3.4 Biological Resources

This section identifies the biological resources that may be impacted by the proposed project. The following identifies the existing biological and jurisdictional resources in the VEGA 6 project area and Ramon Substation expansion area, analyzes potential impacts of the proposed project, and recommends mitigation measures to avoid or reduce potential impacts of the proposed project. The information for this section is summarized from the following reports:

- *Biological Technical Report – VEGA SES 6 Solar Project* (Appendix D1 of this EIR) prepared by ECORP Consulting, Inc.
- *Biological Resources Report – Ramon Substation Expansion* (Appendix D2 of this EIR) prepared by HDR
- *Aquatic Resources Delineation – VEGA SES 6 Solar Project* (Appendix E1 of this EIR) prepared by ECORP Consulting, Inc.
- *Aquatic Resources Survey Report – Ramon Substation Expansion* (Appendix E2 of this EIR) prepared by HDR

As part of the *Biological Technical Report – VEGA SES 6 Solar Project*, ECORP Consulting, Inc. conducted a literature review, desktop survey, and biological reconnaissance survey of the VEGA 6 project site to document the existing biological resources, to assess the habitat for its potential to support sensitive plant and wildlife species, and to determine the potential impacts of the VEGA 6 project on biological resources.

For the purposes of this EIR, the following terms are used and defined below:

- VEGA 6 project area refers to the areas proposed to be directly affected by implementation of the VEGA 6 project and corresponds to the VEGA 6 solar facility site and proposed gen-tie alignment.
- VEGA 6 biological survey area (BSA) refers to the VEGA 6 project area and a 500-foot buffer around the VEGA 6 project area, potentially subject to temporary or indirect impacts.
- VEGA 6 aquatic resources study area refers to the VEGA 6 project area plus a 50-foot buffer.
- Ramon Substation expansion area refers to the area proposed to be directly affected by implementation of the proposed Ramon Substation expansion.
- Ramon Substation BSA refers to Ramon Substation expansion area plus 500-foot buffer. Ramon Substation aquatic resources study area refers to the Ramon Substation expansion area plus 50-foot buffer.

3.4.1 Existing Conditions

Vegetation Communities and Land Cover Types

VEGA 6

The majority of vegetation and land cover types mapped within the VEGA 6 project area consists of creosote bush scrub, disturbed creosote bush scrub, and agriculture. The acreage of each vegetation

community and land cover types is summarized in and depicted in Figure 4 of the *Biological Technical Report – VEGA SES 6 Solar Project* (Appendix D1 of this EIR).

Table 3.4-1. Vegetation Communities and Land Cover Types in VEGA 6 Project Area

Vegetation Community and Land Cover Type[1]	Acres
Active Agriculture	2.088
Fallow Agriculture	0.122
Creosote Bush Scrub	183.163
Disturbed Creosote Bush Scrub	139.541
Disturbed Tamarisk Thickets	1.948
Disturbed	0.454
Urban/Developed – Dirt Roads	5.081
Total	**332.398**

Source: Appendix D1 of this EIR

Detailed descriptions of the applicable vegetation communities sand land cover types occurring within the VEGA 6 project area are described below.

CREOSOTE BUSH SCRUB

Creosote bush scrub is the most characteristic vegetation of the California desert and is found on alluvial fans, bajadas, upland slopes, and washes. Creosote bush scrub is dominated by a nearly monotypic stand of creosote bush with an open canopy and an herbaceous layer of seasonal annuals and perennials. This community is dominant in the solar facility site and western portion of the gen-tie alignment. This community has sparser vegetation overall. Earthen mounds dominated by mesquite were also present within this vegetation community in the northeastern portion of the parcel.

DISTURBED CREOSOTE BUSH SCRUB

Disturbed creosote bush scrub is creosote bush scrub that has been previously altered. In the VEGA 6 project area, this vegetation cover is characterized as sparser, and in some areas completely lacked vegetation other than a few creosote bush shrubs. Other plant species observed included scattered individuals of tamarisk (*Tamarix* sp.) within ephemeral drainages.

DISTURBED TAMARISK THICKETS

Disturbed tamarisk thickets are tamarisk thickets that have been previously altered. In the VEGA 6 project area, this vegetation cover is characterized as sparser, and in some areas completely lacked vegetation other than a few tamarisk shrubs. Other plant species observed included scattered individuals of alkali goldenbush.

ACTIVE AGRICULTURE

Active agriculture consists of row crops that include planted, typically monotypic rows of crops of annual and perennial species with open space between rows. Species composition frequently changes by season and year. Row crops often occur in upland areas with high soil quality, or floodplains, and are almost always artificially irrigated. This land cover was observed to the east of the solar energy facility site. Common crops observed were alfafa, lemon, date palm, and squash.

FALLOW AGRICULTURE

Fallow agricultural lands include remnant signs of row crops with open space between rows. Agricultural lands often occur in upland areas with high soil quality, or floodplains, and are almost always artificially irrigated. This land cover was observed periodically along the gen-tie alignment and north of the solar energy facility site. These areas were adjacent to active agriculture and consisted primarily of tilled land with no vegetation. One area of fallow agriculture appeared to be vegetated with remnant sorghum (*Sorghum* sp.).

DISTURBED

Disturbed land includes areas where the native vegetation community has been heavily influenced by human actions, such as grading, trash dumping, equipment staging, and OHV use, but lack development. Disturbed land is not a vegetation classification, but rather a land cover type and is not restricted by elevation. Within the VEGA 6 project area, the disturbed lands consisted primarily of bare ground with quailbush, arrow weed, saltgrass, hairy crab grass (*Digitaria sanguinalis*), Mediterranean grass, mustard, and Saharan mustard (*Brassica tournefortii*) at low cover. Some area exhibited regrowth of native species such as creosote bush.

URBAN/DEVELOPED

Urban/Developed areas do not constitute a vegetation classification, but rather a land cover type. Areas mapped as developed have been constructed upon or otherwise physically altered to an extent that natural vegetation communities are no longer supported. In the VEGA 6 project area, this land cover consisted of private residences and farming operations (not including the agricultural fields) and compacted dirt roads.

Ramon Substation Expansion

Based on a review of historic aerial photographs [Historic Aerials (1959-2020) and Google Earth (1996-2023)] the survey area was cleared of vegetation prior to May 2002 for the creation of the existing Ramon Substation and associated transmission line poles and portions been routinely disturbed since that time.

Vegetation onsite consisted of three land cover types with the predominant land cover type as Developed/Ornamental.

DEVELOPED/ORNAMENTAL

Within the Ramon Substation BSA, developed/ornamental land includes paved roads, electric substations, areas where non-native ornamental species and landscaping have been installed, and bare ground with compacted soils that no longer support vegetation. A total of 17.15 acres of developed/ornamental occurs within the Ramon Substation BSA. Approximately 1.56 acres of planted ornamental vegetation occurs as a strip of land just north of Ramon Road, in front of the existing substation.

CREOSOTE BUSH SCRUB

Within the Ramon Substation BSA, creosote bush scrub occurs primarily east and south of the existing Ramon Substation, and the northern portion of the BSA. This vegetation community covers approximately 35.02 acres of the BSA.

DISTURBED CREOSOTE BUSH SCRUB

Within the Ramon Substation BSA, disturbed-creosote bush scrub occurs to the north of the existing Ramon Substation and covers a total of 11.57 acres of the BSA.

Sensitive Natural Communities

VEGA 6

Special status natural communities are those that are considered to be of special concern based on (1) federal, state, or local laws regulating their development; (2) limited distributions; and/or (3) the habitat requirements of special status plants or animals occurring in those habitats. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA and its equivalents.

According to CDFW's Sensitive Natural Communities List, there are no sensitive vegetation communities within the VEGA 6 project area (CDFW 2023).

Ramon Substation Expansion

According to CDFW's Sensitive Natural Communities List, there are no sensitive vegetation communities within the Ramon Substation expansion area (CDFW 2023).

U.S. Fish and Wildlife Service Designated Critical Habitat

VEGA 6

The VEGA 6 project area is not located within any USFWS-designated critical habitat. The closest designated critical habitat is for Peirson's milk-vetch (*Astragalus magdalenae* var. *peirsonii*) located approximately 24 miles to the northeast of the VEGA 6 project area, and desert tortoise (*Gopherus agassizii*) critical habitat located approximately 34 miles to the northeast of the VEGA 6 project area.

Ramon Substation Expansion

The Ramon Substation BSA is located within the USFWS-designated critical habitat for the Coachella Valley fringe-toed lizard (*Uma inornate*).

Special-Status Species Assessment

VEGA 6

LITERATURE REVIEW

The literature review resulted in 11 special-status plant and 30 special-status wildlife species that have historically been recorded in the vicinity of the VEGA 6 project area.

BIOLOGICAL RECONNAISSANCE SURVEY

The biological reconnaissance survey was conducted on September 29 to 30, 2020 and August 3 to 5, 2021, by ECORP. The survey identified the potential for occurrence of sensitive species, vegetation communities, or habitats that could support sensitive wildlife and included an analysis of site characteristics, plants and plant communities, wildlife, special-status species, and special-status habitats (including any potential wildlife corridors).

POTENTIAL FOR OCCURRENCE DETERMINATIONS

Special-status species reported for the region in the literature review or for which suitable habitat occurs in the VEGA 6 BSA were assessed for their potential to occur within the VEGA 6 BSA based on the following guidelines (Appendix D1 of this EIR):

Present: The species was observed onsite during a site visit or focused survey.

High: Habitat (including soils and elevation factors) for the species occurs within the BSA and a known occurrence has recently been recorded (within the last 20 years) within 5 miles of the area.

