skies) would be similar to that of the Salton Sea, the southeastern shoreline of which would remain visible beyond the project. This would distinguish the project from the Salton Sea in this view, reinforcing their respective scales. With this definition, the size of the proposed project relative to the broader landscape, and its visual similarity to – but physical distinction from – a body of water, would be observable by workers and travelers along the north-south oriented Gas Line Road as well and from the broader, slightly uphill area to the east. The overall effect, shown in Figure 3.2-6, is the relatively small degree of contrast that the project would have with its broader surroundings, as seen in the expansive, slightly uphill views from the east.

CONCLUSION

In the close-up, unobstructed views of the project, the existing visual character of the site and the quality of views in terms of visibility beyond the site would be substantially altered. However, such immediate views of the project site are not readily available to the general public from a publicly accessible vantage point.

In the view from KOP 1, new transmission structures that would be part of the project's interconnection and would appear large in scale; however, the new transmission structure would be comparable in size and appearance to other structures visible throughout the surrounding landscape with multiple existing transmission lines. The view from KOP 1 affords a direct line-of-sight from the nearest public roadway into the project site. Any view from other nearby publicly accessible viewpoints, including from points further north or south along Wilkins Road or east along Wiest Road, would be partially to fully obscured by roadside vegetation or berms. Like the view from KOP 1, such views would likely be of short duration given the probability of the viewers being in moving vehicles.

The view from KOP 2 represents elevated views from the nearest roadway to the east. The project would not substantially degrade the existing visual character or quality of views from this distance; rather, it would appear as a similar element within the existing context of the broader landscape that already includes agricultural development, electricity transmission poles and lines, geothermal power plants, IID facilities and infrastructure, and an existing utility-scale solar facility 0.5 mile to the south. Therefore, the project elements would not constitute a substantial degradation of the existing visual character from both KOP 1 and KOP 2, and impacts to visual character would be less than significant.

Mitigation Measure(s)

No mitigation measures are required.

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Figure 3.2-5. Project View Simulation at Key Observation Point 1

Source: Appendix B of this EIR

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Figure 3.2-6. Project View Simulation at Key Observation Point 2

Source: Appendix B of this EIR

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Impact 3.2-4 Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As described in Chapter 2, Project Description, the project would include new sources of nighttime lighting. In addition, given the nature of the project (e.g., solar facility), this discussion also considers potential glare- and glint-related impacts generated by the proposed solar arrays. This discussion considers each issue under the associated headings below.

NIGHTTIME LIGHTING

Minimal lighting would be required for project operation and would be limited to safety and security functions. All lighting would be directed downward and shielded to confine direct rays to the project site and muted to the maximum extent consistent with safety and operational necessity (Title 9, Division 17, Chapter 2: Specific Standards for all Renewable Energy Projects, of the County's Zoning Ordinance).

If additional lighting should be required for nighttime maintenance, portable lighting equipment would be used. Based on these considerations, and the distance to potential viewers, the project is not anticipated to create a new source of substantial light which would adversely affect nighttime views in the project area, and the impact is considered less than significant.

GLARE AND GLINT

A glare hazard analysis was prepared to analyze the project's potential glare/glint impacts on USMC's training operations and adjacent roadway travelers. The complete report is provided as Appendix C of this EIR.

Flight Path Analysis. The glare study analyzed the flight path provided by the USMC (Figure 3.2-4) and two observation points at ground level. Based on the glare analysis (Appendix C of this EIR), glare is not expected for the flight path provided by the USMC. Therefore, the proposed project would not result in ocular hazards to USMC flight operations.

Adjacent Roadways. Two observation points (Figure 3.2-1) were analyzed for vehicles travelling along adjacent roads:

- Intersection of Wilkins and an unnamed county road
- Gas Line Road

Based on the glare analysis (Appendix C of this EIR), glare is not predicted for drivers of vehicles at the two observation points (Intersection of Wilkins and an unnamed county road, and Gas Line Road) adjacent to the project site at either 5 feet (cars and small trucks) or 9 feet (semi-trucks) viewing heights. Therefore, the proposed project would not result in a significant glare impact to motorists driving on roadways adjacent to the project site.

Mitigation Measure(s)

No mitigation measures are required.

