

# PROJECT REPORT

**TO:** PLANNING COMMISSION  
**FROM:** Planning & Development Services Dept.

**AGENDA DATE** October 09, 2024  
**AGENDA TIME** 9:00 AM/ No. 5

PROJECT TYPE: Parcel Map #02510 Apex Energy Solutions LLC SUPERVISOR DIST. #4  
025-260-011-000  
LOCATION: 1103 Flowing Wells Rd. APN: 025-260-019-000  
-011 +/- 448.3 Acres  
Niland, CA 92257 PARCEL SIZE: -019 +/- 89.7 Acres

GENERAL PLAN (existing) Recreation/Open Space w/RE Overlay GENERAL PLAN (proposed) N/A  
ZONE (existing) S-2-RE (Open Space/Preservation w/RE Overlay) ZONE (proposed) N/A

GENERAL PLAN FINDINGS     CONSISTENT     INCONSISTENT     MAY BE/FINDINGS

PLANNING COMMISSION DECISION:    HEARING DATE: October 9, 2024

APPROVED     DENIED     OTHER

PLANNING DIRECTORS DECISION:    HEARING DATE: \_\_\_\_\_

APPROVED     DENIED     OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION:    HEARING DATE: 07/25/2024

INITIAL STUDY: #24-0006

NEGATIVE DECLARATION     MITIGATED NEG. DECLARATION     EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG / APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER	<u>IID, Caltrans</u>			

**REQUESTED ACTION:**

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT, STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) HEARING HELD ON JULY 25, 2024; AND,
2. ADOPT THE ATTACHED RESOLUTIONS AND SUPPORTING FINDINGS, APPROVING PARCEL MAP #02510, SUBJECT TO ALL CONDITIONS.

**STAFF REPORT**  
**PLANNING COMMISSION MEETING**  
**October 09, 2024**

**Project Name:**      **Apex Energy Solutions LLC**  
**Parcel Map #02510**

**Applicant:**          **Apex Energy Solutions, LLC**  
**750 W. Main Street**  
**El Centro, California 92243**

**Project Location:**

The project is located at 1103 Flowing Wells Rd., Niland, CA 92257 and consists of one legal parcel with two Assessor's Parcel Numbers identified as 025-260-011-000 and 025-260-019. The parcels are legally described as a POR SEC 17, T11S, R15E, 448.30 AC, NE OF SPRR, EXC N2, OF NE4 S.B.B.M (APN 025-260-011-000) and POR S2 SEC 17, T11S, R15E, 89.70 AC, SW OF SPRR (APN 025-260-019-000) S.B.B.M., in an unincorporated area of the County of Imperial.

**Project Summary:**

The project proposes to legally separate the project location that has previously been split by the Union Pacific Railroad line as well as separate the approved Vega SES 2 and Vega SES 5 solar energy projects. The Vega SES 2 and Vega SES 5 solar projects were approved through Conditional Use Permit (CUP) #20-0021 and #20-0023 and environmentally assessed under the Vega SES 2, 3, and 5 Solar Energy Project EIR (SCH No. 2021050013). Additionally, the single parcel split by the Union Pacific Railroad has two (2) Assessor's Parcel Numbers (APN) assigned by the Imperial County Assessor's Office. The APNs have been issued for the parts of the parcel on either side of the railroad.

The Parcel Map proposes to separate the project location into three parcels. Parcel 1 is approximately 280.2 acres on the north end of the project location and is part of Vega SES 2. Parcel 2 consists of approximately 162.66 acres and Parcel 3 consists of 94.01 acres separated by the Union Pacific Railroad. Parcel 2 and Parcel 3 are part of the approved Vega SES 5 energy project.

**Existing Legal Parcel:**

APN 025-260-011: 448.3 acres

APN 025-260-019: 89.7 acres

**Proposed Parcels:**

Parcel 1 (Por. of 025-260-011): 280.2 acres (Vega SES 2)

Parcel 2 (Por. of 025-260-011): 162.66 acres (Vega SES 5)

Parcel 3 (025-260-019): 94.01 acres (Vega SES 5)

**Land Use Analysis:**

The project parcel is designated as S-2-RE (Open Space / Preservation within Renewable Energy) per Zone Map #70 and #71 of the Imperial County Land Use Ordinance (Title 9). The proposed minor subdivision complies with the existing zoning ordinance as the minimum lot size required for the S-2 zone is 20 acres and the smallest proposed parcel is approximately 94.01 acres. This is Consistent with Title 9, Division 5, Chapter 19, § 90519.00.

**Surrounding Land Use Ordinance:**

<b>DIRECTION</b>	<b>CURRENT LAND USE</b>	<b>ZONING</b>	<b>GENERAL PLAN</b>
<b>Project Site</b>	Vacant / Future Entitled Solar Farm	S-2-RE	Recreation / Open Space with Renewable Energy
<b>North</b>	Vacant Desert / Orchard to Northwest	BLM / S-2-RE	Recreation / Open Space (Rec / OS w/RE to NW)
<b>South</b>	Vacant Desert	BLM	Recreation / Open Space
<b>East</b>	Vacant Desert	S-2-RE	Recreation / Open Space with Renewable Energy
<b>West</b>	Vacant Desert / Ag Fields Further West	BLM / A-2-R-RE	Recreation / Open Space with Renewable Energy

**Environmental Review:**

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee (EEC). The Committee consists of a seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On July 25, 2024, after review by the EEC members, the members recommended a Negative Declaration.

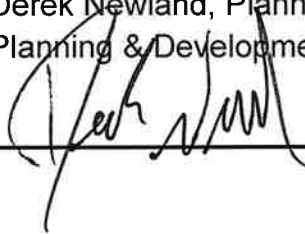
The project was publicly circulated from July 30, 2024, through August 22, 2024, comments were received, reviewed and made part of this project.

**Staff Recommendation:**

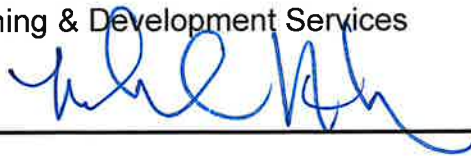
It is recommended that you conduct a public hearing, that you hear all opponents and proponents of the proposed project, staff would then recommend that you take the following actions:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on July 25, 2024; and,
2. Adopt the attached Resolutions and supporting findings, approving Parcel Map #02510, subject to all conditions.

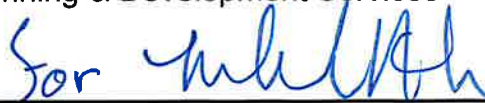
**Prepared By:** Derek Newland, Planner III  
Planning & Development Services