Moderate: Habitat (including soils and elevation factors) for the species occurs within the BSA and a documented observation occurs within the database search, but not within 5 miles of the area; a historic documented observation (more than 20 years old) was recorded within 5 miles of the BSA; or a recently documented observation occurs within 5 miles of the area and marginal or limited amounts of habitat occurs in the project site.

Low: Limited or marginal habitat for the species occurs within the BSA and a recently documented observation occurs within the database search, but not within 5 miles of the area; a historic documented observation (more than 20 years old) was recorded within 5 miles of the BSA; or suitable habitat strongly associated with the species occurs onsite, but no records or only historic records were found within the database search.

Presumed Absent: Species was not observed during a site visit or focused surveys conducted in accordance with protocol guidelines at an appropriate time for identification; habitat (including soils and elevation factors) does not exist onsite; or the known geographic range of the species does not include the BSA.

PLANT SPECIES

Twelve special-status plant species have been recorded within 5 miles of the VEGA 6 project area, according to the CNDDB, IPaC, and CNPSEI. Of all available records, 11 special-status plant species were identified as having the potential for occurrence within the vicinity of the VEGA 6 project area.

The following plant species were found to have a low potential to occur in the VEGA 6 project area:

- Salton milk-vetch (*Astragalus crotalariae*)
- Harwood's milk-vetch (*Astragalus insularis* var. *harwoodii*)
- gravel milk-vetch (*Astragalus sabulonum*)
- Emory's crucifixion-thorn (*Castela emoryi*)
- Abrams' spurge (*Euphorbia abramsiana*)
- flat-seeded spurge (*Euphorbia platysperma*)
- ribbed cryptantha (*Johnstonella costata*)
- Torrey's box-thorn (*Lycium torreyi*)
- sand food (*Pholisma sonorae*)
- Thurber's pilostyles (*Pilostyles thurberi*)
- Orcutt's woody-aster (*Xylorhiza orcuttii*)

WILDLIFE SPECIES

The literature search documented 30 special-status wildlife species in the vicinity of the VEGA 6 project area, four of which are federally or state listed. Of the 30 special-status wildlife species identified in the literature review, four were found to be present within the VEGA 6 survey area, four were found to have a high potential to occur, four were found to have a moderate potential to occur, and eight were found to have a low potential to occur; the remaining 10 species are presumed absent from the VEGA 6 BSA.

Present: The following species were observed in the VEGA 6 BSA during the reconnaissance survey (Figure 3.4-1):

- California horned lark (*Eremophila alpestris* ssp. *actia*). California horned lark is a CDFW Watch List (WL) species. The creosote bush scrub and disturbed creosote bush scrub throughout the VEGA 6 project area and within the buffer provides both foraging and nesting potential habitat. Approximately 12 individuals were observed foraging within the disturbed creosote bush scrub and disturbed areas of the southern portion of the solar facility site. No CNDDB records occur within 5 miles of the VEGA 6 project area.
- Loggerhead shrike (*Lanius ludovicianus*). Loggerhead shrike is a CDFW California Species of Special Concern (SSC). The VEGA 6 project area provides both foraging and nesting habitat. One individual was observed perching and vocalizing on tamarisk alongside a dirt irrigation canal adjacent to agricultural fields in the VEGA 6 survey area. No CNDDB records occur within 5 miles of the VEGA 6 project area.
- Northern harrier (*Circus hudsonius*). Northern harrier is a USFWS Bird of Conservation Concern (BCC) and CDFW SSC. The VEGA 6 project area provides foraging habitat but does not provide nesting habitat. One individual was observed during the habitat assessment near the proposed gen-tie line. No CNDDB records occur within 5 miles of the VEGA 6 project area.
- Peregrine falcon (*Falco peregrinus*). Peregrine falcon is a CDFW Fully Protected species. The VEGA 6 project area provides foraging habitat but does not provide nesting habitat. One individual was observed flying over the creosote bush scrub habitat of the southern end of the solar facility site. No CNDDB records occur within 5 miles of the VEGA 6 project area.

High Potential to Occur: Four species were found to have high potential to occur on the within the VEGA 6 project area due to the presence of suitable habitat for the species occurring on the site and a known occurrence that has been recorded within 5 miles of the VEGA 6 project area:

- Flat-tailed horned lizard (*Phrynosoma mcallii*). Flat-tailed horned lizard is a CDFW SSC, a BLM sensitive species, and an Imperial County Species of Conservation Focus. The creosote bush scrub habitat within the VEGA 6 project area provides suitable habitat for the flat-tailed horned lizard. Three recent CNDDB records of six total occur within five miles of the VEGA 6 project area with the closest being approximately 3.5 miles south from 2009. None were observed during the reconnaissance survey, but suitable habitat was confirmed. Harvester ants (*Pogonomyrmex* sp.) were present, which are a food source for flat-tailed horned lizard.
- Black-tailed gnatcatcher (*Polioptila melanura*). Black-tailed gnatcatcher is a CDFW WL species. The creosote bush scrub, disturbed bush scrub, and disturbed tamarisk thicket habitats within the VEGA 6 project area are suitable for this species. One historic record occurs within five miles of the VEGA 6 project area.

- Burrowing owl (*Athene cunicularia*). Burrowing owl is a USFWS BCC, a CDFW SSC, and Imperial County Species of Conservation Focus. The creosote bush scrub, disturbed creosote bush scrub, disturbed areas, berms of the irrigation canals, and agricultural areas provides potential habitat throughout the VEGA 6 survey area. Ground squirrel burrows that could be utilized by owls were detected within the solar facility site. No owl sign was detected at the burrow entrances. Twenty-five recent CNDDB records occur within five miles of the VEGA 6 project area with the closest being less than one mile away.
- Palm Springs pocket mouse (*Perognathus longimembris* ssp. *bangsi*). Palm Springs pocket mouse is a CDFW SSC and BLM sensitive species. One recent CNDDB record occurs approximately 2.75 miles southeast of the VEGA 6 project area. It was found in 2007 where the habitat consisted of creosote bush scrub with very sandy soils. Small rodent burrows were observed within creosote bush scrub habitat onsite during biological surveys. There is suitable habitat and soils within the creosote bush scrub of the solar facility site and buffer.

Moderate Potential to Occur: Four species were found to have moderate potential to occur within the VEGA 6 project area because habitat (including soils and elevation factors) for the species occurs on the VEGA 6 project area and a known occurrence exists within the database search, but not within 5 miles of the VEGA 6 project area; or a known occurrence exists within 5 miles of the VEGA 6 project area and marginal or limited amounts of habitat occurs on the VEGA 6 project area:

- Mountain plover (*Charadrius montanus*). Mountain plover is a USFWS BCC, a CDFW SSC, and a BLM sensitive species. Five recent CNDDB records occur within five miles of the VEGA 6 project area with one record from 2011 less than 2 miles from the VEGA 6 project area. Agricultural lands along the solar facility site and gen-tie line provide suitable habitat for this species.
- Crissal thrasher (*Toxostoma crissale*). Crissal thrasher is a CDFW SSC and a BLM sensitive species. The tamarisk thickets and creosote bush scrub within the VEGA 6 project area provides suitable habitat for this species. Two historic CNDDB records occur within five miles of the VEGA 6 project area, one of which overlaps with the proposed gen-tie line.
- Yuma hispid cotton rat (*Sigmodon hispidus eremicus*). Yuma hispid cotton rat is a CDFW SSC. There is potential for this species to occur within vegetated agricultural irrigation channels that run adjacent to the gen-tie line and agriculture fields within the buffer where they can utilize runways through dense herbaceous growth along the channels. Two recent CNDDB records occur within five miles of the VEGA 6 project area from 2008 with the closest being approximately 2 miles northeast of the VEGA 6 project area. This species was found in a lateral drain canal.
- American badger (*Taxidea taxus*). American badger is a CDFW SSC. One recent CNDDB record from 2017 occurs within five miles of the VEGA 6 project area on military land. It was noted to be within creosote bush habitat. Moderately suitable habitat exists within the creosote bush scrub habitats of the solar facility site and gen-tie line.

The following eight species were found to have a low potential to occur within the VEGA 6 project area because limited habitat for the species occurs on the site and a known occurrence has been reported in the database or suitable habitat strongly associated with the species occurs on the site, but no records were within 5 miles of site or were not found in the database search.