Impact Analysis – Fiberoptic Cable

If the on-site wireless communication system is not constructed as described in Section 2.3.2 Substation, ~~The proposed project includes~~ the installation of approximately two miles of fiber optic cable to connect the proposed substation to the existing Niland Substation would be required for the remote communication system. No new transmission structures would be required to install the fiberoptic cable. The installation process involves aerial stringing of the fiber optic cable between existing transmission poles. The additional cable would be comparable in material and appearance to the existing cables on the transmission poles. The proposed fiber optic cable would result in a less than significant impact on a scenic vista, state scenic highway, degrade the existing visual character or quality of the site and its surroundings, or create a new source of light or glare.

3.2.4 Decommissioning/Restoration and Residual Impacts

Decommissioning/Restoration

If at the end of the PPA term, no contract extension is available for a power purchaser, no other buyer of the energy emerges, or there is no further funding of the project, the project will be decommissioned and dismantled. The project site is relatively flat and primarily characterized by a level elevation. Therefore, no grading or significant land form modifications would be required during decommissioning activities upon site restoration in the future. Although the project site would be visually disrupted in the short-term during decommissioning activities, because extensive grading is not required and these activities would be temporary, the visual character of the project site would not be substantially degraded in the short-term and related impacts would be less than significant.

Residual

Impacts related to glare and glint impacts to roadway travelers and USMC flight operations would be less than significant and no additional mitigation measures are required. Changes to visual character of the project area would be less than significant and would be transitioned back to their prior (pre-solar project) conditions following site decommissioning. Based on these conclusions, implementation of the project would not result in residual significant unmitigable impacts to the visual character of the project area or add substantial amounts of light and glare.

3.3 Air Quality

This section includes an overview of the existing air quality within the project area and identifies applicable local, state, and federal policies related to air quality. The impact assessment provides an evaluation of potential adverse effects on air quality based on criteria derived from the CEQA Guidelines and Imperial County Air Pollution Control District's (ICAPCD) Air Quality Handbook in conjunction with actions proposed in Chapter 2, Project Description. Stantec prepared an *Air Quality Technical Study* that assesses the potential air quality and climate change impacts of the Wister Solar Energy Facility Project. This report is included in Appendix D of this EIR.

3.3.1 Existing Conditions

Regional Setting

The project is located in Imperial County within the Salton Sea Air Basin (SSAB). The SSAB consists of all of Imperial County and a portion of Riverside County. Both the Imperial County Air Pollution Control District (ICAPCD) and South Coast Air Quality Management District (SCAQMD) have jurisdiction within the SSAB. The ICAPCD has full jurisdiction within all Imperial County and SCAQMD only has jurisdiction within Riverside County. As an arid desert region, the SSAB's climate is largely governed by the large-scale sinking and warming of air within the semi-permanent subtropical high-pressure center over the Pacific Ocean. When the fringes of mid-latitude storms pass through the Imperial Valley in winter, the coastal mountains create a strong "rain shadow" effect that makes Imperial Valley the second driest location in the U.S.

The lack of clouds and atmospheric moisture creates strong diurnal and seasonal temperature variations ranging from an average summer maximum of 108 degrees (°) Fahrenheit down to a winter morning minimum of 38° Fahrenheit. The most pleasant weather occurs from about mid-October to early May when daily highs are in the 70s and 80s with very infrequent cloudiness or rainfall. Imperial County experiences significant rainfall an average of only four times per year. The rainy period of the year lasts for 3.4 months, from December 4 to March 16, with a sliding 31-day rainfall of at least 0.5 inch. The rainless period of the year lasts for over 8 months, from March to early December.

Temperature inversions and light nighttime winds trap any local air pollution emissions near the ground. The area is subject to frequent hazy conditions at sunrise, followed by rapid daytime dissipation as winds pick up and the temperature warms. During periods of strong solar heating and intense convection, turbulent motion creates good mixing and low levels of air pollution. The SSAB experiences surface inversions almost every day of the year. These inversions often last for long periods of time, which allows for air stagnation and buildup of pollutants, including ozone.

Winds in the area are driven by a complex pattern of local, regional, and global forces, but primarily reflect the temperature difference between the cool ocean to the west and the heated interior of the entire desert southwest. For much of the year, winds flow predominantly from the west to the east. In summer, intense solar heating in the Imperial Valley creates a more localized wind pattern, as air comes up from the southeast via the Gulf of California.