**Reviewed By:** Michael Abraham, AICP, Assistant Director  
Planning & Development Services



**Approved By:** Jim Minnick, Director  
Planning & Development Services

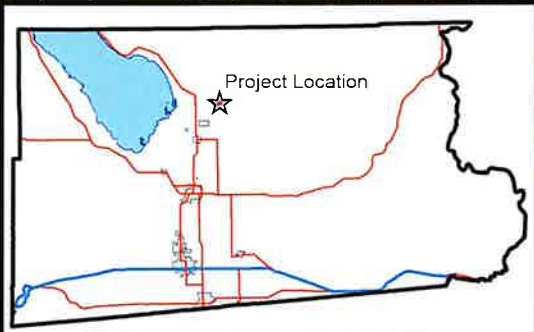
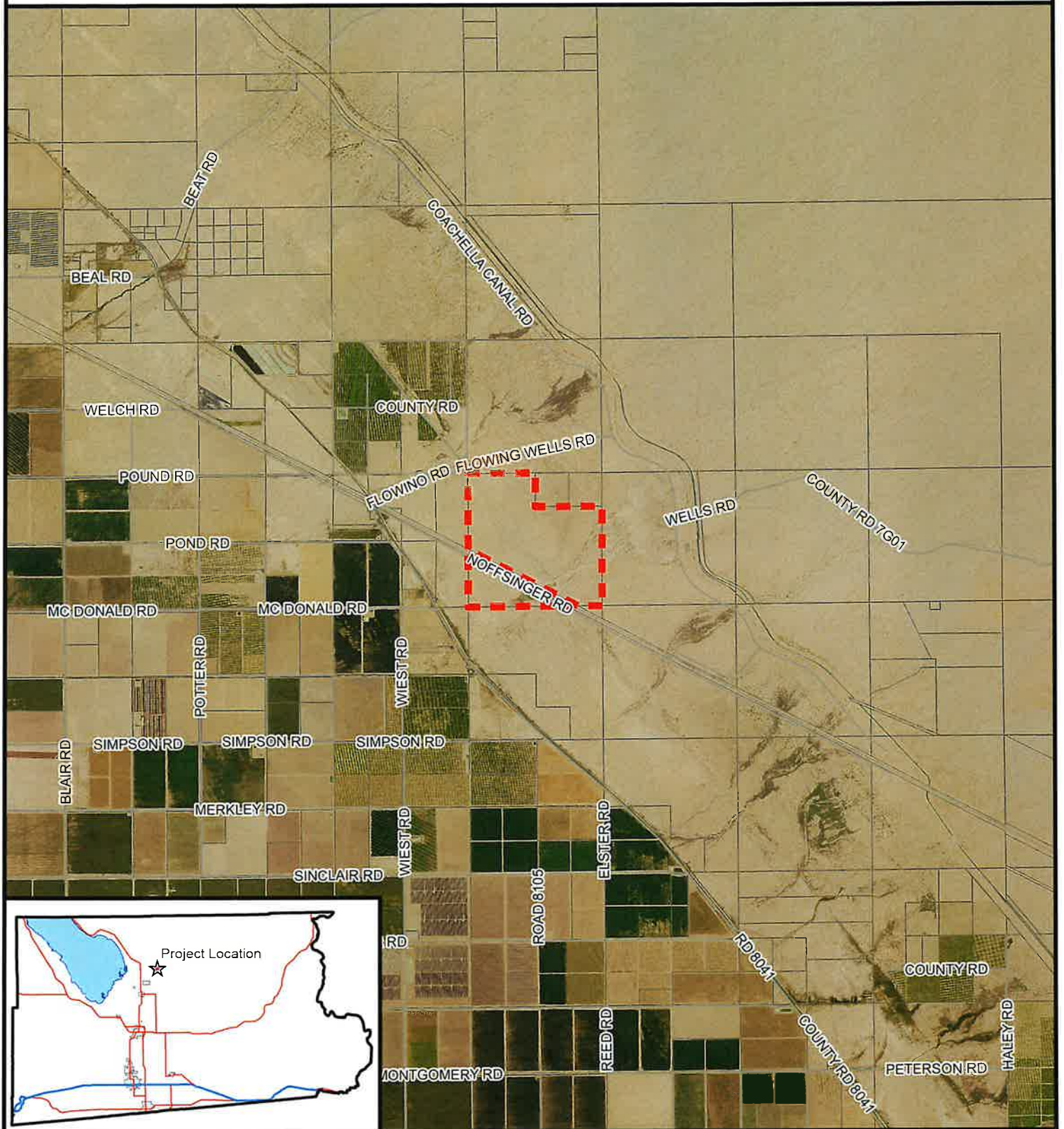


**Attachments:**




- A. Vicinity Map
- B. Tentative Parcel Map
- C. CEQA Resolution
- D. PC Resolution
- E. Conditions of Approval PM#02510
- F. Environmental Evaluation Committee Package
- G. Comment Letters

**ATTACHMENT "A"**  
**Vicinity Map**

# PROJECT LOCATION MAP

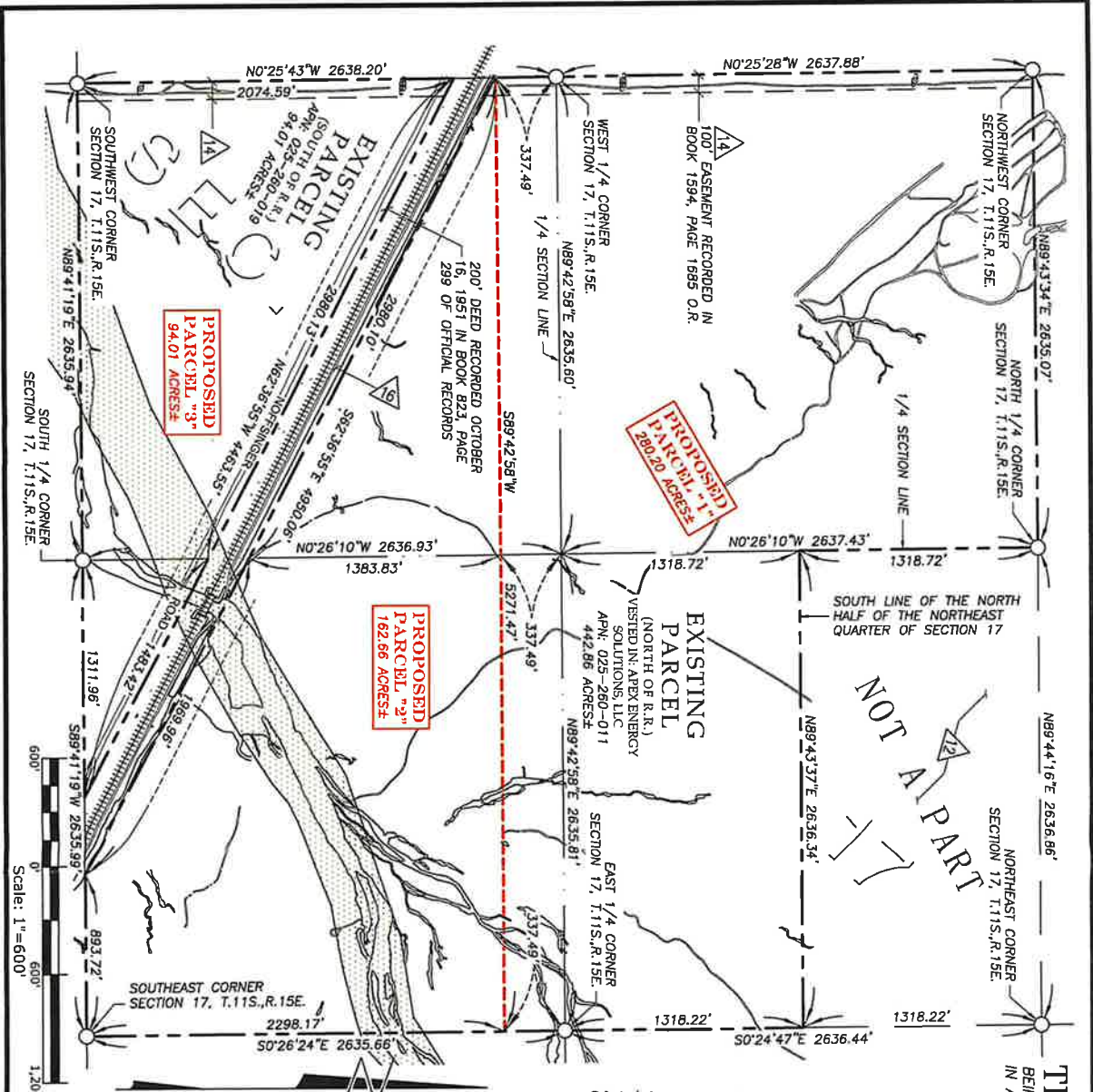


**APEX ENERGY SOLUTIONS LLC**  
**PM #02510**  
**APN 025-260-011, 025-260-019-000**

 Parcels selection  
 Centerline  
 Parcels



**ATTACHMENT "B"**  
**Tentative Parcel Map**



# TENTATIVE PARCEL MAP SITE PLAN

BEING PORTIONS OF SECTION 17 IN TOWNSHIP 11 SOUTH, RANGE 15 EAST, S.B.M. IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA

LEGAL DESCRIPTION EXISTING PROPERTY - APN: 025-260-011 & 025-260-019 SECTION 17, TOWNSHIP 11 SOUTH, RANGE 15 EAST, SAN BERNARDINO MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING A STRIP OF LAND 200 FEET WIDE CONTAINING 22 ACRES LYING EQUALLY ON EACH SIDE OF THE CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY AS NOW CONSTRUCTED, RESERVED BY SOUTHERN PACIFIC LAND COMPANY BY DEED RECORDED OCTOBER 16, 1951 IN BOOK 823, PAGE 299 OF OFFICIAL RECORDS.

ALSO EXCEPTING THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 17.

### FLOOD ZONE

ACCORDING TO F.E.M.A. FLOOD INSURANCE MAP, PANEL No. 0802560250C DATED SEPTEMBER 26, 2008, PORTIONS OF THIS PROPERTY (AS DELINEATED ON THIS SITE PLAN) ARE LOCATED IN ZONE "X", WHICH IS DEFINED AS AREAS OF 1% ANNUAL CHANCE OF FLOOD. ALL REMAINING PORTIONS OF SUBJECT PROPERTY ARE LOCATED IN ZONE "X", WHICH IS DEFINED AS AREAS OF 0.2% ANNUAL CHANCE OF FLOOD.