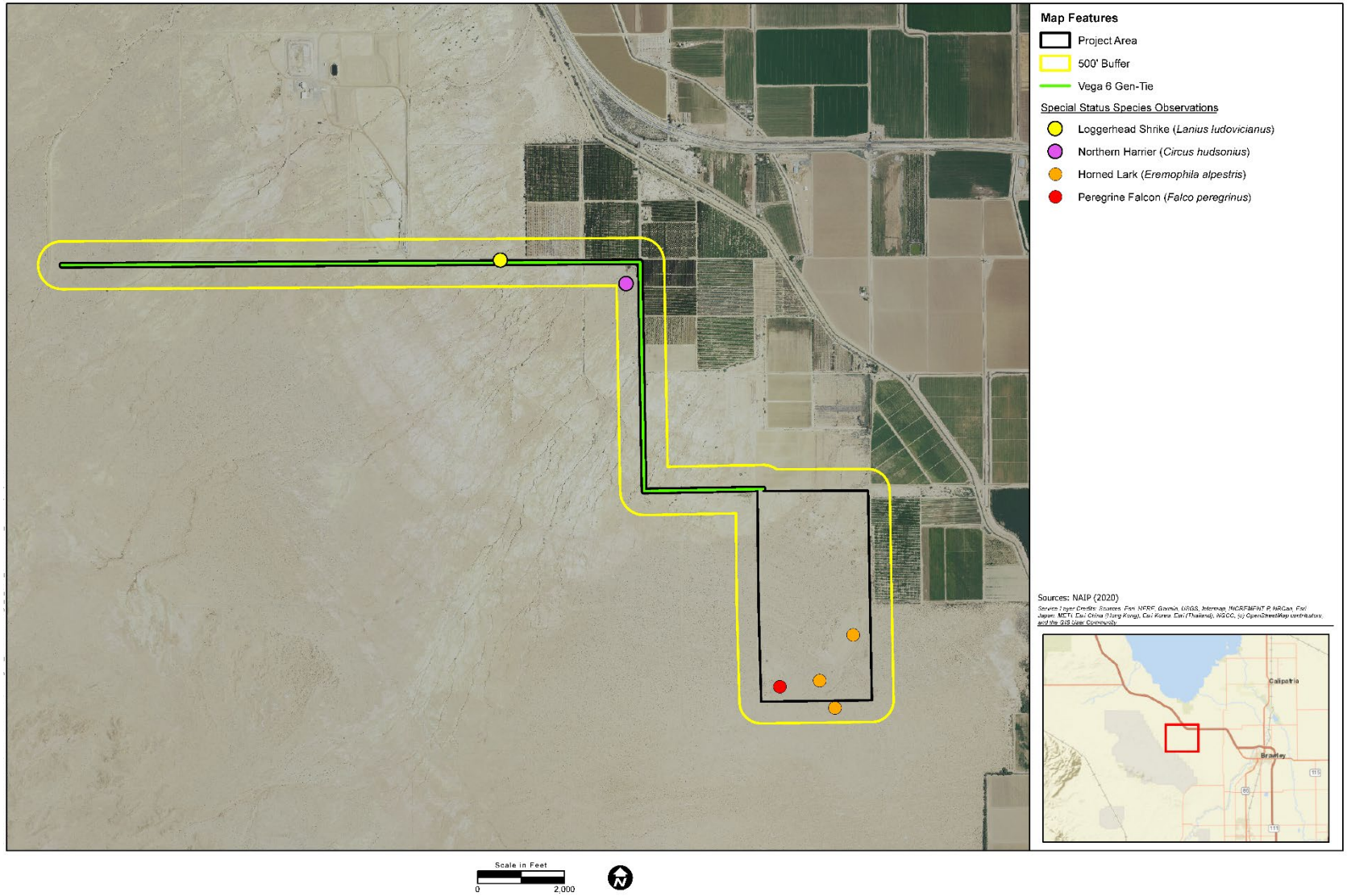
- Colorado Desert fringe-toed lizard (*Uma notata*)

- Gila woodpecker (*Melanerpes uropygialis*)
- California black rail (*Laterallus jamaicensis* ssp. *coturniculus*)
- Yuma Ridgway's rail (*Rallus obsoletus* ssp. *yumanensis*)
- white-faced ibis (*Plegadis chihi*)
- short-eared owl (*Asio flammeus*)
- California leaf-nosed bat (*Macrotus californicus*)
- western yellow bat (*Lasiurus xanthinus*)

The following 10 species are presumed absent from the VEGA 6 project area due to the lack of suitable habitat on the VEGA 6 project area:

- desert pupfish (*Cyprinodon macularius*)
- black skimmer (*Rynchops niger*)
- gray-headed junco (*Junco hyemalis* ssp. *caniceps*)
- brown pelican (*Pelecanus occidentalis*)
- western mastiff bat (*Eumops perotis* ssp. *californicus*)
- pocketed free-tailed bat (*Nyctinomops femorosaccus*)
- big free-tailed bat (*Nyctinomops macrotis*)
- Mexican long-tongued bat (*Choeronycteris mexicana*)
- pallid bat (*Antrozous pallidus*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)

Figure 3.4-1. Special-Status Species Observed On-Site



Source: Appendix D1 of this EIR

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Ramon Substation Expansion

LITERATURE REVIEW

A literature review was conducted to determine the existence or potential occurrence of special-status plant and animal species on the Ramon Substation expansion area and in the vicinity. Database records for the *La Quinta, West Berdoo Canyon, Keys View, Myoma, East Deception Canyon, Indio, Seven Palms Valley, Rancho Mirage and Cathedral City, California* USGS 7.5-minute series quadrangles were searched on May 31, 2023 using the CDFW Natural Diversity Data Base *Rarefind 5* online application (version 5, dated April 30, 2023) and the California Native Plant Society's *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2023. V9.5, http://www.cnps.org/inventory). A USFWS Information for Planning and Conservation (IPaC) Trust Resource Report was generated for the Ramon Substation expansion area on June 5, 2023. Appendix D2 of this EIR includes the CNDDB, CNPS, and IPaC records search results.

BIOLOGICAL RECONNAISSANCE SURVEY

HDR biologists conducted a site visit on June 16, 2023 in order to identify general site conditions, vegetation communities, and suitability of habitat for various special-status species. The Ramon Substation BSA was surveyed by foot and binoculars were used to aid in the identification of species, potential nest locations, and foraging areas. All wildlife and plant species encountered during the field surveys were identified and recorded. Plant nomenclature follows Jepson Flora Project. The Calflora online database was also used as a tool to assist with plant identification (Appendix D2 of this EIR).

POTENTIAL FOR OCCURRENCE DETERMINATIONS

PLANT SPECIES

Based upon the results of the literature review, 38 special-status plant species are known to occur within the vicinity of the Ramon Substation expansion area (Appendix D2 of this EIR). Of the 38 species, 14 special-status plant species have a potential of occurring within the Ramon Substation BSA. Table 3.4-2 lists these species as well as their habitat requirements and occurrence probability. None of these species were observed within the Ramon Substation BSA during the field survey.

One of these 14 special-status plant species is a federally listed species, the Coachella Valley milk-vetch (*Astragalus lentiginous* var. *coachellae*, CNPS 1B.2).

- **Coachella Valley milk-vetch.** Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*) is federally endangered and a CVMSCHP covered species. The species generally occurs in dunes and sandy flats, along the disturbed margins of sandy washes, and in sandy soils along roadsides adjacent to existing sand dunes. The species may also occur in sandy substrates in creosote bush scrub, not directly associated with sand dune habitats. There are core habitat areas within the Thousand Palms Preserve including a small area in the Thousand Palms Canyon and a larger area south of Ramon Road (Appendix D2 of this EIR).

  Potentially suitable habitat occurs within the sandy creosote bush scrub vegetation community in the Ramon Substation BSA with critical habitat occurring just north of the BSA. None were observed within the Ramon Substation BSA during the field survey.

The mecca-aster (*Xylorhiza cognata*, CNPS 1B.2) has a low probability of occurring within the Ramon Substation BSA and is covered under the CVMSHCP.

Table 3.4-2. Special-Status Plant Species with Potential to Occur within Ramon Substation BSA

Species	Status	Habitat and Distribution	Blooming Period	Occurrence Probability
Astragalus lentiginous var. borreganus **Borrego milk-vetch**	US: None CA: None CNPS: 4.3 CVMSHCP: NC	Mojavean desert scrub, Sonoran desert scrub.	Blooms February through May (annual herb)	Low. Suitable habitat present, nearest CNPS record within Myoma quadrangle.
Astragalus lentiginosus var. *coachellae* **Coachella Valley milk-vetch**	US: FE CA: None CNPS: 1B.2 CVMSHCP: C	Occurs in desert dunes and sandy Sonoran desert scrub from 40 to 655 meters (130 to 2,150 feet) above MSL.	Blooms February through May (annual/perennial herb)	Moderate. Suitable habitat present, species known from immediate vicinity, critical habitat to the north of site.
Cuscuta californica var. *apiculata* **Pointed dodder**	US: None CA: None CNPS: 3 CVMSHCP: NC	Occurs in Mojavean desert scrub and Sonoran desert scrub from 0 to 500 meters (0 to 1,640 feet) above MSL.	Blooms February through August (annual vine (parasitic))	Low. Suitable habitat present, nearest CNPS record within Cathedral City quadrangle.
Ditaxis claryana **Glandular ditaxis**	US: None CA: None CNPS: 2B.2 CVMSHCP: NC	Occurs in sandy soils in Mojavean desert scrub and Sonoran desert scrub from 0 to 465 meters (0 to 1,525 feet) above MSL.	Blooms October through March (perennial herb)	Low. Suitable habitat present, nearest CNDDB records approx. 7 miles south of site.
Ditaxis serrate var. californica **California ditaxis**	US: None CA: None CNPS: 3.2 CVMSHCP: NC	Occurs in Sonoran desert scrub from 30 to 1,000 meters (100 to 3,280 feet) above MSL.	Blooms March through December (perennial herb)	Low. Suitable habitat present, nearest CNDDB records approx. 8 miles south of site.
Euphorbia abramsiana **Abrams' spurge**	US: None CA: None CNPS: 2B.2 CVMSHCP: NC	Occurs in Mojavean desert scrub and Sonoran desert scrub from -5 to 1,310 meters (-15 to 4,300 feet) above MSL.	Blooms August through November (annual herb)	Low. Suitable habitat present, nearest CNDDB records approx. 4.5 miles south of site.
Euphorbia arizonica **Arizona spurge**	US: None CA: None CNPS: 2B.3 CVMSHCP: NC	Occurs in sandy Sonoran desert scrub from 50 to 300 meters (165 to 985 feet) above MSL.	Blooms March through April (perennial herb)	Low. Suitable habitat present, nearest CNDDB records approx. 3 miles north of site.
Euphorbia platysperma **flat-seeded spurge**	US: None CA: None CNPS: 1B.2 CVMSHCP: NC	Occurs in desert dunes and sandy Sonoran desert scrub from 65 to 100 meters (215 to 330 feet) above MSL.	Blooms February through September (annual herb)	Moderate. Suitable habitat present, nearest CNDDB records less then 1 mile southwest of site.
Johnstonella costata **Ribbed cryptantha**	US: None CA: None CNPS: 4.3 CVMSHCP: NC	Occurs in desert dunes, Mojavean desert scrub, Sonoran desert scrub from -60 to 500 meters (-195 to 1,640 feet) above MSL.	Blooms February through May (annual herb)	Moderate. Suitable habitat present, site within CNPS Myoma quadrangle.