Imperial County is predominately agricultural land, which is a factor in the cumulative air quality of the SSAB. Agricultural production generates dust and small particulate matter through the use of agricultural equipment on unpaved roads, land preparation, and harvest practices. Imperial County experiences unhealthful air quality from photochemical smog and from dust because of extensive surface disturbance and the very arid climate.

Major Air Pollutants

Criteria Pollutants

Air quality is defined by ambient air concentrations of specific pollutants determined by the U.S. Environmental Protection Agency (U.S. EPA) to be of concern with respect to the health and welfare of the general public. Seven major pollutants of concern, called criteria pollutants, are carbon monoxide (CO), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), ozone (O_3), particulate matter (PM) which is broken down for regulatory purposes into PM_{10}, $PM_{2.5}$, and lead (Pb). The California Air Resources Board (CARB) also identifies sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles as criteria pollutants. Table 3.3-1 describes the health effect of these criteria pollutants.

Table 3.3-1. Health Effects of Criteria Air Pollutants

Air Pollutant	Health Effects
CO	• Chest pain in patients with heart disease • Headache • Light-headedness • Reduced mental alertness
SO_2	• Worsening of asthma: increased symptoms, increased medication usage, and emergency room visits
NO_2	• Lung irritation • Enhanced allergic responses
O_3	• Respiratory symptoms • Worsening of lung disease leading to premature death • Damage to lung tissue
PM_{10} and $PM_{2.5}$	• Premature death • Hospitalization for worsening of respiratory disease • Asthma-related emergency room visits
Pb	• Impaired mental functioning in children • Learning disabilities in children • Brain and kidney damage
Sulfates	• Worsening of asthma and other lung diseases
Hydrogen Sulfide	• At high concentrations: headache and breathing difficulties
Vinyl Chloride	• Central nervous effects, such as dizziness, drowsiness, and headaches • Long-term exposure: liver damage and liver cancer

Table 3.3-1. Health Effects of Criteria Air Pollutants

Air Pollutant	Health Effects
Visibility Reducing Particles	• Premature death • Hospitalization for worsening of respiratory disease • Asthma-related emergency room visits

Source: CARB 2020
Notes:
CO – carbon monoxide; NO_2 – nitrogen dioxide; O_3 – ozone; Pb – lead; $PM_{2.5}$ – particulate matter less than 2.5 microns in diameter;
PM_{10} - particulate matter less than 10 microns in diameter; SO_2 – sulfur dioxide

Toxic Air Contaminants

Toxic air contaminants (TAC) are substances that have the potential to be emitted into the ambient air that have been determined to present some level of acute or chronic health risk (cancer or non-cancer) to the general public. These pollutants may be emitted in trace amounts from various types of sources, including combustion sources. There are almost 200 compounds that have been designated as TACs in California. The 10 TACs posing the greatest known health risk in California, based primarily on ambient air quality data, are acetaldehyde, benzene, 1,3-butadiene, carbon tetrachloride, hexavalent chromium, formaldehyde, methylene chloride, para-dichlorobenzene, perchloroethylene, and diesel particulate matter.

Attainment Status

As shown in Table 3.3-2, Imperial County is currently designated as nonattainment for O_3 and PM_{10} under state standards. Under federal standards, the County is in marginal nonattainment for O_3, serious nonattainment for PM_{10}, and moderate nonattainment for $PM_{2.5}$. The area is currently in attainment or unclassified status for all other ambient air quality standards.

Table 3.3-2. Attainment Status of Imperial County

Pollutant	Federal Designation	State Designation
O_3 [1]	Marginal Nonattainment	Nonattainment
PM_{10}	Serious Nonattainment	Nonattainment
$PM_{2.5}$	Moderate Nonattainment – partial[2]	Attainment
CO	Unclassified/Attainment	Attainment
NO_2	Unclassified/Attainment	Attainment
SO_2	Attainment	Attainment
Pb	Unclassified/Attainment	Attainment
H_2S	—	Unclassified
Sulfates	—	Attainment

Table 3.3-2. Attainment Status of Imperial County

Pollutant	Federal Designation	State Designation
Visibility Reducing Particles	—	Unclassified

Source: Appendix D of this EIR

Notes: = Not Identified/No Status

[1] The SSAB is marginal nonattainment for the 2015 ozone standard and moderate attainment for the 2008 standard.