### VESTED IN:

APN: 025-260-011 & 019 VESTED IN:  
APEX ENERGY SOLUTIONS, LLC A  
CALIFORNIA LIMITED LIABILITY COMPANY

### GENERAL NOTES:

1. ACRESAGE NOTES:  
a. EXISTING PARCEL, ACRESAGE LYING NORTH OF RAILROAD: 442.86±  
b. EXISTING PARCEL, ACRESAGE LYING SOUTH OF RAILROAD: 94.01±  
c. PROPOSED PARCEL 1: 280.20±  
d. PROPOSED PARCEL 2: 162.66±  
e. PROPOSED PARCEL 3: 94.01±
2. TOTAL NUMBER OF PROPOSED PARCELS: 3
3. EXISTING ZONING: S-2-RE

### LEGEND

- INDICATES ZONE "X" AREAS. SEE FLOOD ZONE NOTE ABOVE.
- SUBDIVISION BOUNDARY
- PROPOSED PARCEL LINES
- EXISTING RAIL ROAD
- EXISTING EASEMENT LINE
- EXISTING TRAVELED PATH OR WASH
- FOUND MONUMENT
- EXISTING UTILITY POLE

EXCEPTIONS FOUND IN PRELIMINARY TITLE ORDER No. 23000372837; UNIT No. 48 PREPARED BY STEWART TITLE GUARANTY COMPANY



**Precision**  
ENGINEERING & SURVEYING, INC.

798 E. HELL AVENUE  
P.O. Box 2216  
EL CENTRO, CA 92243  
El Centro, CA 92244  
Telephone: (760) 353-2664  
Email: [tylton@precisioninc.com](mailto:tylton@precisioninc.com)

TENTATIVE PARCEL MAP  
CEDAR 2

CLIENT: APEX ENERGY SOLUTIONS, LLC  
DRAWN BY: A.D.  
CHECKED BY: I.P.  
PRINTED: 3/6/2024

JOB No. 23-115  
SHEET 1  
OF 1



**ATTACHMENT "C"**  
**CEQA Resolution**

## RESOLUTION NO.

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING “NEGATIVE DECLARATION” (INITIAL STUDY #24-0006) FOR PARCEL MAP #02510.**

**WHEREAS**, on July 12, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for July 25, 2024; and,

**WHEREAS**, a Negative Declaration and CEQA Findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and,

**WHEREAS**, on July 25, 2024, the Environmental Evaluation Committee heard the project and recommends the Planning Commission of the County of Imperial to adopt the Negative Declaration for Parcel Map #02510; and,

**WHEREAS**, the Negative Declaration was circulated from July 30, 2024, to August 22, 2024; and,

**WHEREAS**, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and,

**NOW, THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Parcel Map #02510. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the attached Negative Declaration (ND) for Parcel Map #02510 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Parcel Map; and
3. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

**NOW, THEREFORE**, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Parcel Map #02510.

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**Rudy Schaffner, Chairperson  
Imperial County Planning Commission**

I hereby certify that the preceding Resolution was taken by the Planning Commission at a meeting conducted on **October 9, 2024**.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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**Jim Minnick, Director of Planning & Development Services  
Secretary to the Imperial County Planning Commission**

**ATTACHMENT "D"**  
**PC Resolution**

## RESOLUTION NO.

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING PARCEL MAP #02510 AND CONDITIONS OF APPROVAL FOR APEX ENERGY SOLUTIONS, LLC.**

**WHEREAS**, Apex Energy Solutions LLC, have submitted an application for Parcel Map #02510 proposing to subdivide land on vacant desert land into three (3) individual parcels in order to separate two (2) approved and entitled solar energy projects, Vega SES 2 (CUP #20-0021) and Vega SES 5 (CUP #20-0023), also separated physically by the Union Pacific Railroad; and,

**WHEREAS**, a Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and,

**WHEREAS**, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications; and,

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on October 9, 2024; and,

**WHEREAS**, on July 25, 2024, the Environmental Evaluation Committee heard the proposed project and recommends the Planning Commission adopt the Negative Declaration; and,

**NOW, THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

**SECTION 1.** The Planning Commission has considered Parcel Map #02510 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Parcel Map and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Parcel Map #02510 have been made:

**Finding 1: That the subdivision is not a major subdivision.**

The subdivision is a minor subdivision, which is intended to subdivide a single legal parcel into three (3) individual parcels separating two (2) approved and entitled solar energy projects under CUP #20-0021 (Vega SES 2) and CUP #20-0023 (Vega SES 5).

**Finding 2: That the Tentative Parcel Map meets the requirements of the County Subdivision Ordinance.**

The Tentative Parcel Map meets the requirements of County Subdivision Ordinance for parcel maps pursuant to Section 90804.00.

**Finding 3: The proposed map is consistent with applicable General and Specific Plans.**

The proposed division of land is consistent with the Imperial County General Plan; the project site is designated as “Recreation / Open Space with Renewable Energy Overlay”. The approved and entitled solar energy farms are an allowed use with a Conditional Use Permit within the S-2-RE (Open Space / Preservation with Renewable Energy Overlay) zone and are consistent with the Imperial County General Plan.

The proposed parcel map is to subdivide land on vacant desert land into three (3) individual parcels in order to separate two (2) approved and entitled solar energy projects, Vega SES 2 (CUP #20-0021) and Vega SES 5 (CUP #20-0023), also separated physically by the Union Pacific Railroad.

**Finding 4: The design or improvement of the proposed land division consistent with applicable General and Specific Plans.**

The design of the proposed parcel map is consistent with the Imperial County General Plan; the project site is designated as Recreation / Open Space and zoned S-2-RE (Open Space / Preservation with Renewable Energy Overlay). The proposed parcel map is to subdivide land on vacant desert land into three (3) individual parcels in order to separate two (2) approved and entitled solar energy projects, Vega SES 2 (CUP #20-0021) and Vega SES 5 (CUP #20-0023) also separated physically the Union Pacific Railroad. Access to parcel 2 will have legal access through an easement on Proposed Parcel 1 upon sale of the property.

**Finding 5: The site is physically suitable for the type of development.**

The proposed Parcel Map is to separate the legal parcel into three (3) individual parcels in order to separate two (2) solar energy farms with approved Conditional Use Permits. The solar farms are an allowed use with an approved Conditional Use Permit within the S-2-RE (Open Space / Preservation with Renewable Energy) zone per Title 9 Division 5 § 90519.02 and the proposed parcel map does not propose any new development or disturbance of land.

**Finding 6: The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidable injure fish or wildlife or their habitat.**

The proposed project was environmentally assessed, and it was determined that there will be no significant impacts to fish & wildlife habitats. A negative declaration was recommended to be adopted at the July 25, 2024, Environmental Evaluation Committee hearing.

**Finding 7: The design of the subdivision or the type of improvements is not likely to cause serious public health problems.**

The proposed parcel map is to subdivide land on vacant desert land into three (3) individual parcels in order to separate two (2) approved and entitled solar energy projects, Vega SES 2 (CUP #20-0021) and Vega SES 5 (CUP #20-0023) also separated physically the Union Pacific Railroad. No new development or changes to the land are proposed and there, it is not likely to cause serious public health problems.

**Finding 8: That the design of the subdivision or the type of improvements will not conflict with easements of records or easements established by court judgement acquired by the public at large for access through or use of property within the proposed division of land.**

The design of the proposed land division will not conflict with easements for access through, or use of, property within the proposed site. Parcel 2 of the proposed Parcel Map will have an access easement through Parcel 1 upon sale of the property.

**Finding 9: There will be no adverse impacts upon wildlife or natural resources and no intrusion upon any known habitat, nor is it likely to have future impact.**

A Negative Declaration was recommended to be adopted at the July 25, 2024, Environmental Evaluation Committee hearing which determined a less than significant impact on wildlife or natural resources; no future impacts are anticipated.

**NOW, THEREFORE,** based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Parcel Map #02510, subject to the Conditions of Approval.