Johnstonella holoptera **Winged cryptantha**	US: None CA: None CNPS: 4.3 CVMSHCP: NC	Occurs in Mojavean desert scrub, Sonoran desert scrub from 100 to 1,690 meters (330 to 5,545 feet) above MSL.	Blooms March through April (annual herb)	Moderate. Suitable habitat present, site within CNPS Myoma quadrangle.
Lycium torreyi **Torrey's box-thorn**	US: None CA: None CNPS: 4.2 CVMSHCP: NC	Occurs in Mojavean desert scrub, Sonoran desert scrub from -50 to 1,220 meters (-165 to 4,005 feet) above MSL.	Blooms January through November (perennial shrub)	Moderate. Suitable habitat present, site within CNPS Myoma quadrangle.
Nemacaulis denudata var. *gracilis* **Slender cottonheads**	US: None CA: None CNPS: 2B.2 CVMSHCP: NC	Occurs in coastal dunes, desert dunes, and Sonoran desert scrub from -50 to 400 meters (-165 to 1,310 feet) above MSL.	Blooms March through May (annual herb)	Low. Suitable habitat present, nearest CNDDB records approx. 6 miles southwest of site.
Petalonyx linearis **Narrow-leaf sandpaper-plant**	US: None CA: None CNPS: 2B.3 CVMSHCP: NC	Occurs in Mojavean desert scrub, Sonoran desert scrub from -25 to 1,115 meters (-80 to 3,660 feet) above MSL.	Blooms January through December (perennial shrub)	Low. Suitable habitat present, nearest CNDDB records approx. 3 miles northeast of site.
Xylorhiza cognata **Mecca-aster**	US: None CA: None CNPS: 1B.2 CVMSHCP: C	Occurs in Sonoran desert scrub habitat from 20 to 400 meters (65 to 1,310 feet) above MSL.	Blooms January through June (perennial herb)	Low. Suitable habitat present, nearest CNDDB records approx. 6.5 miles east of site.

Notes:

US: Federal Classifications	
FE	*Taxa listed as Endangered*
FT	*Taxa listed as Threatened*
CA: State Classification	
SE	*Taxa State-listed as Endangered*
ST	*Taxa State-listed as Threatened*
CNPS Rare Plant Rank*	
List 1B.2	*List 1b: Rare, threatened, or endangered in California and elsewhere. 0.2: Fairly endangered in California*
List 2.3	*List 2: Rare, threatened, or endangered in California, but more common elsewhere. O.3: Not very endangered in California.*
List 4.2	*Limited distribution (Watch list). 0.2: Fairly endangered in California.*
List 4.3	*Limited distribution (Watch list). 0.3: Not very endangered in California.*
List A	*Plants rare, threatened or endangered in California and elsewhere.*
List B	*Plants rare, threatened or endangered in California but more common elsewhere.*
**California Rare Plant Ranks are assigned by a committee of government agency and non-governmental botanical experts and are not official State designations of rarity status.*	
CVMSHCP Conservation Status	
NC	*Impacts to this species are not covered through participation in the CVMSHCP.*
C	*Impacts to this species are covered through participation in the CVMSHCP.*

Source: Appendix D2 of this EIR

WILDLIFE SPECIES

Based upon the results of the literature review, 29 special-status wildlife species are known to occur within the vicinity of the Ramon Substation expansion area. Of the 29 species, nine special-status wildlife species have a potential of occurring within the Ramon Substation BSA. Table 3.4-3 lists these species as well as their habitat requirements and occurrence probability.

One of these species is listed as endangered, threatened or is a candidate for listing under the federal and/or California Endangered Species Acts:

- Coachella Valley fringe-toed lizard (*Uma inornate*). The Coachella Valley fringe-toed lizard is federally threatened, state endangered and a CVMSHCP covered species. The species is restricted to the Coachella Valley and historically ranged from Cabazon, east to Thermal. The lizard is associated with aeolian sands and has developed morphological and behavioral adaptations including a unique way of "swimming" through the loose sand. As a result, the lizard is dependent on less compacted sands for burrowing to escape the heat of the day, sometimes deeper than five centimeters and in the shade on the hottest days. During normal and wet years, the species feeds on flowers and plant dwelling arthropods, switching to leaves and ants during the dry years (Appendix D2 of this EIR).

  The Ramon Substation BSA is located within designated critical habitat for the species and adjacent to the Thousand Palms Conservation Area of the CVMSCHP. The majority of the Ramon Substation BSA contains creosote bush scrub habitat with looser sands, however, proper aeolian sands that the species is closely associated with is absent from the Ramon Substation BSA.

Table 3.4-3. Special-Status Wildlife Species with Potential to Occur within Ramon Substation BSA

Species	Federal/State Status	Habitat and Distribution	Potential for Occurrence
INSECTS			
Bombus crotchii **Crotch bumble bee**	US: None CA: CE CVMSHCP: NC	Found between San Diego and Redding in a variety of habitats including open grasslands, shrublands, chaparral, desert margins including Joshua tree and creosote scrub, and semi-urban settings. It is near endemic to California, with only a few records from Nevada and Mexico (CDFW 2022). Williams et al. (2014) report plants in the genera *Asclepias, Chaenactis, Lupinus, Medicago, Phacelia*, and *Salvia* as example food plants.	Potentially suitable creosote scrub habitat onsite, however, nearest CNDDB occurrence is over 9.5 miles west of the site.
REPTILES			
Phrynosoma mcallii **Flat-tailed horned lizard**	US: None CA: SSC CVMSHCP: C	Sandy desert hardpan or gravel flats with scattered sparse vegetation of low species diversity. Common in areas with high density of harvester ants and fine windblown sand, but rarely occurs on dunes.	Suitable habitat onsite, nearest CNDDB occurrence is less than 1 mile northeast of the site.

Species	Federal/State Status	Habitat and Distribution	Potential for Occurrence
Uma inornata **Coachella Valley fringe-toed lizard**	US: FT CA: SE CVMSHCP: C	Sparsely-vegetated arid areas with fine wind-blown sand, including dunes, washes, and flats with sandy hummocks formed around the bases of vegetation. Needs fine, loose sand for burrowing.	Suitable habitat onsite, nearest CNDDB occurrence is less than .5 miles west and east of the site. Within critical habitat.
BIRDS			
Athene cunicularia **Burrowing Owl**	US: None CA: SSC CVMSHCP: C	Open country in much of North and South America. Usually occupies ground squirrel burrows in open, dry grasslands, agricultural and range lands, railroad rights-of-way, and margins of highways, golf courses, and airports. Often utilizes man-made structures, such as earthen berms, cement culverts, cement, asphalt, rock, or wood debris piles. They avoid thick, tall vegetation, brush, and trees.	Low: The site does not contain suitable natural habitat to support this species, but debris piles are present within the site.
Lanius ludovicianus **Loggerhead shrike**	US: None CA: SSC CVMSHCP: NC	Inhabits open country with short vegetation and well-spaced shrubs or low trees, particular those with spines or thorns. Frequent agricultural fields, pastures, old orchards, riparian areas, desert scrublands, savannas, prairies, golf courses, and cemeteries.	Moderate: Site contains suitable habitat to support this species. Nearest CNNDB occurrence is 4 miles southeast of site.
Pyrocephalus rubinus **Vermilion flycatcher**	US: None CA: SSC CVMSHCP: NC	Scrub, desert, cultivated lands, and riparian woodlands.	Moderate: Site contains suitable habitat to support this species. Nearest CNNDB occurrence is 7 miles southeast of site.
MAMMALS			
Perognathus longimembris bangsi **Palm Springs pocket mouse**	US: None CA: SSC CVMSHCP: C	Creosote scrub, desert scrub, and grasslands, generally occurring on loosely packed or sandy soils with sparse to moderately dense vegetative cover.	Low: The site contains suitable habitat to support this species but is disturbed. Nearest CNDDB occurrence is 5 miles southeast of site.
Taxidea taxus **American badger**	US: None CA: SSC CVMSHCP: NC	Agricultural land, grassland and other open areas and brush lands with sparse groundcover.	Low: The site contains suitable habitat to support this species, however, nearest CNDDB occurrence is 10 miles southeast of site.

Species	Federal/State Status	Habitat and Distribution	Potential for Occurrence
Xerospermophilus tereticaudus chlorus **Coachella Valley round-tailed ground squirrel**	US: None CA: SSC CVMSHCP: C	Sandy arid areas with scrub and wash habitats including mesquite- and creosote-dominated sand dunes, creosote bush scrub, creosote-palo verde, and saltbush/alkali scrub. Wind-blown sand, coarse sand, and packed silt with desert pavement.	Low: The site contains suitable habitat to support this species but is disturbed. Nearest CNDDB occurrence is 5 miles southeast of site.

