# 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 February 2024, 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. 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.

## B. Corrections and Additions

### Executive Summary

*Table ES-1, Page ES-10*

**BIO-5** **Preconstruction Surveys for Burrowing Owl:** Preconstruction surveys for burrowing owl shall be conducted within the areas assessed as having burrowing owl potential of the project area and adjacent areas prior to the start of ground-disturbing activities. Two surveys shall be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified in the project area during the survey and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods for avoidance or passive relocation should be followed.

Should burrowing owl be detected on the project site as part of pre-construction surveys, the following burrowing owl avoidance buffers shall be adhered to, consistent with the *Staff Report on Burrowing Owl Mitigation*:

| Location | Time of Year | Level of Disturbance | | |
|---|---|---|---|---|
| | | Low | Med | High |
| Nesting Sites | April 1 – Aug 15 | 200 meters | 500 meters | 500 meters |
| Nesting Sites | Aug 16 – Oct 15 | 200 meters | 200 meters | 500 meters |
| Nesting Sites | Oct 16 – Mar 31 | 50 meters | 100 meters | 500 meters |

*Table ES-1, Pages ES-11 through ES-14*

**BIO-GEN Biological Resource Protection Measures Prior to Construction:**

a. Prior to the commencement of construction, a project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or environmental studies with familiarity with special status plant and wildlife species with the potential to be affected by the proposed Ramon Substation expansion) shall be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The project biologist shall be familiar with the local habitats, plants, and wildlife, and shall maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist may designate qualified biologists or biological monitors to help oversee project compliance or conduct preconstruction surveys for special status species. These biologists shall have familiarity with the species for which they would be conducting preconstruction surveys or monitoring construction activities.

b. The project biologist or designated qualified biologist shall review final plans, designate areas that need temporary fencing (e.g., environmentally sensitive area [ESA] fencing), and monitor construction activities within and adjacent to areas with native vegetation communities or special status plant and wildlife species. The qualified biologist shall monitor activities within designated areas during critical times such as vegetation removal, initial ground disturbing activities, and the installation of BMPs and fencing to protect jurisdictional resources, and shall ensure that all regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. The qualified biologist shall check construction barriers or exclusion fencing and shall provide corrective measures to the contractor to ensure that the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a special status wildlife species is encountered within the Project area during construction. Construction activities shall cease until the Project Biologist or qualified biologist determine(s) that the animal will not be harmed or that it has left the construction area on its own. The appropriate regulatory agency(ies) shall be notified within 24 hours of sighting of a special status wildlife species.

c. Prior to the start of construction, all project personnel and contractors who will be on site during construction shall complete mandatory training conducted by the project biologist or a designated qualified biologist. Any new project personnel or contractors that come on board after the initiation of construction shall also be required to complete the mandatory Worker Environmental Awareness Program training before they commence with work. The training shall advise workers of potential impacts on jurisdictional resources. At a minimum, the training shall include the following topics: (1) occurrences of special status species and special status vegetation communities in the project area (including vegetation communities subject to USACE, CDFW, and RWQCB jurisdiction), (2) the purpose for resource protection; (3) protective measures to be implemented in the field, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced to avoid jurisdictional resource areas in the field (i.e., avoid areas delineated on maps or on the Project site by fencing); (5)

environmentally responsible construction practices; and (6) the protocol to resolve conflicts that may arise at any time during the construction process.

d. Prior to any ground disturbance the project boundary will be fenced as a means to protect the adjacent lands. The fencing/signage shall be clearly marked in the field by construction personnel under the guidance of the biologist or designated employee. The fencing/signage will remain in place for the duration of the project activities and no work or other project activities will occur outside of the fenced area to incidental impacts to nearby species. Upon completion of project activities, the fencing/signage will be removed.

e. Construction activities shall be limited to daylight hours to the extent feasible. If nighttime activities are unavoidable, then workers shall direct all lights for nighttime lighting into the work area and shall minimize the lighting of natural habitat areas adjacent to the work area. The contractor shall use light glare shields to reduce the extent of illumination into special status vegetation communities. If the work area is located near surface waters, the lighting shall be shielded such that it does not shine directly into the water.

f. Clearing shall be confined to the minimum area necessary to facilitate construction activities. Cleared vegetation and spoils shall be disposed of daily at a permanent off site spoils location or at a temporary on site location that will not create habitat for special status wildlife species. Spoils and dredged material shall be disposed of at an approved site or facility in accordance with all applicable federal, state, and local regulations.