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**Rudy Schaffner, Chairperson**  
**Imperial County Planning Commission**

I hereby certify that the preceding resolution was taken by the Imperial County Planning Commission at a meeting conducted on October 9, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST:

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Jim Minnick, Director of Planning & Development Services  
Secretary to the Imperial County Planning Commission

S:\AllUsers\APN\025\260\011\PM02510\_IS24-0006\PC\PM02510 PC Resolutions.docx



**ATTACHMENT "E"**  
**PM #02510 Conditions of  
Approval**

# CONDITIONS OF APPROVAL

## PARCEL MAP #02510

(Apex Energy Solutions LLC)  
[025-260-011-000 & 025-260-019-000]

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### **NOTICE TO APPLICANT!**

*The above-referenced Parcel Map, upon approval by the County shall be subject to all of the following conditions, which may include modification or rescission in whole or in part, by the PLANNING COMMISSION and/or BOARD OF SUPERVISORS from the conditions recommended by staff. In the event any conditions are deferred the APPLICANT/SUBDIVIDER or any subsequent owner(s), shall comply with all of the CONDITIONS specified herein, whether at the time of recordation of the Map or prior to any development permits. It is the obligation of the property owner (current or future) to comply with these conditions; Hereinafter the term "applicant" shall mean the current and future owners, and/or the subdivider. If approved, this project having been reviewed for compliance with the General Plan, the Subdivision Map Act and County Land Use Ordinance, the applicant shall comply with all of the requirements of said documents whether specified herein or not.*

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### **GENERAL CONDITIONS:**

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[General Conditions may be either advisory or mandatory depending on the condition. These conditions appear on all parcel maps as generic conditions; however, they are as important as the Site Specific Conditions. The Planning Director established these conditions to be consistent, to be informative, and to cover a broad range of generic requirements and notices. The term applicant(s) shall mean the current and future owner(s) of record.]

**Unless expressly deferred in these conditions all conditions are to be satisfied prior to recordation of the parcel map.**

1. The applicant shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, County Ordinances, and/or any other laws that apply to this Map.
2. The applicant shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not.
3. As a condition of this Subdivision, subdivider agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Subdivision or adoption of the

environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the subdivider, arising out of or in connection with the approval of this Subdivision, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

4. Applicant shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department upon further development.
5. The applicant shall comply with all County Fire Department regulations, rules and standards and shall meet all Fire Department requirements necessary to attain compliance upon further development. Any physical improvements required by the Fire Department shall be inspected and approved prior to a building permit being issued by the Planning & Development Services Building Department.
6. All applicable plans, reports, and studies shall be reviewed and approved by the respective responsible agencies when further development occurs for constructing or installing any site improvements and the installation of future improvements shall be reviewed, inspected, and approved by the respective responsible agency.
7. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered, or unauthorized existing driveway(s) to access the properties through surrounding roads.

#### **SITE SPECIFIC CONDITIONS:**

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##### **Public Works Conditions<sup>1</sup>:**

1. Provide a Parcel Map prepared by a California Licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code.
2. Provide tax certificate from the Tax Collector's Office prior to recordation of the Parcel Map.
3. The Parcel Map shall be based upon a field survey. The basis of bearings for the Parcel Map shall be derived from the current epoch of the California Coordinate System (CCS), North America Datum of 1983 (NAD83). The survey shall show connections to a minimum of two (2) Continuously Operating Reference Stations

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<sup>1</sup> Imperial County Department Public Works comment letter dated June 06, 2024.

(CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the Parcel map.

4. Each parcel created or affected by this map shall abut a maintained road and/or have legal and physical access to a public road or access through common ownership.
5. The applicant will need to provide evidence of legal and physical access from Flowing Wells Road through a thirty-foot-wide easement granted by BLM.
6. The applicant will need to provide evidence of legal and physical access from Flowing Wells Road through a thirty-foot-wide easement granted by BLM and common ownership with Parcel 1.
7. The applicant will need to provide evidence of legal and physical access from Noffsinger Road.
8. The applicant will need to provide evidence of legal access to the Railroad Jurisdiction.
9. The applicant shall provide an Irrevocable Offer of Dedication (IOD) or dedicate the required portion for sufficient right of way for future development of Noffsinger Road, being classified as Minor Collector - Local Collector - two (2) lanes, requiring seventy (70) feet of right of way, being thirty - five (35) feet from the existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).

**Imperial Irrigation District Conditions<sup>2</sup>:**

10. Final Map shall show the inactive 50-ft easement in IID's favor.

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<sup>2</sup> Imperial Irrigation District comment letter dated May 09, 2024 and July 30, 2024.

**ATTACHMENT "F"**

**EEC Package**

# PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: July 25, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM / No.1

PROJECT TYPE: Apex Energy Solutions, LLC SUPERVISOR DIST #4  
PM #02510/IS #24-0006 025-260-011-000

LOCATION: 1103 Flowing Wells Rd APN: 025-260-019-000

Niland, Ca 92257 PARCEL SIZE: +/- 538 acres total

GENERAL PLAN (existing) Open Space/Recreation w/ RE Overlay GENERAL PLAN (proposed) N/A

ZONE (existing) A-2-RE (General Ag w/Renewable Energy Overlay) ZONE (proposed) N/A

GENERAL PLAN FINDINGS  CONSISTENT  INCONSISTENT  MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: \_\_\_\_\_

APPROVED  DENIED  OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: \_\_\_\_\_

APPROVED  DENIED  OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 07/25/2024

INITIAL STUDY: #24-0006

NEGATIVE DECLARATION  MITIGATED NEG. DECLARATION  EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER	<input type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED

IID

## REQUESTED ACTION:

(See Attached)

Planning & Development Services  
801 MAIN STREET, EL CENTRO, CA, 92243 442-265-1736  
(Jim Minnick, Director)

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**NEGATIVE DECLARATION**  
 **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis  
For:*

**Parcel Map #02510  
Initial Study #24-0006  
Apex Energy Solutions LLC**



*Prepared By:*

**COUNTY OF IMPERIAL**  
**Planning & Development Services Department**  
801 Main Street  
El Centro, CA 92243  
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**(July 2024)**

**EEC ORIGINAL PKG**

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## SECTION 1 INTRODUCTION

### A. PURPOSE

This document is a  policy-level,  project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Parcel Map #02510 Refer to Exhibit "A" & "B").

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an Initial Study is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an EIR is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the

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principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

### **C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION**

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

### **D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION**

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

#### **SECTION 1**

**I. INTRODUCTION** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

#### **SECTION 2**

**II. ENVIRONMENTAL CHECKLIST FORM** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.

**PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS** describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

**ENVIRONMENTAL ANALYSIS** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

#### **SECTION 3**

**III. MANDATORY FINDINGS** presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

**IV. PERSONS AND ORGANIZATIONS CONSULTED** identifies those persons consulted and involved in

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preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

**SECTION 4**

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a  policy-level,  project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared

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for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:

“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

## 2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the “Final Environmental Impact Report and Environmental Assessment for the “County of Imperial General Plan EIR” prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- These documents must summarize the portion of the document being incorporated by reference or briefly

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describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150(c)). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150(d)). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150(f)). This has been previously discussed in this document.

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## II. *Environmental Checklist*

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1. **Project Title:** Apex Energy Solutions, LLC
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Derek Newland, Planner III, (442)265-1736, ext. 1756
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** dereknewland@co.imperial.ca.us
6. **Project location:** 1103 Flowing Wells Rd, Niland, CA  
APN #025-260-011-000 & 025-260-019-000
7. **Project sponsor's name and address:** Apex Energy Solutions, LLC  
750 W. Main Street, El Centro, CA 92243
8. **General Plan designation:** Recreation / Open Space with Renewable Energy
9. **Zoning:** S-2-RE (Open Space / Preservation with Renewable Energy Overlay)
10. **Description of project:** The project proposes to legally separate the project parcel that has previously been split by the Union Pacific Railroad line as well as separate the approved Vega SES 2 and Vega SES 5 solar energy projects. The Vega SES 2 and Vega SES 5 solar projects were approved through Conditional Use Permit (CUP) #20-0021 and #20-0023 and environmentally assessed under the Vega SES 2, 3, and 5 Solar Energy Project EIR (SCH No. 2021050013). Additionally, the single parcel split by the Union Pacific Railroad has two (2) Assessor's Parcel Numbers (APN) assigned by the Imperial County Assessor's Office. The APNs have been issued for the parts of the parcel on either side of the railroad.

The Parcel Map proposes to separate the project parcel into three parcels. Parcel 1 is approximately 280.2 acres on the north end of the parcel, which will belong to Vega SES 2. Parcel 2 consists of approximately 12.66 acres and Parcel 3 consists of 94.01 acres separated by the Union Pacific Railroad. Parcel 2 and Parcel 3 were environmentally assessed and approved as part of the Vega SES 5 energy project.