Notes:

FE	*Federally Endangered*
FT	*Federally Threatened*
FC	*Federal Candidate for Listing*
SE	*Endangered in California*
ST	*Threatened in California*
CE	*Candidate for Endangered Status*
CT	*Candidate for Threatened Status*
CR	*Rare in California*
SSP	*State Species of Concern*
FP	*State Fully Protected*

CVMSHCP Conservation Status	
NC	*Impacts to this species are not covered through participation in the CVMSHCP.*
C	*Impacts to this species are covered through participation in the CVMSHCP.*

Source: Appendix D2 of this EIR

Aquatic Resources

VEGA 6

Aquatic resources have been mapped within the VEGA 6 project area. Each resource is summarized by features in Table 3 and Figure 5 of the *Aquatic Resources Delineation – VEGA SES 6 Solar Project* (Appendix E1 of this EIR). Features identified as an aquatic resource had physical evidence of flow, including at least two OHWM field indicators: defined bed and bank, scour, presence of a clear and natural line impressed on the bank, presence of leaf litter and/or debris, sediment sorting, shelving, destruction of terrestrial vegetation, and/or vegetation matted down, bent, or missing indicating active hydrology within the channel.

EPHEMERAL DRAINAGE

Ephemeral drainages are linear features that exhibit a bed and bank and an OHWM. These features typically convey runoff for short periods of time, during and immediately following rain events, and are not influenced by groundwater sources at any time during the year. The VEGA 6 project area and adjacent upslope areas are within an alluvial fan drainage system that produces ephemeral conditions with surface waters flowing in direct response to large rain events for short durations. A number of these ephemeral drainages were determined to be inactive, as they do not actively transport water during rain events and are, therefore, assumed to be relic features on the landscape.

At the time of the field assessment, all ephemeral features contained no surface flow. The OHWM was delineated in the field primarily by the changes in vegetation, sediment changes, and the break in bank slope. Other features observed included mud cracks and surface relief caused by flowing water. Channel surface features within ephemeral drainages indicated weak bed and bank along with a

narrow-scoured area that varied in width. Sampling points were not taken within the ephemeral features, as the presence of a wetland was not expected.

DETENTION BASIN

Detention basins are man-made surface storage basins in upland areas that provide flow control of stormwater runoff. They are typically dry most of the year and can also be used for recreational or agricultural purposes.

There are two detention basins located within the VEGA 6 aquatic resources study area. Detention Basin 201, which is located in the northwest corner of the solar facility site, has soil cracks and rows of young tamarisk trees but lacks hydric soils. Detention Basin 301, which is located in the southern section of the solar facility site, appears to be abandoned with remnant disturbed tamarisk thickets and no signs of hydrology.

CONSTRUCTED CHANNEL

Constructed channels (CC) are manufactured features constructed for the purpose of channeling stormwater and ephemeral features to a desired location. Within the VEGA 6 aquatic resources study area, these include ephemeral ditches that retain water within their berms, as well as ephemeral drainage systems that convey water through culverts to natural drainage features that eventually drain into the Salton Sea. Three CC features appear to be created to catch stormwater runoff and man-made berms are present where the features are intersected by roads and canals, so the water remains within the features.

POTENTIAL CDFW REGULATED HABITATS

Riparian habitat is present primarily within the eastern and southern portions of the VEGA 6 aquatic resources study area. There is riparian habitat associated with the detention basins within the solar facility site. Additional riparian habitat is associated with the agricultural drains and roadside ditches. Riparian habitat associated with Detention Basins 201 and 301 appear in historic aerials dating as early as 1992, which appear to have been part of agriculture systems. Both detention basins no longer appear to be in use, though the riparian habitat associated with the relic basins has persisted.

Ramon Substation Expansion

No aquatic resources were observed within the Ramon Substation aquatic resources study area during the field visit.

Jurisdictional Assessment

Aquatic resources that are potentially regulated under the CWA, the Porter-Cologne Act, and California Fish and Game Code Section 1602 are summarized below. These results are subject to modification following agency verification.

VEGA 6

CLEAN WATER ACT

The ephemeral drainages within the VEGA 6 project area are tributary to the Salton Sea, which is a TNW. Under the current definition of waters of the U.S., the *Rapanos* guidance, the ephemeral drainages onsite would be considered non-navigable tributaries that are not relatively permanent. In

which, case, a significant nexus evaluation of the ephemeral drainages would be necessary to determine jurisdiction if seeking an Approved Jurisdictional Determination (AJD).

PORTER-COLOGNE WATER QUALITY CONTROL ACT

The following categories meet the definition of waters of the state and are regulated pursuant to the Porter-Cologne Act. The Porter-Cologne Act defines waters of the state as "any surface water or groundwater, including saline waters, within the boundaries of the state" [Water Code 13050 (e)]. The Porter-Cologne Act defines "Waters of the State" very broadly, with no physical descriptors, and no interstate commerce limitation. The categories are:

- Ephemeral Drainages
- Detention Basins
- Constructed Channels

The remaining features are excluded from the definition of waters of the state pursuant to current guidance from the SWRCB and include the inactive ephemeral drainages. Impacts to features that fall under the definition of waters of the state would trigger the need for permits through the WDR process.

CALIFORNIA FISH AND GAME CODE SECTION 1600-1602

The following categories meet the criteria for resources that are regulated under Section 1600 of the California Fish and Game Code. This includes all resources with surface or subsurface flow, and a body of water that "flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life." Areas with associated riparian vegetation that is supported by the surface and subsurface flow through these streambeds that are also added to CDFW's jurisdiction under Section 1600. The categories are:

- Ephemeral Drainages
- Detention Basins
- Constructed Channels
- Associated Riparian Habitat

The remaining features are excluded from Sections 1600-1602 pursuant to current guidance from CDFW and include the inactive ephemeral drainages, because they do not meet the definition of a bed, channel, or bank of any river, stream, or lake and associated riparian habitat. Impacts to features that fall under the definition of streambed and associated riparian habitat would trigger the need for Streambed Alteration Notification and the project may need to enter into formal Agreements with CDFW. Additional areas mapped as riparian habitat, such as those located within the solar facility site, are not associated with any streams with flow but have likely established opportunistically in areas that were recently left fallow, previously irrigated and farmed, and are in artificially moist areas where surface and subsurface flow are unlikely.

Ramon Substation Expansion

CLEAN WATER ACT

No aquatic resources were observed within the Ramon Substation aquatic resources study area during the field visit. The area is entirely upland dominated by creosote bush scrub with no features exhibiting

any hydrologic indicators or containing hydrophytic plants. No soil samples were taken during the field visit.

PORTER-COLOGNE WATER QUALITY CONTROL ACT

No aquatic resources were observed within the Ramon Substation aquatic resources study area during the field visit. The area is entirely upland dominated by creosote bush scrub with no features exhibiting any hydrologic indicators or containing hydrophytic plants.

CALIFORNIA FISH AND GAME CODE SECTION 1600-1602

Features within the Ramon Substation aquatic resources study area were assessed for CDFW jurisdiction based on whether they exhibited a stream bed and bank, provided habitat value for terrestrial and/or aquatic wildlife, and/or associated with a naturally occurring drainage feature. No aquatic resources were observed within the Ramon Substation aquatic resources study area during the field.

Wildlife Movement Corridors, Linkages, and Significant Ecological Areas

The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of mammals and other wildlife species from one habitat area to another. The definition of a corridor is varied, but corridors may include such areas as greenbelts, refuge systems, underpasses, and biogeographic land bridges, for example. In general, a corridor is described as a linear habitat, embedded in a dissimilar matrix, which connects two or more large blocks of habitat. Wildlife movement corridors are critical for the survivorship of ecological systems for several reasons. Corridors can connect water, food, and cover sources, spatially linking these three resources with wildlife in different areas. In addition, wildlife movement between habitat areas provides for the potential of genetic exchange between wildlife species populations, thereby maintaining genetic variability and adaptability to maximize the success of wildlife responses to changing environmental conditions. This is especially critical for small populations subject to loss of variability from genetic drift and effects of inbreeding. Naturally, the nature of corridor use and wildlife movement patterns varies greatly among species.

VEGA 6

The VEGA 6 project area was assessed for its ability to function as a wildlife corridor. The solar facility site and western portion of the gen-tie line currently provide wildlife movement opportunities because they consist of open and relatively unimpeded land. However, it would not be considered a wildlife movement corridor that would need to be preserved to allow wildlife to move between important natural habitat areas due to the lack of conserved natural lands in the vicinity and the VEGA project area's proximity to agricultural areas. The VEGA 6 project area is also mostly surrounded by additional open unimpeded land, functioning as a single contiguous block of habitat rather than a corridor. The solar facility site is exposed and does not contain any major features that would be considered critical movement corridors for wildlife.

Although the dirt roads and desert washes located within the VEGA 6 project boundary are likely utilized by wildlife moving through the area, these features would not be considered necessary linkages between conserved natural habitat areas or critical for wildlife movement because of the nearby open space surrounding the VEGA 6 project area. Existing development in the vicinity of the VEGA 6 project area and presence of anthropogenic uses throughout the area (e.g., trash dumping,

OHV use) further limit ability for wildlife to use the VEGA 6 project area for travel and regional movement.

Ramon Substation Expansion

The Ramon Substation expansion area is disturbed and contains very little native vegetation, additionally, the expansion area is bordered by the existing SCE Mirage substation to the west, the existing Ramon Substation and Ramon Road to the south, which limits wildlife movement through the expansion area.

Habitat Conservation Plans

VEGA 6

The VEGA 6 project area is within the designated boundaries of the Desert Renewable Energy Natural Community Conservation Plan & Habitat Conservation Plan (NCCP/HCP). The VEGA 6 project area is adjacent to an Area of Critical Environmental Concern and BLM land.