g. The Contractor shall avoid wildlife entrapment by completely covering or providing escape ramps for all excavated steep walled holes or trenches more than 1 foot deep at the end of each construction workday. The qualified biologist shall inspect open trenches and holes and shall remove or release any trapped wildlife found in the trenches or holes prior to filling by the construction contractor.

h. Wildlife can be attracted to den like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar features; construction equipment; or construction debris left overnight in areas that may be occupied by special status species that could occupy such structures shall be inspected by a qualified biologist prior to being used for construction. Such inspections shall occur at the beginning of each day's activities for those materials to be used or moved that day. If necessary, and under the direct supervision of the biologist, the structure may be moved up to one time to isolate it from construction activities, until the special status species has moved from the structure of its own volition, has been captured and relocated, or has otherwise been removed from the structure.

i. The spread of dust from work sites to special-status vegetation communities or habitats for special-status species on adjacent lands shall be minimized by use of a water truck. Dirt access roads, haul roads, and spoils areas shall be watered at least twice each day when being used during construction dry periods.

*Table ES-1, Page ES-15*

**CUL-1** **Prepare Phase I Cultural Resources Survey Report.** Prior to issuance of a grading permit, the project applicant shall retain a qualified archaeologist defined as one meeting

the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) to oversee a Phase I cultural resources survey for the VEGA 6 project, to determine if previously unidentified cultural resources exist within the project site and to relocate and evaluate the previously identified resources that have not yet been evaluated. A Native American monitor shall accompany the qualified archaeologist during the pedestrian survey/fieldwork component of the Phase I Cultural Resources Survey Report. The methods and results of the survey, as well as the records search, shall be summarized in a Phase I cultural resources survey report that follows the guidelines in Archaeological Resource Management Reports: Recommended Contents and Format, Department of Parks and Recreation, Office of Historic Preservation, State of California, 1990. The report shall address the requirements of CEQA and NEPA for NHPA/Section 106 compliance associated with any proposed BLM actions.

*Table ES-1, Pages ES-16 through ES-17*

**CUL-2** **A. Evaluate Significance of Find.** If previously documented but unevaluated and/or newly documented archaeological resources are identified within the project site, they should be evaluated for inclusion in the CRHR and/or as unique archaeological resources. Should newly documented archaeological resources be found eligible for listing in the CRHR and/or constitute unique archaeological resources, avoidance and preservation in place is the preferred manner of mitigation. If avoidance is not feasible, a treatment plan should be developed by the qualified archaeologist in coordination with the project applicant and the lead agency that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resources.

**B. Cultural Resources Management Plan.** Project proponent will develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resources laws, management of resources during operation, and consideration of the effect of decommissioning. The CRMP shall include the following: identification of California Native American tribes, identification of long and short term management goals for cultural resources within the project area, evaluation of eligibility for the CRHR and NRHP for all resources within the project area, description of measures to avoid, minimize, and reduce significant impacts to cultural resources (including both historical and archaeological resources), unanticipated discovery procedures, monitoring needs, data recovery of significant cultural resources where avoidance is not possible, curation procedures for recovered artifacts, anticipated personnel requirements and qualifications. The draft CRMP shall be prepared by a registered professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) and reviewed and approved by the County of Imperial Planning and Development Services Department.

**C. Cultural Resources Training.** Project proponent will provide cultural resources training for all project personnel regarding the laws protecting cultural resources, appropriate conduct in the field, and other project-specific issues identified in the CRMP prepared for each site as required by Mitigation Measure CUL-2.B.

**CUL-3** **Evaluate Significance of Find (Unknown Archaeological Resources).** In the event of the discovery of previously unidentified archaeological materials, the archaeological monitor shall require that the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the archaeological

monitor ~~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~~ shall 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 accordance with the procedures and recommendations established as part of the Cultural Resources Management Plan required by Mitigation Measure CUL-2B.