11. **Surrounding land uses and setting:** The project is located on desert land with the immediate surrounding land being vacant desert land and agriculture zoned S-2-RE (Open Space/Preservation with Renewable Energy Overlay) and some agricultural fields further out west.

12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): IC Public Works, IC APCD, Planning Commission

**13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

The Quechan and Campo Band of Mission Indian Tribes have requested to be consulted under Assembly Bill 52. Consultation letters were sent to the Quechan and Campo Band of Mission Indian Tribes. No comments have been received from the Quechan and Campo Band of Mission Indians Tribe for this project to this date.

**Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review**

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process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology /Soils            | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning                | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population / Housing               | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION**

After Review of the Initial Study, the Environmental Evaluation Committee has:

- Found that the proposed project **COULD NOT** have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project **MAY** have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**EEC VOTES**

- PUBLIC WORKS
- ENVIRONMENTAL HEALTH SVCS
- OFFICE EMERGENCY SERVICES
- APCD
- AG
- SHERIFF DEPARTMENT
- ICPDS

**YES**

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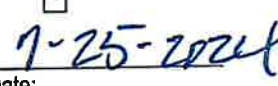
**NO**

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**ABSENT**

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 Jim Minnick, Director of Planning/EEC Chairman

  
 Date: 7-25-2024



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## **PROJECT SUMMARY**

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**A. Project Location:** The proposed project is located at 1103 Flowing Wells Rd, Niland, CA; Assessor's Parcel Numbers #025-260-011-000 & 025-260-019-000

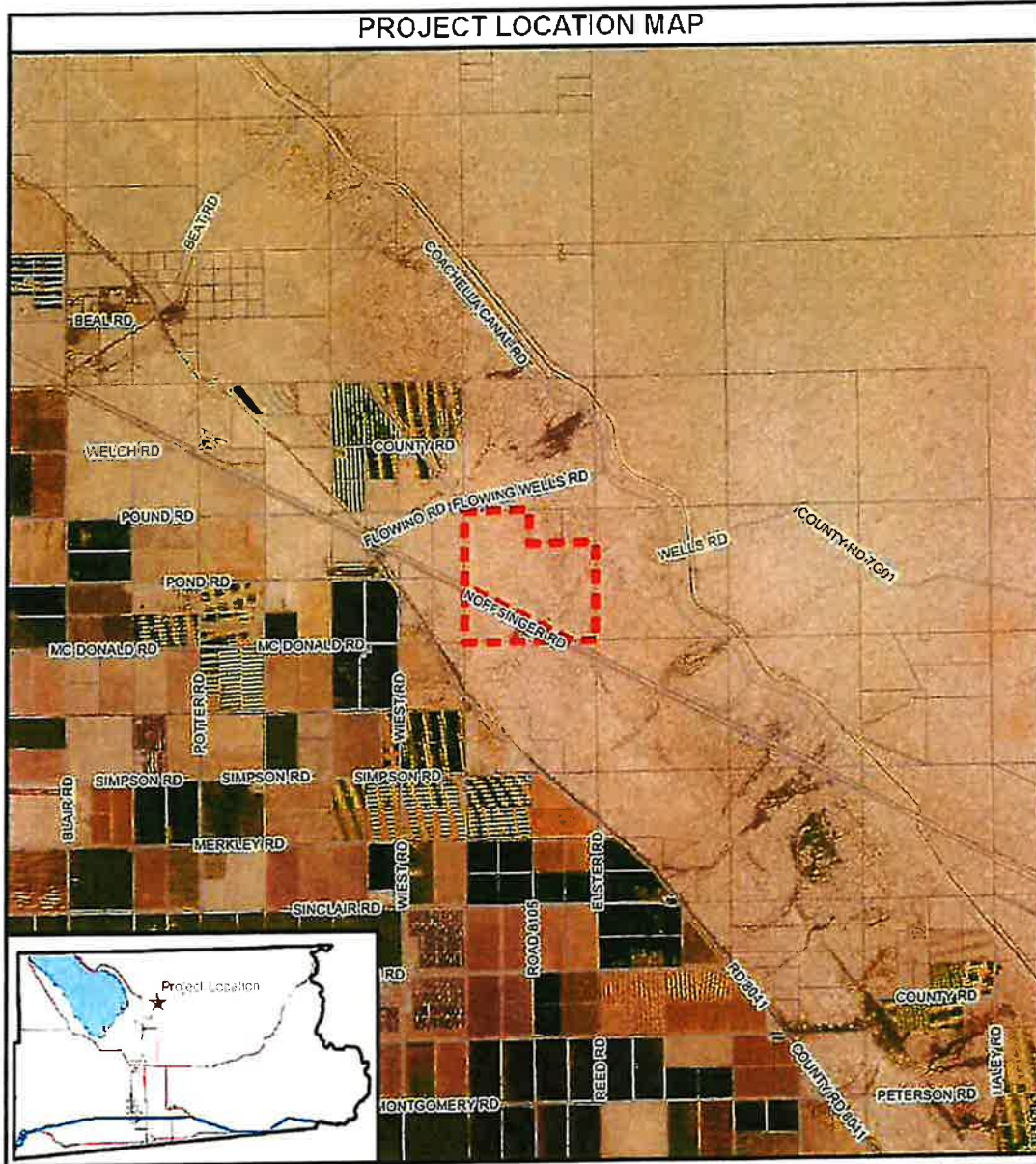
**B. Project Summary:** The project proposes to legally separate the north portion from the south portion of the parcel that is physically split by the railroad, as well as separating the Vega SES 2 solar project from Vega SES 5 Solar project. The parcel currently has two (2) assigned parcel numbers from the Imperial County Assessor's office.

**C. Environmental Setting:** The proposed project is in a relatively flat topographic area surrounded by vacant desert land, with agricultural fields to the northwest and ag fields further west.




**D. Analysis:** The project parcel is designated as S-2-RE (Open Space / Preservation within Renewable Energy) per Zone Map #70 and #71 of the Imperial County Land Use Ordinance (Title 9). The proposed minor subdivision complies with the existing zoning ordinance as the minimum lot size required for the S-2 zone is 20 acres and the smallest proposed parcel is approximately 94.01 acres. This is consistent with Title 9, Division 5, Chapter 19, § 90519.00.

**E. General Plan Consistency:** The per the Imperial County General Plan the parcel is designated "Recreation / Open Space with Renewable Energy Overlay". The proposed minor subdivision is consistent with the General Plan and Land Use Ordinance (Title 9).

Exhibit "A"  
Vicinity Map



**APEX ENERGY SOLUTIONS LLC**  
**PM #02510**  
**APN 025-260-011, 025-260-019-000**

 Parcels selection  
 Centerline  
 Parcels







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## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?    

a) The project site is not located near any scenic vista or scenic highway according to the Imperial County General Plan Circulation and Scenic Highway Element<sup>1</sup> and California State Scenic Highway System Map<sup>2</sup>. No impacts are expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?    

b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel, and as stated above in I(a), is not located near a scenic vista or scenic highway. The nearest eligible future scenic highway is the portion of Highway (Hwy) 111 that runs from Bombay Beach and the County Line. This portion of Hwy 111 is 20 miles northwest of the project location. Therefore, the project is not expected to substantially damage scenic resources, including, but limited to trees, rock outcroppings, and historic buildings within a state scenic highway and no impacts are expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?    

c) The project is a minor subdivision separating 2 approved and environmentally assessed solar farms that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed division minor division of land would not substantially or physically degrade the existing visual character or quality of public views of the site and its surroundings since the existing zoning designation is proposed to remain. No impacts are expected.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?    

d) The proposed minor subdivision does not include any substantial source of nighttime light in the project's vicinity. No impacts are expected.

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?    

a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. The proposed project site is located on land designated as "other land" on according to the California Department of Conservation Farmland Mapping & Monitoring Program: California Important Farmland Finder<sup>3</sup> consists of desert land and vegetation. Therefore, the project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and no impacts are expected.