Ramon Substation Expansion

The Ramon Substation expansion area is located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) (Figure 3.4-2), adjacent to the Thousand Palms Conservation Area. The CVMSHCP covers approximately 240,000 acres of land in Coachella Valley with the purpose to balance growth while conserving sensitive habitats and species.

Figure 3.4-2. Coachella Valley Multiple Species Conservation Plan Area

Source: Appendix E2 of this EIR

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3.4.2 Regulatory Setting

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

Federal

Bald and Golden Eagle Protection Act of 1940

The Bald Eagle Protection Act of 1940 protects bald eagle (Haliaeetus leucocephalus) and golden eagle (Aquila chrysaetos) by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. 'Take' is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." 'Disturb' is defined as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior" (72 Federal Register [FR] 31132; 50 CFR 22.3). All activities that may disturb or incidentally take an eagle or its nest as a result of an otherwise legal activity must be permitted by the USFWS under this Act.

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) protects federally listed threatened and endangered species and their habitats from unlawful take and ensures that federal actions do not jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Under the ESA, "take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The U.S. Fish and Wildlife Service (USFWS) regulations define harm to mean "an act which actually kills or injures wildlife" (50 CFR 17.3).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits the kill or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA. The prohibition applies to birds included in the respective international conventions between the U.S. and Great Britain, the U.S. and Mexico, the U.S. and Japan, and the U.S. and Russia. Disturbances that cause nest abandonment and/or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR Part 13 General Permit Procedures and 50 CFR Part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code.

Section 404 Permit (Clean Water Act)

The purpose of the Clean Water Act (CWA) is to "restore and maintain the chemical, physical, and biological integrity of the nation's waters." Section 404 of the CWA prohibits the discharge of dredge and fill material into waters of the U.S., including wetlands, without a permit from the U.S. Army Corps

of Engineers (USACE). 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 Endangered Species Act

Provisions of CESA protect state-listed threatened and endangered species. The California Department of Fish and Wildlife (CDFW) regulates activities that may result in "take" of individuals ("take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code (FGC). Additionally, California FGC contains lists of vertebrate species designated as "fully protected" (California FGC Sections 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], 5515 [fish]). Such species may not be taken or possessed.

In addition to state-listed species, CDFW has also produced a list of Species of Special Concern to serve as a "watch list." Species on this list are of limited distribution or the extent of their habitats has been reduced substantially such that threats to their populations may be imminent. Species of Special Concern may receive special attention during environmental review, but they do not have statutory protection.

Birds of prey are protected in California under California FGC. Section 3503.5 states it is "unlawful to take, possess, or destroy any birds of prey (in the order Falconiformes or Strigiformes) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

California Fish and Game Code Section 1600 et. seq (as amended)

The California FGC Section 1600 et. seq. requires that a Notification of Lake or Streambed Alteration be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." The CDFW reviews the proposed actions and, if necessary, submits to the Applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the Applicant is the Streambed Alteration Agreement (SAA). Often, projects that require an SAA also require a permit from the USACE under Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the SAA may overlap.

California Fish and Game Code Sections 3503, 3503.5 and 3513

Under Sections 3503, 3503.5, and 3513 of the California FGC, activities that would result in the taking, possessing, or destroying of any birds-of-prey, taking or possessing of any migratory nongame bird as designated by the MBTA, or the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or non-game birds protected by the MBTA, or the taking of any non-game bird pursuant to FGC Section 3800 are prohibited. Additionally, the state further protects certain species of fish, mammals, amphibians and reptiles, birds, and mammals through CDFW's Fully Protected Animals which prohibits any take or possession of classified species.

California Fish and Game Code Sections 1900-1913 (Native Plant Protection Act)

California's Native Plant Protection Act prohibits the taking, possessing, or sale within the state of any plant listed by CDFW as rare, threatened, or endangered. This allows CDFW to salvage listed plant species that would otherwise be destroyed.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, all projects proposing to discharge waste that could affect waters of the State must file a waste discharge report with the appropriate regional board. The project falls under the jurisdiction of the Colorado River RWQCB.

California Environmental Quality Act

Title 14 CCR, Section 15380 requires the identification of endangered, rare, or threatened species or subspecies of animals or plants that may be impacted by a project. If any such species are found, appropriate measures should be identified to avoid, minimize, or mitigate the potential effects of projects.

Desert Renewable Energy Conservation Plan Land Use Plan Amendment

The Desert Renewable Energy Conservation Plan (DRECP) is designed to provide effective protection and conservation of desert ecosystems while allowing for the appropriate development of renewable energy projects. The DRECP Area contains both federal and non-federal California desert land. Some of these lands are designated as California Desert Conservation Areas. The federal portion of the plan area was released by the BLM as a Land Use Plan Amendment. The DRECP Land Use Plan Amendment supports the conservation goals of the DRECP and organizes land into ecoregions and subregions with specific management goals, objectives, allowable uses, and management actions for biological and cultural resources. The BLM designates Areas of Critical Environmental Concern where special management attention is needed to protect important historical, cultural, and scenic values, or fish and wildlife or other natural resources. The BLM also designates Renewable Energy Development Focus Areas which are on BLM-administered lands within which solar, wind, and geothermal renewable energy development and associated activities are allowable uses and that have been determined to be of low or lower resource conflict. The intent is to incentivize and streamline such development in these areas (Appendix D of this EIR).

Local

Imperial County General Plan

The Conservation and Open Space Element of the Imperial County General Plan provides detailed plans and measures for the preservation and management of biological and cultural resources, soils, minerals, energy, regional aesthetics, air quality, and open space. The purpose of this element is to recognize that natural resources must be maintained for their ecological value for the direct benefit to the public and to protect open space for the preservation of natural resources, the managed production of resources, outdoor recreation, and for public health and safety. In addition, the purpose of this element is to promote the protection, maintenance, and use of the County's natural resources with particular emphasis on scarce resources, and to prevent wasteful exploitation, destruction, and neglect of the state's natural resources. Table 3.4-4 analyzes the consistency of the project with specific policies contained in the Imperial County General Plan associated with biological resources.

Table 3.4-4. VEGA 6 Project Consistency with Applicable General Plan Policies

General Plan Policies	Consistency with General Plan	Analysis
Conservation and Open Space Element		
Policy No. 2 - The County shall participate in conducting detailed investigations into the significance, location, extent, and condition of natural resources in the County. **Program:** Notify any agency responsible for protecting plant and wildlife before approving a project which would impact a rare, sensitive, or unique plant or wildlife habitat.	Consistent	A biological assessment has been conducted at the VEGA 6 project site to evaluate the proposed project's potential impacts on biological resources. Implementation of the proposed VEGA 6 project has the potential to impact special-status wildlife species. Implementation of Mitigation Measures BIO-1 through BIO-7 would reduce impacts to a level less than significant. Applicable agencies responsible for protecting plants and wildlife will be notified of the proposed VEGA 6 project and provided an opportunity to comment on this EIR prior to the County's consideration of any approvals for the project. As described in Chapter 2, Project Description, implementation of the project would require the approval of a CUP, General Plan Amendment, and Zone Change by the County to allow for the construction and operation of the project.
Goal 1 - Environmental resources shall be conserved for future generations by minimizing environmental impacts in all land use decisions and educating the public on their value. **Objective 1.6** - Promote the conservation of ecological sites and preservation of cultural resource sites through scientific investigation and public education.	Consistent	A biological assessment has been conducted at the VEGA 6 project site to evaluate the project's potential impacts on biological resources. Implementation of the proposed project has the potential to impact special-status wildlife species. However, with implementation of mitigation (Mitigation Measures BIO-1 through BIO-7), the VEGA 6 project would not result in residual significant or unmitigable impacts on biological resources.

Source: County of Imperial 2016

Riverside County General Plan

The Multipurpose Open Space Element of the Riverside County General Plan contain policies to preserve natural resources that are sensitive, rare, threatened, endangered and irreplaceable. To address the issues of wildlife health and sustainability, the County of Riverside has participated in or directed the development of two Multiple Species Habitat Conservation Plans (MSHCP's) – the Western Riverside County MSHCP and the Coachella Valley MSHCP. The Western Riverside County MSHCP has been adopted by the County of Riverside and approved by other jurisdictions and the Wildlife Agencies. The Coachella Valley Association of Governments' MSHCP has also been adopted

and received its final permit from the U.S. Fish and Wildlife Service on October 1, 2008 (County of Riverside 2015).

Coachella Valley Multiple Species Habitat Conservation Plan

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) received its California state permit in September 2008 and its federal permit in October 2008. The CVMSHCP is a comprehensive habitat conservation-planning program focusing on preservation of species and their associated habitats within the Coachella Valley region of Riverside County. Signatories to the CVMSHCP include the cities of Cathedral City, Coachella, Desert Hot Springs (I-10 annexation area only), Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage as well as Coachella Valley Water District, Imperial Irrigation District, Coachella Valley Association of Governments, and Caltrans. The intent of the CVMSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. As such, the CVMSHCP is intended to streamline review of individual projects with respect to the species and habitats addressed in the CVMSHCP, and to provide for an overall Conservation Area that would be of greater benefit to biological resources than would result from a piecemeal regulatory approach.

The CVMSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species. Through agreements with the USFWS and the CDFW, the CVMSHCP designates approximately 27 special-status animal and plant species that receive some level of coverage under the plan. Of the 27 covered species designated under the CVMSHCP, the majority of these species have no additional survey/ conservation requirements. In addition, the CVMSHCP provides mitigation for project-specific impacts to these species so that the impacts would be reduced to below a level of significance pursuant to CEQA. Beyond the fully covered species, there are species with additional survey/conservation requirements.