*Table ES-2, Page ES-27*

**RS-BIO-3 Minimize and Avoid Impacts on Special-Status Species:**

a. The project biologist shall conduct focused pre-construction surveys for federal- and State-listed and other special-status plants. All special-status plant species (including listed threatened or endangered species, and all CRPR 1A, 1B, 2, 3, and 4 ranked species) impacted by project activities shall be documented in pre-construction survey reports. Surveys shall be conducted during the appropriate season in all suitable habitat located within the project footprint. The field surveys and reporting must conform to current CDFW botanical field survey protocol (CDFG 2009) or more recent updates, if available.

   The project biologist shall conduct focused pre-construction surveys for any special-status wildlife species, including Coachella Valley fringe-toed lizard, flat-tailed horned lizard, burrowing owl, loggerhead shrike, vermilion flycatcher, Palm Springs pocket mouse, American badger, and Coachella Valley round-tailed ground squirrel and Crotch's Bumble Bee in accordance with "The California Department of Fish and Wildlife Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (June 6, 2023)." Surveys shall be conducted at least 14 days prior to the start of construction within suitable habitat located within the project footprint. At the discretion of the project Biologist, work will be halted if the species are highly disturbed.

## Section 1 Introduction

*Page 1-9*

~~This~~ The Draft EIR has been distributed to various federal, state, regional, local agencies and interested parties for a 50-day public review period, from February 26, 2024 to April 16, 2024, in accordance with Section 15087 of the CEQA Guidelines. ~~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. Documents ~~may be reviewed~~ were available for review during regular business hours.

David Black, 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~~ this 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 certify 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.

*Page 1-11*

The structure of the ~~Draft~~ Final EIR is identified below. The ~~Draft~~ Final EIR is organized into ~~10~~ 14 chapters.

- **Chapter 0.1 Introduction and Summary** describes the CEQA requirements and content of the Final EIR.
- **Chapter 0.2 Responses to Comment Letters Received on the Draft EIR** provides copies of the comment letters received and individual responses to written comments.
- **Chapter 0.3 Errata to the Draft EIR** identifies the location of, or contains revisions to, information included in the Draft EIR dated February 2024, based upon additional or revised information required to prepare a response to a specific comment.
- **Chapter 0.4 Mitigation Monitoring and Reporting Program** identifies the mitigation measures, timing, and responsibility for implementation of the measures.

## Section 3.4 Biological Resources

*Pages 3.4-29 through3.4-30*

#### SPECIAL-STATUS WILDLIFE

Four special-status wildlife species were found to be present within the VEGA 6 project area and adjacent habitat: California horned lark, loggerhead shrike, northern harrier, and peregrine falcon. These species were observed within a variety of habitats within the VEGA 6 BSA. Foraging habitat for a number of raptor species and breeding habitat for numerous passerine species that are protected by the MBTA occurs throughout the VEGA 6 project area. The VEGA 6 project area provides nesting habitat for ground-nesting species as well as species that nest in various scrub habitats. Direct impacts to nesting avian species include injury, mortality, loss of young, and nest failure. Indirect impacts include loss of foraging and nesting habitat for passerine and raptor species, increase in noise and human activities, and potential introduction of invasive or nonnative species. These potential impacts are considered significant. Implementation of Mitigation Measures BIO-1, BIO-2, ~~and~~ BIO-3, and BIO-GEN would reduce impacts to a level less than significant.

Four special-status wildlife species were found to have a high potential to occur within the VEGA 6 project area and adjacent habitats: flat-tailed horned lizard, black-tailed gnatcatcher, burrowing owl, and Palm Springs pocket mouse. The creosote bush scrub in the VEGA 6 project area and buffer provides habitat for flat-tailed horned lizard. Direct impacts to these species could occur in the form of injury and mortality. Indirect impacts could occur in the form of habitat loss, increased human and

vehicular activity, ground vibrations, noise, and increased dust. Implementation of Mitigation Measures BIO-3 and BIO-4 would reduce impacts to a level less than significant. The various scrub habitats and tamarisk thickets provides foraging and nesting habitat for black-tailed gnatcatcher. Direct impacts to these species could occur in the form of injury, mortality, and the loss of nests or young. Indirect impacts could occur in the form of habitat loss, increased human and vehicular activity, ground vibrations, noise, and increased dust. These potential impacts are considered significant. Implementation of Mitigation Measures BIO-1, BIO-2, ~~and~~ BIO-3, and BIO-GEN would reduce impacts to a level less than significant.