[2] Only the Imperial Valley portion of the County is nonattainment for $PM_{2.5}$ NAAQS

CO – carbon monoxide; NO_2 – nitrogen dioxide; O_3 – ozone; Pb – lead; $PM_{2.5}$ – particulate matter less than 2.5 microns in diameter; PM_{10} - particulate matter less than 10 microns in diameter; SO_2 – sulfur dioxide

Local Ambient Air Quality

Air pollutants transported into the SSAB from the adjacent South Coast Air Basin (Los Angeles, San Bernardino County, Orange County, and Riverside County) and from Mexicali, Mexico substantially contribute to the non-attainment conditions in the SSAB.

The closest most representative air quality monitoring station to the project site is the Niland Monitoring Station located at 7711 English Road, Niland, CA 92257, approximately 4.5 miles southwest from the project site. However, the Niland Monitoring Station only monitors ozone and PM_{10}. Thus, monitoring data collected for $PM_{2.5}$ is from the Brawley Monitoring Station located at 220 Main Street, Brawley, CA 92227, approximately 20 miles south of the project site.

Table 3.3-3 shows pollutant levels, the state and federal standards, and the number of exceedances recorded at these stations from 2013 to 2017. As shown in Table 3.3-3, the state 1-hour O_3 standard was exceeded in 2013, and the 8-hour O_3 standard was exceeded from 2013-2015. The national 24-hour PM_{10} standard was exceeded from 2014-2017, and the state 24-hour $PM_{2.5}$ standard was exceeded from 2016-2017.

Table 3.3-3. Criteria Air Pollutants – Ambient Data Summary

Pollutant	Averaging Time	Standard	Maximum Concentration				
			2013	2014	2015	2016	2017
O_3	1-Hour	Maximum Concentration (ppm)	0.102	0.081	0.091	0.079	0.072
		Days > CAAQS (0.09 ppm)	1	0	0	0	0
	8-Hour	Maximum Concentration (ppm)[a]	0.083	0.075	0.074	0.066	0.061
		Days > NAAQS (0.07 ppm)	5	2	5	0	0

Table 3.3-3. Criteria Air Pollutants – Ambient Data Summary

Pollutant	Averaging Time	Standard	Maximum Concentration				
			2013	2014	2015	2016	2017
PM_{10}	24-Hour	Maximum concentration ($\mu g/m^3$) – National	144	173	250	226	345
		Maximum concentration ($\mu g/m^3$) – State	333	276	260	231	*
		Days > NAAQS (150 $\mu g/m^3$)	0	6	6	6	4
		Days > CAAQS (50 $\mu g/m^3$)	145	124	104	87	*
	Annual	State Annual Average (20 $\mu g/m^3$)	51.5	50.6	46.11	40.7	n/a
$PM_{2.5}$[c]	24-Hour	Maximum concentration ($\mu g/m^3$)	23.1	24.3	29.5	57.9	46.1
		Days > NAAQS (35 $\mu g/m^3$)	0	0	0	6	3
		National Std. 98th Percentile [b]	17	20	12	32	27
	Annual	National Annual (12.0 $\mu g/m^3$)	7.2	7.3	6.6	11.3	9.4

Source: Appendix D of this EIR

Notes:

Ambient data for CO, NO_2, SO_2 and airborne lead are not included in this table since the entire Imperial County is currently in compliance with state and federal standards for these pollutants.

*The estimated number of measured concentrations above national standards are shown in **bold**.*

[a] *The 8-hour ozone standard is attained when the fourth highest concentration in a year, averaged over 3 years, is less than or equal to the new national standard of 0.07 ppm. (Values listed in table represent midnight-to-midnight 24-hour averaged and exclude exceptional events.)*

[b] *Attainment condition for $PM_{2.5}$ is that the 3-year average of the 98th percentile of 24-hour concentrations at each monitor within an area must not exceed the standard.*

[c] *O_3 and PM_{10} data are from the Niland Monitoring Station. $PM_{2.5}$ concentrations are not measured at Niland station; the listed data are from the Brawley Monitoring Station.*

AAM – Annual Arithmetic Mean; CAAQS – California Ambient Air Quality Standards; $\mu g/m^3$ – micrograms per cubic meter; NAAQS – National Ambient Air Quality Standards; ppm – parts per million; n/a – sufficient data not available to determine the value; O_3 – ozone; PM_{10} - particulate matter less than 10 microns in diameter; $PM_{2.5}$ – particulate matter less than 2.5 microns in diameter

Sensitive Receptors

High concentrations of air pollutants pose health hazards for the general population, but particularly for the young, the elderly, and the sick. Typical health problems attributed to smog include respiratory ailments, eye and throat irritations, headaches, coughing, and chest discomfort. Certain land uses are considered to be more sensitive to the effects of air pollution. Schools, hospitals, residences, and other facilities where people congregate, especially children, the elderly and infirm, are considered particularly sensitive to air pollutants.