Each participating city or local jurisdiction within the Coachella Valley region will impose a development mitigation fee for new development projects within its jurisdiction. As of July 1, 2023, the current fees for development are:

- $1,625 for 0 to 8 residential units per acre
- $675 for 8.1 to 14 residential units per acre
- $300 for more than 14 residential units per acre
- $7,225 per acre for commercial/industrial

3.4.3 Impacts and Mitigation Measures

This section presents the significance criteria used for considering project impacts related to biological resources, the methodology employed for the evaluation, an impact evaluation, and mitigation requirements, if necessary.

Thresholds of Significance

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS
- Have a substantial adverse effect on state or federally-protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

Methodology

VEGA 6

This analysis evaluates the potential for the VEGA 6 project, as described in Chapter 2, Project Description to result in significant impacts related biological resources on or in the vicinity of the project site. A biological resources technical report and aquatic resources report were prepared for the VEGA 6 project. The information obtained from the sources was reviewed and summarized to present the existing conditions and to identify potential environmental impacts, based on the significance criteria presented in this section. Impacts associated with biological resources that could result from project construction and operational activities were evaluated qualitatively based on-site conditions; expected construction practices; and materials, locations, and duration of project construction and related activities.

Ramon Substation Expansion

This analysis evaluates the potential for the Ramon Substation expansion, as described in Chapter 2, Project Description to result in significant impacts related biological resources on or in the vicinity of the expansion area. A biological resources technical report and aquatic resources report were prepared for the proposed Ramon Substation expansion. The information obtained from the sources was reviewed and summarized to present the existing conditions and to identify potential environmental impacts, based on the significance criteria presented in this section. Impacts associated with biological resources that could result from project construction and operational activities were evaluated qualitatively based on-site conditions; expected construction practices; and materials, locations, and duration of project construction and related activities.

Impact Analysis

Impact 3.4-1 Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

VEGA 6

SPECIAL-STATUS PLANTS

Eleven special-status plant species have the potential occur in the VEGA 6 project vicinity. However, due to lack of suitable habitat and soils as well as the site's current condition of being heavily disturbed and developed, all special-status plant species were determined to have low potential of occurrence. None of these species are federally or state listed. If these special-status plant species were to be present on the site, they would likely occur in low numbers due to the limiting factors listed above (anthropogenic and mechanical disturbances, urban development, and lack of connectivity) and project-related impacts would not contribute to the overall decline of populations for these species and therefore not considered significant.

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.

Ramon Substation Expansion

SPECIAL-STATUS PLANTS

One federally and/or state listed plant species would have a moderate probability of occurring within the Ramon Substation BSA. The Coachella Valley milk-vetch is known to occur within sandy substrates in creosote bush scrub habitat which occurs within the proposed Ramon Substation expansion area. Potential impacts that may occur during construction of the proposed Ramon Substation expansion include loss of individuals, habitat, and seedbank. Depending on the size of the population, impacts on special-status plant species within the project impact area may be considered significant. The Coachella Valley milk-vetch is a CVMSCHP covered species and direct impacts to this species is considered a covered activity and mitigated through participation in the CVMSCHP. In addition, Mitigation Measure RS-BIO-1 would be implemented and would require payment of the mitigation fee as required by the CVMSCHP. Implementation of Mitigation Measure RS-BIO-1 would reduce impacts to a level less than significant.

As shown in Table 3.4-2, 13 non-listed special-status plant species have the potential to occur in the Ramon Substation BSA. None of these species were observed during the field visit. Implementation of the proposed Ramon Substation expansion would impact disturbed creosote bush scrub and creosote bush scrub vegetation communities that may be suitable habitat for these non-listed special-status plant species. These potential impacts are considered significant. Mitigation Measure RS-BIO-2 would implement biological resource protection measures prior to construction including a worker's environmental training and review of approved work areas with appropriate fencing. Mitigation Measure RS-BIO-3 would require preconstruction surveys for the presence of any of these special-status plant species and would work to avoid impacts. In this context, impacts to non-listed special-

status plant species would be reduced to less than significant with implementation of Mitigation Measures RS-BIO-2 and RS-BIO-3.

SPECIAL-STATUS WILDLIFE

One federally and/or state listed wildlife species would have a potential of occurring within the BSA. The Coachella Valley fringe-toed lizard has the potential of occurring within the sandy substrates of the creosote bush scrub located within the Ramon Substation expansion area. No Coachella Valley fringe-toed lizard individuals were observed during the field visit; however, no protocol surveys were conducted. The project footprint is located within federally designated critical habitat for the species. 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. These impacts are considered potentially significant. The Coachella Valley fringe-toed lizard is a CVMSCHP covered species and direct impacts to this species is considered a covered activity and mitigated through participation in the CVMSCHP. Mitigation Measure RS-BIO-1 would also be implemented and would require payment of the mitigation fee as required by the CVMSCHP. Implementation of Mitigation Measure RS-BIO-1 would reduce impacts to a level less than significant.

As shown in Table 3.4-3, eight non-listed special-status wildlife species have the potential to occur within the Ramon Substation BSA. The proposed expansion would be limited to the disturbed creosote bush scrub habitat that occurs north of the existing Ramon substation. In addition, surrounding land uses are residential with living areas and buildings located to the west. The flat-tailed horned lizard, Palm Springs pocket mouse, and Coachella Valley round-tailed ground squirrel are CDFW species of special concern and CVMSCHP covered species that are known to occur in active dunes and creosote bush scrub habitats. They are noted to occur north and south of Ramon Road in active dune sites. The loggerhead shrike and vermilion flycatcher are known to forage and hunt within creosote bush scrub. The American badger is known to occur within a variety of habitat, including the present creosote bush scrub. Suitable habitat for the burrowing owl does not occur within the BSA, however, dumped materials observed onsite may provide suitable burrows for the species to utilize.

Implementation of Mitigation Measures RS-BIO-2 and RS-BIO-3 would help to reduce impacts to any special-status wildlife species. Mitigation Measure RS-BIO-2 would require the implementation of biological resource protection measure prior to construction, including worker environmental trainings and review of the approved work area with appropriate fencing. Mitigation Measure RS-BIO-3 would require preconstruction surveys for non-CVMSCHP covered or non-listed special-status wildlife species and work to avoid any impacts to these species. In this context, impacts to non-listed special-status wildlife species would be less than significant with implementation of Mitigation Measures RS-BIO-2 and RS-BIO-3.

Mitigation Measure(s)

VEGA 6

BIO-1 **Preconstruction Nesting Bird Survey:** If construction or other project activities are scheduled to occur during the bird breeding season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species), a preconstruction nesting-bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests, including those for the northern harrier, loggerhead shrike, black-tailed gnatcatcher, and burrowing owl, will not be disturbed or destroyed. The survey shall be completed no more than 3 days prior to initial ground

disturbance. The nesting bird survey shall include the project area and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly, due to construction activity or noise. If an active nest is identified, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.

BIO-2 **Riparian Habitat or Sensitive Habitat Avoidance:** To the greatest extent possible, plans shall avoid impacts to disturbed tamarisk thicket habitats to minimize potential impacts to special-status species.

BIO-3 **Minimization of Impacts to Sensitive Species on BLM Land:** All vehicles shall stay on designated roads within BLM land to minimize impacts to habitat. Coordination with a qualified biologist shall occur prior to the staging of equipment and placement of temporary or permanent structures within BLM land. Additionally, a biologist shall demarcate temporary and permanent work spaces in the field prior to the commencement of construction-related activities. Construction plans shall incorporate measures to minimize and avoid impacts to habitats within this area. To control for introduction of invasive plant species, tires shall be cleaned prior to entering BLM lands.

BIO-4 **Biological Monitoring:** A qualified biologist shall be present to monitor all ground-disturbing in vegetated areas and vegetation-clearing activities conducted for the project. During each monitoring day, the biological monitor shall perform clearance survey “sweeps” at the start of each workday that vegetation clearing takes place to minimize impacts on special-status species with potential to occur (including, but not limited to, special-status or nesting bird species, flat-tailed horned lizard, and American badger). The monitor will be responsible for ensuring that impacts to special-status species, nesting birds, and active nests will be avoided to the greatest extent possible. Biological monitoring shall take place until the project area has been completely cleared of any vegetation. If an active nest is identified, the biological monitor shall establish an appropriate disturbance-limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed no longer active by the biologist. If special-status wildlife species are detected during biological monitoring activities, then consultation with the USFWS or CDFW shall be conducted, and a mitigation plan shall be developed to avoid and offset impacts to these species. Mitigation measures may consist of work restrictions or additional biological monitoring activities after ground-disturbing activities are complete.

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-6 **Minimization of Impacts to Palm Springs Pocket Mouse:** Habitats on the VEGA 6 solar facility site and parts of the gen-tie line are suitable for the Palm Springs pocket mouse; presence could be assumed based on proximity of records and recommendations from small mammal experts that were consulted. If presence is assumed, consultation to develop suitable mitigation measures or in-kind mitigation to offset impacts with the CDFW may need to occur. If presence is not assumed, protocol surveys to determine presence or absence of Palm Springs pocket mouse are recommended. A preconstruction small mammal trapping survey shall be conducted for Palm Springs pocket mouse within suitable habitat in all areas of potential permanent and temporary disturbance lead by qualified biologists that are permitted to trap and handle small mammals under Memorandums of Understanding and Scientific Collection Permits with CDFW. Should Palm Springs pocket mouse individuals be identified during the preconstruction survey, consultation to develop suitable mitigation measures with the CDFW will occur. If the project area is found to be absent of Palm Springs pocket mouse, no further mitigation is required.