Burrowing owl has a high potential to occur on the VEGA 6 project area and buffer due to the number of previously documented occurrences and suitable habitat on the VEGA 6 project area. Suitable burrowing owl burrows and burrow structures were identified during the survey. Although no burrowing owl were observed or burrows with sign identified at the time of the survey, due to the mobile nature of the species it is possible that burrowing owl could use the site prior to the start of project activities. If burrowing owl are found to be using or nesting on the site prior to the start of construction due to a change in potential burrow presence, direct impacts in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts from construction noise and vibrations may occur. Potential project-related direct impacts to these species could be significant and occur in the form of injury, mortality, and loss of active nests or young. Indirect impacts could occur in the form of habitat loss, increased human and vehicular activity, ground disturbances, noise, and increased dust. Implementation of Mitigation Measures BIO-5 and BIO-GEN would reduce impacts to a level less than significant.

Palm Springs pocket mouse has a high potential to occur in the creosote bush scrub habitat of the VEGA 6 project area. Therefore, there is potential for project-related impacts to be significant if this species occurs in the VEGA 6 project area in the form of direct mortality and destruction of habitat. Implementation of Mitigation Measures BIO-6 and BIO-GEN would reduce impacts to a level less than significant.

Four special-status wildlife species were found to have a moderate potential to occur within the VEGA 6 project area: mountain plover, Crissal thrasher, Yuma hispid cotton rat, and American badger. Direct impacts to these species could occur in the form of injury, mortality, and the loss of nests or young. Indirect impacts could occur in the form of habitat loss, increased human and vehicular activity, ground vibrations, noise, and increased dust. These potential impacts are considered significant. Implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, ~~and~~ BIO-7, and BIO-GEN would reduce impacts to a level less than significant.

*Pages 3.4-33 through 3.4-35*

**BIO-5** **Preconstruction Surveys for Burrowing Owl:** Preconstruction surveys for burrowing owl shall be conducted within the areas assessed as having burrowing owl potential of the project area and adjacent areas prior to the start of ground-disturbing activities. Two surveys shall be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified in the project area during the survey and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods for avoidance or passive relocation should be followed.

Should burrowing owl be detected on the project site as part of pre-construction surveys, the following burrowing owl avoidance buffers shall be adhered to, consistent with the *Staff Report on Burrowing Owl Mitigation*:

| Location | Time of Year | Level of Disturbance | | |
|---|---|---|---|---|
| | | Low | Med | High |
| Nesting Sites | April 1 – Aug 15 | 200 meters | 500 meters | 500 meters |
| Nesting Sites | Aug 16 – Oct 15 | 200 meters | 200 meters | 500 meters |
| Nesting Sites | Oct 16 – Mar 31 | 50 meters | 100 meters | 500 meters |

**BIO-GEN Biological Resource Protection Measures Prior to Construction:**

a. Prior to the commencement of construction, a project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or environmental studies with familiarity with special status plant and wildlife species with the potential to be affected by the proposed Ramon Substation expansion) shall be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The project biologist shall be familiar with the local habitats, plants, and wildlife, and shall maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist may designate qualified biologists or biological monitors to help oversee project compliance or conduct preconstruction surveys for special status species. These biologists shall have familiarity with the species for which they would be conducting preconstruction surveys or monitoring construction activities.

b. The project biologist or designated qualified biologist shall review final plans, designate areas that need temporary fencing (e.g., environmentally sensitive area [ESA] fencing), and monitor construction activities within and adjacent to areas with native vegetation communities or special status plant and wildlife species. The qualified biologist shall monitor activities within designated areas during critical times such as vegetation removal, initial ground disturbing activities, and the installation of BMPs and fencing to protect jurisdictional resources, and shall ensure that all regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. The qualified biologist shall check construction barriers or exclusion fencing and shall provide corrective measures to the contractor to ensure that the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a special status wildlife species is encountered within the Project area during construction. Construction activities shall cease until the Project Biologist or qualified biologist determine(s) that the animal will not be harmed or that it has left the construction area on its own. The appropriate regulatory agency(ies) shall be notified within 24 hours of sighting of a special status wildlife species.