The project site is in a generally rural area and surrounded by relatively undisturbed desert lands. Agricultural fields are located to the west of the site. Sensitive receptors located within one mile of the project site consist of a few scattered rural homes west of the site. There are no sensitive receptors within 1,500 feet of the project site boundary.

3.3.2 Regulatory Setting

This section identifies and summarizes federal, state, and local laws, policies, and regulations that are applicable to the project.

Federal

Clean Air Act

The Federal Clean Air Act (CAA), passed in 1970 and last amended in 1990, is the primary federal law that governs air quality. The Federal CAA delegates primary responsibility for clean air to the U.S. EPA. The U.S. EPA develops rules and regulations to preserve and improve air quality and delegates specific responsibilities to state and local agencies. Under the act, the U.S. EPA has established the National Ambient Air Quality Standards (NAAQS) for six criteria air pollutants that are pervasive in urban environments and for which state and national health-based ambient air quality standards have been established. O_3, CO, NO_2, SO_2, Pb, PM_{10}, and $PM_{2.5}$ are the six criteria air pollutants. Ozone is a secondary pollutant, Nitrogen oxides (NOx) and volatile organic compounds (VOCs) are of particular interest as they are precursors to ozone formation. In addition, national standards exist for Pb. The NAAQS standards are set at levels that protect public health with a margin of safety, and are subject to periodic review and revision.

The Federal CAA requires EPA to designate areas as attainment, nonattainment, or maintenance (previously nonattainment and currently attainment) for each criteria pollutant based on whether the NAAQS have been achieved. The federal standards are summarized in Table 3.3-4.

State

California Clean Air Act

The California Clean Air Act (CCAA) was adopted by the California Air Resources Board (CARB) in 1988. The CCAA is responsible for meeting the state requirements of the Federal CAA and for establishing the California Ambient Air Quality Standards (CAAQS). CARB oversees the functions of local air pollution control districts and air quality management districts, which, in turn, administer air quality activities at the regional and county levels. The CCAA, as amended in 1992, requires all air districts of the state to achieve and maintain the CAAQS by the earliest practical date.

The CCAA requires CARB to designate areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous 3 calendar years. As shown in Table 3.3-4, the CAAQS are generally more stringent than the corresponding federal standards and incorporate additional standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard and are not used as a basis for designating areas as nonattainment.

California State Implementation Plan

The CAA mandates that the state submit and implement a State Implementation Plan (SIP) for areas not meeting the NAAQS. These plans must include pollution control measures that demonstrate how the standards will be met. State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the U.S. EPA for approval and publication in the Federal Register. The Code of Federal Regulations Title 40, Chapter I, Part 52, Subpart F, Section 52.220 lists all of the items which are included in the California SIP.

Table 3.3-4. Ambient Air Quality Standards

Air Pollutant	Averaging Time	California Standard	National Standard
O_3	1-hour 8-hour	0.09 ppm 0.070 ppm	-- 0.070 ppm
PM_{10}	24-hour Mean	50 µg/m^3 20 µg/m^3	150 µg/m^3 --
$PM_{2.5}$	24-hour Mean	-- 12 µg/m^3	35 µg/m^3 12.0 µg/m^3
CO	1-hour 8-hour	20 ppm 9.0 ppm	35 ppm 9 ppm
NO_2	1-hour Mean	0.18 ppm 0.030 ppm	100 ppb 0.053 ppm
SO_2	1-hour 24-hour	0.25 ppm 0.04 ppm	75 ppb --
Pb	30-day Rolling 3-month	1.5 µg/m^3	-- 0.15 µg/m^3
Sulfates	24-hour	25 µg/m^3	No federal standard
Hydrogen sulfide	1-hour	0.03 ppm	
Vinyl chloride	24-hour	0.01 ppm	
Visibility-reducing particles	8-hour	Extinction coefficient of 0.23 per kilometer, visibility of 10 miles or more because of particles when relative humidity is less than 70 percent	