<sup>1</sup> Imperial County General Plan: Circulation and Scenic Highway Element

<sup>2</sup> California State Scenic Highway System Map

<sup>3</sup> California Department of Conservation Farmland Mapping & Monitoring Program: California Important Farmland Finder

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? <b>b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. There are currently no active Williamson Act Contracts in Imperial County and the project site zoned S-2-RE (Open Space/Preservation with Renewable Energy Overlay) and therefore is not expected to conflict with existing zoning for agricultural use. No impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? <b>c) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. Neither the project site nor surround areas are zoned for forest land, timberland or timberland production and therefore, it is not expected that the project would conflict with existing zoning or cause rezoning of forest, timberland or timberland production. No impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? <b>d) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. The project site consists of desert land and vegetation and would not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? <b>e) As previously stated on sections II(a), II(c) and II(d), the proposed minor subdivision does not include changes in the existing environment which, due to their location or nature, would result in the conversion of neighboring farmland to non-agricultural use. Therefore, no impacts are expected.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**III. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

a) Conflict with or obstruct implementation of the applicable air quality plan? <b>a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. Per the Imperial County Air Pollution Control District's letter dated May 09, 2024<sup>4</sup> the project as well as all other approved and entitled projects onsite must comply with all Air District Rules &amp; Regulations with emphasis on Regulation VIII – Fugitive Dust Rules. It is expected the compliance with APCD's rules and regulations will bring any impacts to less than significant.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? <b>b) As previously stated under item III(a) above, all developments must comply with the rules and regulations of the Imperial County Air Pollution Control District, therefore, it is not expected that the proposed project would substantially contribute to an existing or projected air quality violation. Therefore, any impacts are expected to be less than significant.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutants concentrations? <b>c) As previously stated under items III(a) and III(b), the proposed minor subdivision must comply with the rules and regulations set forth by the Imperial County Air Pollution Control District; therefore, the proposed project is not expected to</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>4</sup> Imperial County Air Pollution Control District's letter dated: May 09, 2024

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>expose sensitive receptors to substantial pollutants concentrations. Compliance with APCD's requirements, rules and regulations would bring any impacts to less than significant.</p>				
<p>d) Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. The project is not expected to result in any other emissions, such as those leading to odors adversely affecting a substantial number of people. Any impact would be expected to be less than significant.</p>				

IV. **BIOLOGICAL RESOURCES** *Would the project:*

<p>a) 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific railroad track on the southwestern portion of the parcel. While the Vega SES 2, 3 and 5 EIR<sup>5</sup> identified various flora and fauna with recommended mitigation measures to bring those projects a level of less than significant. The proposed minor subdivision does not expect to have any physical changes to the environment. Therefore, any impacts are expected to be less than significant.</p>				
<p>b) 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) According to the Vega SES 2, 3, and 5 EIR (SCH No. 2021050013) both alkali sinks and riparian habitat are present and mitigation measures were recommended to bring those projects to a level of less than significant. However, the proposed minor subdivision of land does not expect to have any physical changes to the environment and therefore, any impacts are expected to be less than significant.</p>				
<p>c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) According to the Vega SES 2, 3, and 5 EIR (SCH No. 2021050013) numerous aquatic resources with mitigation measures recommended to bring those projects a level of less than significant. The proposed minor subdivision does not expect any physical changes to the environment and therefore, any impacts are expected to be less than significant.</p>				
<p>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) The Vega SES 2, 3, and 5 EIR (SCH No. 2021050013) did not identify wildlife corridors other than the potential for the riparian habitat to which could potentially act as a potential corridor and mitigation measures were expected to bring the project to a less than significant level. However, the proposed minor subdivision does not expect any physical changes to the environment and therefore, any impacts are expected to be less than significant.</p>				
<p>e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed project would not conflict with any local policy or ordinance protecting biological resources, such as tree preservation policies or ordinances. Any impacts are expected to be less than significant.</p>				

<sup>5</sup> Final Environmental Impact Report: Vega SES 2, 3, and 5 Solar Energy Project, SCH No. 2021050013



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) According to the Imperial County General Plan's Conservation and Open Space Element <sup>6</sup> and the Vega SES 2, 3, and 5 Solar Energy Project EIR, the proposed project area is not located within an area that is subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or stat habitat conservation plan. No impacts are expected.				

V. **CULTURAL RESOURCES** *Would the project:*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The Vega SES 2, 3, and 5 Solar Energy Project EIR determined that impacts of less than significance were expected with no mitigation required. On April 30, 2024, AB 52 Opportunity to Consult letters were sent to the Quechan and Campo Band of Mission Indian Tribes in reference to the proposed minor subdivision with no comments having been received to date. Additionally, the proposed minor subdivision does not expect to cause any physical changes to the project site. Therefore, any impacts are expected to be less than significant. |                          |                          |                                     |                          |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and mitigation measures were proposed for the approved solar farms. However, the proposed minor subdivision does not anticipate causing a substantial adverse change to any archeological resource as not physical change to the environment is expected or proposed. Additionally, as stated in V(a), AB 52 Opportunity to Consult letters were sent to the Quechan and Campo Band of Mission Indian Tribes with no comments having been received to date. Any impacts are expected to be less than significant.                                       |                          |                          |                                     |                          |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. Mitigation measures during construction have been recommended within the approved solar farms' EIR, however, the proposed minor subdivision is no expected to disturb any human remains, including those interred outside of dedicated cemeteries as no physical change to the project is expected nor proposed. Any impacts are expected to be less than significant.   |                          |                          |                                     |                          |

VI. **ENERGY** *Would the project:*

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and does not propose any action other than the creation of 3 parcels of land. Therefore, it is not expected that the project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Any impacts are expected to be less than significant. |                          |                          |                                     |                          |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

<sup>6</sup> Imperial County General Plan's Conservation and Open Space Element

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The project is not expected to conflict with or obstruct a state or local plan for renewable energy or energy efficiency as the approved solar projects necessitating the need for the separation of the parcels is within the Renewable Energy Overlay of the Imperial County's Renewable Energy & Transmission Element of the General Plan <sup>7</sup> , which are areas where renewable energy project development is encouraged. Any impacts are expected to be less than significant.				

VII. **GEOLOGY AND SOILS** *Would the project:*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is located in an area that can be subject to seismic activity but no more than the surrounding lands. The proposed minor subdivision does not propose any new development or changes to the physical landscape and therefore, any impacts are expected to be less than significant.  |                          |                          |                                     |                          |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 1) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is not located near a known earthquake fault with the nearest known fault being 21 miles southwest of the project site, per the California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones web mapping application <sup>8</sup> . The proposed minor subdivision does not propose any new development, however any development proposed under the approved solar farms would be required to comply with all current building codes at the time of construction. Therefore, any impacts are expected to be less than significant. |                          |                          |                                     |                          |
| 2) Strong Seismic ground shaking?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and as stated in VII(a-1) is not near a known earthquake fault. However, the project is located in Imperial Valley which is known to have seismic shaking. Therefore, it can be expected that some shaking may be felt at the project site but no more than the surrounding area. Impacts are expected to be less than significant.  |                          |                          |                                     |                          |
| 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is not located in mapped liquefaction and/or seiche/tsunami zone. Therefore, any impacts are expected to be less than significant.   |                          |                          |                                     |                          |
| 4) Landslides?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 4) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is located in a relatively flat topographic area. Therefore, the project is not anticipated to be at risk of landslides and impacts would be expected to be less than significant.   |                          |                          |                                     |                          |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and does not propose any new development or anticipate any physical changes to the environment. Therefore, the project is not expected to result in substantial soil erosion, or the loss of topsoil and any impacts are expected to be less than significant.   |                          |                          |                                     |                          |

<sup>7</sup> Imperial County General Plan: Renewable Energy & Transmission Element

<sup>8</sup> California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? c) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is not anticipated to be on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Additionally, the project does not propose any new development or anticipate any physical changes to the environment. Therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? d) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. While the project site consists of clays which may exhibit moderate to high expansion potential due to variation in moisture content per the Vega 2, 3, and 5 EIR, as stated previously, the proposed minor subdivision does not propose any new development or anticipate any physical changes to the environment. Therefore, any impacts are expected to be less than expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and no septic or other wastewater disposal systems are proposed or required, therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The Vega SES 2, 3, and 5 EIR states that although unlikely, there is a potential for the solar projects to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature and mitigation measures were recommended. However, the proposed minor subdivision does not propose any new development or anticipate any physical changes to the environment. Therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. **GREENHOUSE GAS EMISSION** *Would the project:*

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision does not anticipate or expect the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Additionally, per the previously mentioned APCD letter dated May 09, the project would be required to comply with all APCD's rules and regulations. Therefore, impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision is not anticipated to conflict with an applicable plan or policy or regulation for the purpose of reducing the emissions of greenhouse gases. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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IX. **HAZARDS AND HAZARDOUS MATERIALS** *Would the project:*