c. Prior to the start of construction, all project personnel and contractors who will be on site during construction shall complete mandatory training conducted by the project biologist or a designated qualified biologist. Any new project personnel or contractors that come on board after the initiation of construction shall also be required to complete

the mandatory Worker Environmental Awareness Program training before they commence with work. The training shall advise workers of potential impacts on jurisdictional resources. At a minimum, the training shall include the following topics: (1) occurrences of special status species and special status vegetation communities in the project area (including vegetation communities subject to USACE, CDFW, and RWQCB jurisdiction), (2) the purpose for resource protection; (3) protective measures to be implemented in the field, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced to avoid jurisdictional resource areas in the field (i.e., avoid areas delineated on maps or on the Project site by fencing); (5) environmentally responsible construction practices; and (6) the protocol to resolve conflicts that may arise at any time during the construction process.

d. Prior to any ground disturbance the project boundary will be fenced as a means to protect the adjacent lands. The fencing/signage shall be clearly marked in the field by construction personnel under the guidance of the biologist or designated employee. The fencing/signage will remain in place for the duration of the project activities and no work or other project activities will occur outside of the fenced area to incidental impacts to nearby species. Upon completion of project activities, the fencing/signage will be removed.

e. Construction activities shall be limited to daylight hours to the extent feasible. If nighttime activities are unavoidable, then workers shall direct all lights for nighttime lighting into the work area and shall minimize the lighting of natural habitat areas adjacent to the work area. The contractor shall use light glare shields to reduce the extent of illumination into special status vegetation communities. If the work area is located near surface waters, the lighting shall be shielded such that it does not shine directly into the water.

f. Clearing shall be confined to the minimum area necessary to facilitate construction activities. Cleared vegetation and spoils shall be disposed of daily at a permanent off site spoils location or at a temporary on site location that will not create habitat for special status wildlife species. Spoils and dredged material shall be disposed of at an approved site or facility in accordance with all applicable federal, state, and local regulations.

g. The Contractor shall avoid wildlife entrapment by completely covering or providing escape ramps for all excavated steep walled holes or trenches more than 1 foot deep at the end of each construction workday. The qualified biologist shall inspect open trenches and holes and shall remove or release any trapped wildlife found in the trenches or holes prior to filling by the construction contractor.

h. Wildlife can be attracted to den like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar features; construction equipment; or construction debris left overnight in areas that may be occupied by special status species that could occupy such structures shall be inspected by a qualified biologist prior to being used for construction. Such inspections shall occur at the beginning of each day’s activities for those materials to be used or moved that day. If necessary, and under the direct supervision of the biologist, the structure may be moved up to one time to isolate it from construction activities, until

the special status species has moved from the structure of its own volition, has been captured and relocated, or has otherwise been removed from the structure.

i. The spread of dust from work sites to special-status vegetation communities or habitats for special-status species on adjacent lands shall be minimized by use of a water truck. Dirt access roads, haul roads, and spoils areas shall be watered at least twice each day when being used during construction dry periods.

*Page 3.4-38*

**RS-BIO-3 Minimize and Avoid Impacts on Special-Status Species:**

a. The project biologist shall conduct focused pre-construction surveys for federal- and State-listed and other special-status plants. All special-status plant species (including listed threatened or endangered species, and all CRPR 1A, 1B, 2, 3, and 4 ranked species) impacted by project activities shall be documented in pre-construction survey reports. Surveys shall be conducted during the appropriate season in all suitable habitat located within the project footprint. The field surveys and reporting must conform to current CDFW botanical field survey protocol (CDFG 2009) or more recent updates, if available.

The project biologist shall conduct focused pre-construction surveys for any special-status wildlife species, including Coachella Valley fringe-toed lizard, flat-tailed horned lizard, burrowing owl, loggerhead shrike, vermilion flycatcher, Palm Springs pocket mouse, American badger, and Coachella Valley round-tailed ground squirrel and Crotch's Bumble Bee in accordance with "The California Department of Fish and Wildlife Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (June 6, 2023)." Surveys shall be conducted at least 14 days prior to the start of construction within suitable habitat located within the project footprint. At the discretion of the project Biologist, work will be halted if the species are highly disturbed.

*Significance after Mitigation*

*VEGA 6*

The proposed VEGA 6 project has the potential to impact special-status wildlife species during construction. However, implementation of Mitigation Measures BIO-1 through BIO-7 and BIO-GEN would reduce potential impacts to a level less than significant.