Source: Appendix D of this EIR

CO – carbon monoxide; mean – annual arithmetic mean; NO_2 – nitrogen dioxide; O_3 – ozone; Pb – lead; $PM_{2.5}$ – particulate matter less than 2.5 microns in diameter; PM_{10} - particulate matter less than 10 microns in diameter; ppb – parts per billion; ppm - parts per million; $S0_2$ – sulfur dioxide; µg/m^3 – micrograms per cubic meter

Toxic Air Contaminants Regulation

TAC sources include industrial processes, dry cleaners, gasoline stations, paint and solvent operations, and fossil fuel combustion sources. The TACs that are relevant to the implementation include diesel particulate matter (DPM) and airborne asbestos.

In August 1998, ARB identified diesel particulate matter (DPM) emissions from diesel-fueled engines as a TAC. In September 2000, ARB approved a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel fueled engines and vehicles. The goal of the plan is to reduce diesel PM_{10} (inhalable particulate matter) emissions and the associated health risk by 75 percent in 2010 and by 85 percent by 2020. The plan identified 14 measures that target new and existing on-road vehicles (e.g., heavy duty trucks and buses, etc.), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps, etc.), and stationary engines (e.g., stand-by power generators, etc.).

Regional

Imperial County Air Pollution Control District

The Imperial County Air Pollution Control District (ICAPCD) is the agency responsible for monitoring air quality, as well as planning, implementing, and enforcing programs designed to attain and maintain state and federal ambient air quality standards in the district. ICAPCD is responsible for regulating stationary sources of air emissions in Imperial County. Stationary sources that have the potential to emit air pollutants into the ambient air are subject to the Rules and Regulations adopted by ICAPCD. ICAPCD is responsible for establishing stationary source permitting requirements and for ensuring that new, modified, or relocated stationary sources do not create net emission increases. Monitoring of ambient air quality in Imperial County began in 1976. Since that time, monitoring has been performed by ICAPCD, CARB, and by private industry. There are six monitoring sites in Imperial County from Niland to Calexico. The ICAPCD has developed the following plans to achieve attainment for air quality ambient standards.

- **2017 Imperial County Plan for 2008 8-hour Ozone Standard.** Because of Imperial County's "moderate" nonattainment status for 2008 federal 8-hour O_3 standards, ICAPCD was required to develop an 8-hour Attainment Plan for Ozone (ICAPCD 2017b).
- **2009 Imperial County Plan for PM10**. Imperial Valley is classified as nonattainment for federal and state PM_{10} standards. As a result, ICAPCD was required to develop a PM_{10} Attainment Plan. The final plan was adopted by ICAPCD on August 11, 2009 (ICAPCD 2009).
- **2013 Imperial County Plan for 2006 24-hour PM2.5 for Moderate Nonattainment Area.** U.S. EPA designated Imperial County as nonattainment for the 2006 24-hr $PM_{2.5}$ standard, effective December 14, 2009. The 2013 $PM_{2.5}$ SIP demonstrates attainment of the 2006 $PM_{2.5}$ NAAQS "but-for" transport of international emissions from Mexicali, Mexico. The City of Calexico, California shares a border with the City of Mexicali. Effective July 1, 2014, the City of Calexico was designated nonattainment, while the rest of the SSAB was designated attainment (ICAPCD 2014).

Imperial County Air Pollution Control District Rules and Regulations

ICAPCD has the authority to adopt and enforce regulations dealing with controls for specific types of sources, emissions or hazardous air pollutants, and New Source Review. The ICAPCD Rules and Regulations are part of the SIP and are separately enforceable by the EPA.

Rule 106 – Abatement. The Board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, of an order for abatement whenever the District finds that any person is in violation of the rules and regulations limiting the discharge of air contaminants into the atmosphere.

Rule 107 – Land Use. The purpose of this rule is to provide ICAPCD the duty to review and advise the appropriate planning authorities within the District on all new construction or changes in land use which the Air Pollution Control Officer believes could become a source of air pollution problems.

Rule 201 – Permits Required. The construction, installation, modification, replacement, and operation of any equipment which may emit or control Air Contaminants require ICAPCD permits.