- |    |   |                          |                          |                                     |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?<br><b>a) The proposed minor subdivision does not expect to create a significant hazard to the public or the environment as it does not involve the handling of any hazardous materials. No impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) | Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?<br><b>b) The proposed project is a minor subdivision and is not expected to create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, as no hazardous materials are anticipated as part of the proposed project. No impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?<br><b>c) The proposed minor subdivision does not propose or anticipate the emitting of hazardous emissions, or the handling of hazardous or acutely hazardous materials, substances, or waste as previously stated above in IX (a and b). Additionally, the project is not located within one-quarter mile of an existing or proposed school. No impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) | Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?<br><b>d) The proposed minor subdivision project site is not located on a list of hazardous materials sites pursuant to Government Code Section 65962.5 and the project would not result in the project site being located on a listed hazardous materials site. No impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?<br><b>e) The proposed minor subdivision is not located within 2 miles of a public airport or a public use airport. The nearest airport is the Calpatia Municipal Airport which is located southwest of the project site approximately 6 miles away. Therefore, the project would not result in a safety hazard or excessive noise for people residing or working in the project area. No impacts are expected.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?<br><b>f) The proposed minor subdivision is not expected to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Any impacts would be considered less than significant.</b>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?<br><b>g) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The project is not in an area susceptible to wildland fires per the CalFire's Fire Hazard Severity Zones Map<sup>9</sup> and is designated as Outside State Responsibility Area. Therefore, it is not expected that the proposed minor subdivision would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Any impacts are expected to be less than significant.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

<sup>9</sup> CalFire: Fire Hazard Severity Zones in State Responsibility Area Map

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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X. **HYDROLOGY AND WATER QUALITY** *Would the project:*

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?<br>a) <b>The proposed minor subdivision would not violate any water quality standards or waste discharge requirement or otherwise substantially degrade surface or ground water quality. No impacts are expected.</b>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?<br>b) <b>The proposed minor subdivision would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. No impacts are expected.</b> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The approved solar farms will be subjected to grading permit and drainage plans as is the proposed action. However, the proposed minor subdivision does not propose any new development or physical changes to the land and therefore, is not expected to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces. Any impacts are anticipated to be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (i) result in substantial erosion or siltation on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

i) **The proposed minor subdivision does not propose any new development or physical changes to the land. However, per the Public Works comment letter dated June 06, 2024<sup>10</sup> a grading and drainage permit would be required for any work done onsite. Additionally, the approved Vega SES 2 and 5 will also be subject to grading and drainage permits from Public Works as well as implement a Dust Control Plan as required by APCD is expected to bring potential impacts to a less than significant level. Therefore, as the proposed minor subdivision does not anticipate any physical change or development on the project site, it is not expected that project would result in substantial erosion or siltation on- or off-site and any impacts are expected to be less than significant.**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

ii) **As stated above in X(c-i) the approved solar projects would be subject to grading permits and drainage plans which are expected to manage surface runoff, and the proposed minor subdivision is not proposing or anticipating any new development or physical changes to the land. Therefore, the proposed action is not expected to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. Any impacts are expected to be less than significant.**

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

iii) **As stated above in X(c-i and ii) the approved solar projects require grading permits and drainage plans which would also be required of the proposed minor subdivision per the Public Works letter dated June 06, 2024. However, the proposed action, being a minor subdivision, proposes no new development or physical changes to the land. Therefore, the project is not expected to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Any impacts are expected to be less than significant.**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
(iv) impede or redirect flood flows? iv) As stated previously in this section the minor subdivision is not expected impede or redirect flood flows. Any impact would be considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? d) The project parcel has wash beds running through it that are designated as Zone A or Special Flood Hazard Areas and may be subject to flash flooding. Per the Vega SES 2, 3, and 5 Solar Energy Project EIR (SCH No. 2021050013) the approved Vega SES 2 and 5 Solar Projects would be designed to comply with the County of Imperial Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvements, Drainage and Grading Plans within Imperial County. Any improvements within the Flood Zone A would be designed to comply with the County of Imperial Flood Zone, Ordinances and guidelines with impacts being expected to be less than significant. The proposed minor subdivision does not propose any new development or physical changes to the land and therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? e) The proposed minor subdivision is not anticipated to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XI. **LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community?      
a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and would not physically divide an established community. No impacts are expected.
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?      
b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision is consistent with the Imperial County General Plan and Land Use Ordinance (Title 9), Division 5, Chapter 19, § 90519.00 et. al. and would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no impacts are anticipated.

XII. **MINERAL RESOURCES** *Would the project:*

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?      
a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and is not expected to result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. No impacts are expected.
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?      
b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are expected.

XIII. **NOISE** *Would the project result in:*

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel and no new development or physical changes are proposed. Any future development would be subject to the Imperial County General Plan's Noise Element. Therefore, any impacts would be expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? b) The proposed minor subdivision does not propose any new development or physical changes to the land and therefore, is not expected to generate excessive ground-borne vibration or ground-borne noise levels. Additionally, as mentioned in XIII(a) any future developments or currently approved projects would be subject to the Imperial County General Plan's Noise Element. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? c) The proposed minor subdivision is not located near a private or public airstrip or airport and therefore, is not expected that the project would expose people residing or working in the project area to excessive noise levels. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. **POPULATION AND HOUSING** *Would the project:*

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed project is not expected to induce substantial unplanned population growth in an area either directly or indirectly as no new development or physical changes to the land are proposed. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing, as the project proposes no new development or physical changes to the land which is vacant desert land. Any impacts are expected to be less than expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XV. **PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The project proposes no new development or physical changes to the land. Therefore, the project is not expected to	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. Any impacts would be considered less than significant.</p>				
<p>1) Fire Protection?</p> <p>1) The proposed minor subdivision does not propose any new development or physical changes to the land. Any access easements would meet any Imperial County Fire Department requirements, to date none have been received. Impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2) Police Protection?</p> <p>2) The proposed minor subdivision does not propose any new development or physical changes to the land and therefore, is not expected to create any impact on police protection. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3) Schools?</p> <p>3) The proposed minor subdivision does not propose any new development or physical changes to the land. The approved solar farms necessitating the minor subdivision does not propose any use that would create an impact on any schools. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>4) Parks?</p> <p>4) The proposed minor subdivision is not expected to create any impact on or necessitate the creation of any new parks. No impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>5) Other Public Facilities?</p> <p>5) The proposed minor subdivision is not expected to have a significant impact to any other Public Facilities as no new development or physical change to the land is proposed. The project will be required to maintain the existing 50 ft easement in the Imperial Irrigation District's favor per the IID comment letter dated May 09, 2024<sup>11</sup>. Any impacts are expected to be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XVI. RECREATION**

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. There are no existing neighborhood or regional parks within the proposed project area and no new development or physical changes to the land are proposed. Therefore, no impacts are expected.
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel which does not propose any new development or physical changes to the land. Therefore, no impacts are expected.

**XVII. TRANSPORTATION**     *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision does not anticipate any conflict with a program plan, ordinance or policy addressing

<sup>11</sup> Imperial Irrigation District comment letter dated: May 09, 2024



	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
the circulation system, including transit, roadway, bicycle and pedestrian facilities. Any impacts would be considered less than significant.				
b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision is not expected to conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b). Any impacts would be considered less than significant.				
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision would not substantially increase hazards due to a geometric design feature or incompatible use as no new improvements or physical changes are proposed as part of the subdivision. Any impacts would be considered less than significant.				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision would be required to provide physical or legal access to a public road for all new parcels per Public Works comment letter dated June 06, 2024. Any impacts are expected to be less than significant.				

XVIII. **TRIBAL CULTURAL RESOURCES**

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision does not propose any new development or physical changes to the land and therefore is not expected to cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe. Additionally, an AB 52 Opportunity to Consult letters were sent to both the Quechan and Campo Band of Mission Indians Tribe for this project with no response received from either to date. Therefore, any impacts are considered less than significant.				
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. Per the Vega SES 2, 3, and 5 Solar Energy Project EIR, the proposed minor subdivision site is not located in a listing in the California Register of Historical Resource, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Therefore, any impacts are expected to less than significant.				
0 (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth is subdivision (c) of Public Resource Code Section	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(ii) The Vega SES 2, 3, and 5 Solar Energy Project EIR found no resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, any impacts from the proposed minor subdivision would be considered less than significant.