*Page 3.4-43*

*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. Project decommissioning activities will require construction vehicles to drive across the solar facility, transmission line, and access roads. 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. Similar to project construction, decommissioning activities have the potential to directly impact special-status species. his is a potentially significant impact; however, implementation of Mitigation Measures BIO-1 through

BIO-7 and BIO-GEN at the time of decommissioning would reduce impacts to a level less than significant.

*Residual*

With the implementation of Mitigation Measures BIO-1 through BIO-7 and BIO-GEN, potential impacts to special-status species would be reduced to a level less than significant. With implementation of Mitigation Measures BIO-2, BIO-7, and BIO-8, potential impacts to riparian habitat and aquatic resources would be reduced to a level less than significant. Therefore, the project would not result in residual significant and unmitigable impacts related to biological resources.

## Section 3.5 Cultural Resources

*Pages 3.5-13 through 3.5-14*

**CUL-1** **Prepare Phase I Cultural Resources Survey Report.** Prior to issuance of a grading permit, the project applicant shall retain a qualified archaeologist defined as one meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) to oversee a Phase I cultural resources survey for the VEGA 6 project, to determine if previously unidentified cultural resources exist within the project site and to relocate and evaluate the previously identified resources that have not yet been evaluated. A Native American monitor shall accompany the qualified archaeologist during the pedestrian survey/fieldwork component of the Phase I Cultural Resources Survey Report. The methods and results of the survey, as well as the records search, shall be summarized in a Phase I cultural resources survey report that follows the guidelines in Archaeological Resource Management Reports: Recommended Contents and Format, Department of Parks and Recreation, Office of Historic Preservation, State of California, 1990. The report shall address the requirements of CEQA and NEPA for NHPA/Section 106 compliance associated with any proposed BLM actions.

**CUL-2** **A. Evaluate Significance of Find.** If previously documented but unevaluated and/or newly documented archaeological resources are identified within the project site, they should be evaluated for inclusion in the CRHR and/or as unique archaeological resources. Should newly documented archaeological resources be found eligible for listing in the CRHR and/or constitute unique archaeological resources, avoidance and preservation in place is the preferred manner of mitigation. If avoidance is not feasible, a treatment plan should be developed by the qualified archaeologist in coordination with the project applicant and the lead agency that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resources.

**B. Cultural Resources Management Plan.** Project proponent will develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resources laws, management of resources during operation, and consideration of the effect of decommissioning. The CRMP shall include the following: identification of California Native American tribes, identification of long and short term management goals for cultural resources within the project area, evaluation of eligibility for the CRHR and NRHP for all resources within the project area, description of measures to avoid, minimize, and reduce significant impacts to cultural resources (including both historical and archaeological resources), unanticipated discovery procedures, monitoring needs, data

recovery of significant cultural resources where avoidance is not possible, curation procedures for recovered artifacts, anticipated personnel requirements and qualifications. The draft CRMP shall be prepared by a registered professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) and reviewed and approved by the County of Imperial Planning and Development Services Department.

**C. Cultural Resources Training.** Project proponent will provide cultural resources training for all project personnel regarding the laws protecting cultural resources, appropriate conduct in the field, and other project-specific issues identified in the CRMP prepared for each site as required by Mitigation Measure CUL-2.B.

*Pages 3.5-15 through 3.5-16*

**CUL-3** **Evaluate Significance of Find (Unknown Archaeological Resources).** In the event of the discovery of previously unidentified archaeological materials, the archaeological monitor shall require that the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the archaeological monitor ~~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~~ shall 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 accordance with the procedures and recommendations established as part of the Cultural Resources Management Plan required by Mitigation Measure CUL-2B.

## Section 3.10 Land Use and Planning

*Page 3.10-19*

| | | |
|---|---|---|
| Objective 1.6: Encourage the efficient use of water resources required in the operation of renewable energy generation facilities. | Consistent | Water use during construction would be used primarily for dust control and obtained from groundwater well(s) constructed as part of the proposed project. The construction of the groundwater well(s) is subject to approval of a conditional use permit (CUP 22-0027) as identified in EIR Section 2.5 Required Project Approvals. ~~local IID irrigation canals or laterals in conformance with IID construction water acquisition requirements. The project applicant will also coordinate with IID to purchase water needed for maintenance activities (i.e., PV module washing) to ensure efficient use of water resources.~~ |

# 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 B above, the minor corrections and additions do not result in any new or substantially increased significant impacts. Therefore, the County has concluded that recirculation of the Draft EIR is not required.