Rule 207 – New and Modified Stationary Source Review. Establishes preconstruction review requirements for new and modified stationary sources to ensure the operations of equipment does not interfere with attainment or maintenance of ambient air quality standards.

Rule 208 – Permit to Operate. The ICAPCD would inspect and evaluate the facility to ensure the facility has been constructed or installed and will operate to comply with the provisions of the Authority to Construct permit and comply with all applicable laws, rules, standards, and guidelines.

Rule 310 – Operational Development Fee. THE purpose of this rule is to provide ICAPCD with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout the County of Imperial and incorporated cities. All project proponents have the option to either provide: off-site mitigation, pay the operational development fee, or do a combination of both. This rule will assist ICAPCD in attaining the state and federal ambient air quality standards for PM_{10} and O_3.

Rule 401 – Opacity of Emissions. Sets limits for release or discharge of emissions into the atmosphere, other than uncombined water vapor, that are dark or darker in shade as designated as No.1 on the Ringelmann Chart or obscure an observer's view to a degree equal to or greater than smoke does as compared to No.1 on the Ringelmann Chart, for a period or aggregated period of more than three minutes in any hour.

Rule 403 – General Limitations on the Discharge of Air Contaminants. Rule 403 sets forth limitations on emissions of pollutants, including particulate matter, from individual sources.

Rule 407 – Nuisance. Rule 407 prohibits a person from discharging from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

Regulation VIII – Fugitive Dust Rules. Regulation VIII sets forth rules regarding the control of fugitive dust, including fugitive dust from construction activities. The regulation requires implementation of fugitive dust control measures to reduce emissions from earthmoving, unpaved roads, handling of bulk materials, and control of track-out/carry-out dust from active construction sites. Best Available Control Measures to reduce fugitive dust during construction and earthmoving activities include but are not limited to:

- Phasing of work in order to minimize disturbed surface area
- Application of water or chemical stabilizers to disturbed soils
- Construction and maintenance of wind barriers

- Use of a track-out control device or wash down system at access points to paved roads.

Compliance with Regulation VIII is mandatory on all construction sites, regardless of size; however, compliance with Regulation VIII does not constitute mitigation under the reductions attributed to environmental impacts. In addition, compliance for a project includes: (1) the development of a dust control plan for the construction and operational phase; and (2) notification to the Air District is required 10 days prior to the commencement of any construction activity. Furthermore, any use of engine(s) and/or generator(s) of 50 horsepower or greater may require a permit through ICAPCD.

Southern California Association of Governments - 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the designated metropolitan planning organization for Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial Counties. CEQA requires that regional agencies like SCAG review projects and plans throughout its jurisdiction. SCAG, as the region's "Clearinghouse," collects information on projects of varying size and scope to provide a central point to monitor regional activity. SCAG has the responsibility of reviewing dozens of projects, plans, and programs every month. Projects and plans that are regionally significant must demonstrate to SCAG their consistency with a range of adopted regional plans and policies.

On April 7, 2016, SCAG adopted the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the NAAQS as set forth by the federal CAA. The following SCAG goal is applicable to the project:

- Protect the environment and health of our residents by improving air quality and encouraging active transportation.

As a solar generation facility, the proposed project would improve air quality by reducing the use of fossil fuels in energy production. Construction of the proposed project would not exceed any ICAPCD thresholds or result in significant impacts to air quality. Although no significant air quality impact would occur during construction, all construction projects within Imperial County must comply with the requirements of ICAPCD Regulation VIII for the control of fugitive dust. PM_{10} emissions associated with construction of the project would be reduced through compliance with ICAPCD Regulation VIII. Operation of the proposed project would not exceed any ICAPCD thresholds or result in significant impacts to air quality. Therefore, the proposed project would be consistent with this SCAG goal.

Imperial County General Plan

The Imperial County General Plan serves as the overall guiding policy for the County. The Conservation and Open Space Element includes objectives for helping the County achieve the goal of improving and maintaining the quality of air in the region. Table 3.3-5 summarizes the project's consistency with the applicable air quality goal and objectives from the Conservation and Open Space Element. While this EIR analyzes the project's consistency with the General Plan pursuant to State CEQA Guidelines Section 15125(d), the Imperial County Board of Supervisors ultimately determines consistency with the General Plan.