BIO-7 **Minimization of Impacts to Wetland/Riparian Habitat:** New structures shall not be placed within 50 feet of wetland or riparian habitat boundaries. A construction buffer of 300 feet shall be established around the wetlands and riparian habitats during bird breeding season (February 1 to August 31). Prior to construction, fencing shall be installed approximately 10 feet from the wetland and riparian habitat boundaries within 50 feet of the VEGA 6 project area. Fencing shall be easily visible to construction personnel.

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

a. Prior to the commencement of construction on the project site, 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 project 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.

Ramon Substation Expansion

RS-BIO-1 **Coachella Valley Multiple Species Habitat Conservation Plan Fee Payment:** As a signatory to the Coachella Valley Multiple Species Habitat Conservation Plan, the IID shall require a local development mitigation fee prior to the issuance of building permits for the proposed use on the project site at the rates applicable at the time of payment of the fee as set forth in the most recent fee schedule. The Project applicant shall be required to provide documentation to the IID confirming the payment of the local development mitigation fee.

The Coachella Valley milk-vetch and Coachella Valley fringe-toed lizard are federally listed species and CVMSHCP covered species with potential to occur within the project

footprint. Direct impacts to these species' as a result of the covered Project activity would be in compliance with the CVMSHCP as long as the IID, a permittee of the CVMSHCP, submits a payment of the mitigation fee, complies with the requirements of CVMSHCP Section 4.2, Conservation Areas; Section 4.4, Avoidance, Minimization, and Mitigation Measures; and Section 4.5 Land Use Adjacency Guidelines, and is in full compliance with CEQA, CESA, and FESA requirements.

RS-BIO-2 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.

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.

b. 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.

Ramon Substation Expansion

The proposed Ramon Substation expansion has the potential to impact special-status wildlife species during construction. However, implementation of Mitigation Measures RS-BIO-1 through RS-BIO-3 would reduce potential impacts to a level less than significant.

Impact 3.4-2 Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

VEGA 6

According to CDFW's Sensitive Natural Communities List, there are no sensitive vegetation communities within the VEGA 6 project area. Therefore, the proposed VEGA 6 project would have no impact on any sensitive natural community.

Riparian habitat is present primarily within the eastern and southern portions of the VEGA 6 aquatic resources study area. There is riparian habitat associated with the detention basins within the solar

facility site. Additional riparian habitat is associated with the agricultural drains and roadside ditches. Riparian habitat would be directly impacted by grading activities, which would be considered significant. However, the proposed VEGA 6 project would comply with mitigation requirements recommended through consultation with CDFW. Implementation of Mitigation Measures BIO-2, BIO-7, and BIO-8 would reduce impacts to a level less than significant.

Ramon Substation Expansion

There are no sensitive vegetation communities or riparian habitat within the Ramon Substation expansion area. Therefore, the proposed expansion would not have no impact on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or USFW.

Mitigation Measure(s)

VEGA 6

BIO-8 **Aquatic Resources Permitting:** If project-related impacts will occur to areas under the jurisdiction of the USACE, CDFW, or RWQCB, a regulatory permit with those agencies will be required prior to the impact occurring. Permitting includes preparation and submittal of a Preconstruction Notification under Section 404 of the federal CWA, an Application for Water Quality Certification under Section 401 of the federal CWA, and a Notification of Lake or Streambed Alteration under Section 1600 of the California Fish and Game Code. Other items such as finalized project plans, quantities of fill material, supporting technical studies, etc., are also submitted along with the applications. As a part of this process, the project must also identify and approve mitigation through the respective agencies. Mitigation can include onsite or offsite options or could include payment of an in-lieu fee to a conservation organization. Types of mitigation can include restoration, creation, rehabilitation, enhancement, or other types of habitat improvement. Typically, the type of mitigation and acreage of mitigation is negotiated with the regulatory agencies during the permitting process.

Ramon Substation Expansion

No mitigation measures are required.

Significance after Mitigation

VEGA 6

Riparian habitat would be directly impacted by grading activities, which would be considered significant. However, implementation of Mitigation Measures BIO-2, BIO-7, and BIO-8 would reduce impacts to a level less than significant.

Impact 3.4-3 ***Would the project have a substantial adverse effect on state or federally-protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?***

VEGA 6

As previously described, there are several jurisdictional features within the VEGA 6 project area. Construction of the VEGA 6 project has the potential to directly impact these resources; this is a

potentially significant impact. However, impacts on aquatic features may require permits from several regulatory agencies pursuant to federal and State laws. With implementation of Mitigation Measures Mitigation Measures BIO-2, BIO-7, and BIO-8, which ensure the project's adherence to applicable permitting requirements for impacts on jurisdictional waters and which implement avoidance and minimization measures, the project's construction-related impacts on jurisdictional waters would be reduced to a level less than significant.

Ramon Substation Expansion

No jurisdictional aquatic resources were found during the field visit. The proposed Ramon Substation expansion would be limited to the area north of the existing Ramon substation and utilize established access routes or previously disturbed or developed areas. No impacts to jurisdictional aquatic resources would be expected.

Mitigation Measure(s)

VEGA 6

Implement Mitigation Measures Mitigation Measures BIO-2, BIO-7, and BIO-8.

Ramon Substation Expansion

No mitigation measures are required.

Significance after Mitigation

VEGA 6

The proposed VEGA 6 project has the potential to impact aquatic resources including state or federally-protected wetlands. However, implementation of Mitigation Measures Mitigation Measures BIO-2, BIO-7, and BIO-8 would reduce potential impacts to a level less than significant.

Impact 3.4-4 Would the project interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

VEGA 6

Portions of the VEGA 6 project area and gen-tie alignment are located adjacent to areas containing existing disturbances (i.e., roads and active agricultural land). A majority of this area does not contain suitable vegetation or cover to support wildlife movement in the form of a corridor. The solar facility site and the western segment of the gen-tie are adjacent to open space/BLM land but overall these areas are disturbed and do not support wildlife movement opportunities connecting the area to large, undeveloped natural areas to the southwest. Wildlife would choose instead to use the more suitable and less disturbed creosote bush scrub to the west within BLM land as a wildlife movement area. No native nursery sites were identified within the VEGA 6 project area. Therefore, no impacts to wildlife corridors or nursery sites are expected to occur from the development of the VEGA 6 project.

Ramon Substation Expansion

The Ramon Substation expansion area is disturbed and contains very little native vegetation. Additionally, the expansion area is bordered by the existing SCE Mirage substation to the west, the

existing Ramon Substation and Ramon Road to the south, which limits wildlife movement through the expansion area. The proposed Ramon Substation expansion would not result in the loss of any potential wildlife movement areas, wildlife corridors or nursery sites as the expansion area is not located within an established habitat corridor or linkage area. Therefore, no impacts to wildlife corridors or nursery sites are expected to occur from the proposed Ramon Substation expansion.

Mitigation Measure(s)

VEGA 6

No mitigation measures are required.

Ramon Substation Expansion

No mitigation measures are required.

Impact 3.4-5 Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

VEGA 6

The proposed VEGA 6 project consists of the construction and operation of a solar energy facility, BESS, and associated electrical transmission lines. Development of the solar facility would be subject to the County's zoning ordinance.

The VEGA 6 project is located on a privately-owned vacant parcel designated Agriculture and within the S-2 zone. Pursuant, to Title 9, Division 5, Chapter 19 (County of Imperial 2020), the following use is 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.

As discussed in Section 3.11, Land Use and Planning, with approval of a CUP, General Plan Amendment, and Zone Change, the VEGA 6 project would be consistent with the Imperial County General Plan, and with biological resources contained therein. Therefore, implementation of the proposed VEGA 6 project would not result in a significant impact associated with the project's potential to conflict with local policies protecting biological resources.

Ramon Substation Expansion

County General Plans and development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas. There are no local ordinances applicable to biological resources on site except for code provisions related to the CVMSHCP mitigation fee and land credits. The proposed Ramon Substation expansion would not be in conflict with any local policies or ordinances applicable to existing biological resources on site. No impact would occur.

Mitigation Measure(s)

VEGA 6

No mitigation measures are required.

Ramon Substation Expansion

No mitigation measures are required.

Impact 3.4-6 Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

VEGA 6

The western and southern buffer of the solar facility site falls within the DRECP with a conservation designation of California Desert National Conserved Lands. None of the VEGA 6 BSA falls within Areas of Environmental Concern. Portions of the western alignment of the gen-tie falls within BLM Renewable Energy Development Focus Area. If habitat within the California Desert National Conserved Lands area of the project is to be impacted, implementation of Mitigation Measure BIO-3 is recommended to minimize for potential significant impacts. The VEGA 6 project will follow the guidelines in Imperial County's Conservation and Open Space Element and meet the requirements outlined in the plan. Consultation with BLM, County of Imperial Department of Planning and Development, USFWS, and CDFW would be required should listed plant or wildlife species be found to occur. With implementation of Mitigation Measure BIO-3, this impact would be reduced to a level less than significant.

Ramon Substation Expansion

The Ramon Substation expansion area is located within the boundaries of the CVMSHCP. As described above under Impact 3.4-1, the proposed expansion would result in impacts to Coachella Valley milk-vetch and Coachella Valley fringe-toed lizard, which are CVMSHCP covered species. Direct impacts to these species are considered a covered activity and mitigated through participation in the CVMSHCP. In addition, Mitigation Measure RS-BIO-1 would be implemented and would require payment of the mitigation fee as required by the CVMSCHP. Implementation of Mitigation Measure RS-BIO-1 would reduce impacts to a level less than significant.

Mitigation Measure(s)

VEGA 6

Implement Mitigation Measure BIO-3.

Ramon Substation Expansion

Implement Mitigation Measure RS-BIO-1.

3.4.4 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. 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.

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