**XIX. UTILITIES AND SERVICE SYSTEMS** *Would the project:*

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision does not propose any new development or physical changes to the land and therefore, would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects. Any impacts are expected to be less than significant. |                          |                          |                                     |                          |
| b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The project is a minor subdivision separating 2 approved and environmentally assessed (SCH No. 2021050013) solar farms (Vega SES 2 and 5) that are also physically separated by a Union Pacific Railroad track on the southwestern portion of the parcel. The proposed minor subdivision does not propose any new development or physical change to the land and would not have any water needs. Therefore, any impacts are expected to be less than significant.   |                          |                          |                                     |                          |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) As stated above in XIX (a & b) the proposed minor subdivision does not propose any new development or physical changes to the land, therefore, the project does not anticipate that the project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Any impacts would be considered less than significant.   |                          |                          |                                     |                          |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Again, as stated above in XIX (a, b, & c), the proposed minor subdivision does not propose any new development or physical changes to the land and therefore, the project does not anticipate generating solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Any impacts would be considered less than significant.   |                          |                          |                                     |                          |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) The proposed minor subdivision does not propose any new development or physical changes to the land and therefore, is expected to comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Any impacts would be expected to be less than significant.  |                          |                          |                                     |                          |

**XX. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?                                    | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) The proposed minor subdivision is not located in a CalFire Fire Hazard Severity Zone. Additionally, the proposed project |                          |                          |                                     |                          |

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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does not propose any new development or physical changes to the land. Therefore, the project is not expected to impair an adopted emergency response plan or emergency evacuation plan. Any impacts are expected to be less than significant.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- b) As stated in XX(a), the proposed minor subdivision is not located in the CalFire Fire Hazard Severity Zone. Additionally, the proposed project does not propose any new development or physical changes to the land. Therefore, the project is not expected to exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and/or other factors. Any impacts are expected to be less than significant.**
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- c) As stated above in Section XX, the proposed minor subdivision is not located in a CalFire Fire Hazard Severity Zone. Additionally, the proposed project does not propose any new development or physical changes to the land and thus is not expected to require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Any impacts are expected to be less than significant.**
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- d) The proposed minor subdivision is located in an area of relatively flat topographic area and is not expected to expose people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability or drainage. Additionally, the project is not in a Fire Hazard Severity Zone nor does the project propose any new development or physical changes to the land. Any impacts are expected to be less than significant.**

*Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.*

Revised 2009- CEQA  
 Revised 2011- ICPDS  
 Revised 2016 - ICPDS  
 Revised 2017 - ICPDS  
 Revised 2019 - ICPDS

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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**SECTION 3**  
**III. MANDATORY FINDINGS OF SIGNIFICANCE**

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### **IV. PERSONS AND ORGANIZATIONS CONSULTED**

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

##### **A. COUNTY OF IMPERIAL**

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planning Division Manager
- Derek Newland, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

##### **B. OTHER AGENCIES/ORGANIZATIONS**

- Imperial Irrigation District

*(Written or oral comments received on the checklist prior to circulation)*

## V. REFERENCES

1. Imperial County General Plan: Circulation and Scenic Highway Element  
<https://www.icpds.com/assets/planning/circulation-scenic-highway-element-2008.pdf>
  2. California State Scenic Highway System Map  
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
  3. California Department of Conservation Farmland Mapping & Monitoring Program: California Important Farmland Finder  
<https://maps.conservation.ca.gov/DLRP/CIFF/>
  4. Imperial County Air Pollution Control District's letter dated May 09, 2024
  5. Final Environmental Impact Report: Vega SES 2, 3, and 5 Solar Energy Project, SCH No. 2021050013  
[https://www.icpds.com/assets/Final-EIR\\_VEGA-2-3-5-Solar-Energy-Projects.pdf](https://www.icpds.com/assets/Final-EIR_VEGA-2-3-5-Solar-Energy-Projects.pdf)
  6. Imperial County General Plan's Conservation and Open Space Element  
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
  7. Imperial County General Plan: Renewable Energy & Transmission Element  
<https://www.icpds.com/assets/planning/renewable-energy-and-transmission-element-2015.pdf>
  8. California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones  
<https://qis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=32.538703%2C110.920388%2C6.00>
  9. CalFire: Fire Hazard Severity Zones in State Responsibility Area Map  
<https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>
  10. Imperial County Department of Public Works comment letter dated: June 06, 2024
  11. Imperial Irrigation District comment letter dated: May 09, 2024
- X. "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

## VI. NEGATIVE DECLARATION – County of Imperial

*The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.*

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**Project Name:** Parcel Map #Q2508

**Project Applicant:** Apex Energy Solutions LLC

**Project Location:** 1103 Flowing Wells Rd., Niland, California

**Description of Project:** The project proposes to legally separate the project parcel that has previously been split by the Union Pacific Railroad line as well as separate the approved Vega SES 2 and Vega SES 5 solar energy projects. The Vega SES 2 and Vega SES 5 solar projects were approved through Conditional Use Permit (CUP) #20-0021 and #20-0023 and environmentally assessed under the Vega SES 2, 3, and 5 Solar Energy Project EIR (SCH No. 2021050013). Additionally, the single parcel split by the Union Pacific Railroad has two (2) Assessor's Parcel Numbers (APN) assigned by the Imperial County Assessor's Office. The APNs have been issued for the parts of the parcel on either side of the railroad.

The Parcel Map proposes to separate the project parcel into three parcels. Parcel 1 is approximately 280.2 acres on the north end of the parcel which will belong to Vega SES 2. Parcel 2 consists of approximately 12.66 acres and Parcel 3 consists of 94.01 acres and are separated by the Union Pacific Railroad. Parcel 2 and Parcel 3 were environmentally assessed and approved as part of the Vega SES 5 solar farm.

**VII. FINDINGS**

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Negative Declaration based upon the following findings:

The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

**NOTICE**

The public is invited to comment on the proposed Negative Declaration during the review period.

7-25-2025   
Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.

 7/25/24  
Applicant Signature Date



**SECTION 4**

**VIII. RESPONSE TO COMMENTS**

(ATTACH DOCUMENTS, IF ANY, HERE)

**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)**

(ATTACH DOCUMENTS, IF ANY, HERE)

# **COMMENTS**

EEC ORIGINAL PKG

AIR POLLUTION CONTROL DISTRICT



**RECEIVED**

By Imperial County Planning & Development Services at 9:28 am, May 13, 2024

May 9, 2024

Jim Minnick, Director  
Imperial County Planning & Development Services  
801 Main Street  
El Centro, CA 92243

SUBJECT: Parcel Map 02510 – Apex Energy Solutions, LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on Parcel Map (PM) 02510 (Project). The project is located at 1103 Flowing Wells Rd, Niland and two existing parcels currently identified with Assessor's Parcel Numbers (APN) 025-260-011 & 025-260-019. The project proposes to separate the north portion from the south portion of the parcel that is physically split by the railroad, as well as separate the Vega SES 2 solar project from the Vega SES 5 solar project. The existing parcels are approximately 442.86 acres and 94.01 acres respectively and the project will result in three parcels measuring approximately 280.22 acres, 162.66 acres, and 94.01 acres.

The Air District reminds the applicant that the project and all developments must comply with all Air District Rules & Regulations and would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20 % visual opacity. Given the size of the parcels, the future development of Vega SES 2 and Vega SES 5 will require the submittal of a Construction Dust Control Plan and Construction Notification Form for compliance with Regulation VIII.

The Air District also reminds the applicant that an Operational Dust Control Plan is required for each Vega SES project and must be submitted for Air District review and approval prior to the completion of construction and the project becoming operational.

Finally, the Air District requests a copy of the finalized map for its records.

For convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations> and construction documents can be found at <https://apcd.imperialcounty.org/planning/#construction>. Should you have any

questions or concerns please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,



Ismael Garcia  
Environmental Coordinator

Reviewed by MNBS electronically,  
Monica Soucier  
APC Division Manager



COUNTY OF  
IMPERIAL

DEPARTMENT OF  
PUBLIC WORKS

155 S. 11th Street  
El Centro, CA  
92243

Tel: (442) 265-1818  
Fax: (442) 265-1858

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[https://twitter.com/  
CountyDpw/](https://twitter.com/CountyDpw/)



*Public Works works for the Public*

June 6, 2024

Mr. Jim Minnick, Director  
Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243

**RECEIVED**

*By Imperial County Planning & Development Services at 8:52 am, Jun 07, 2024*

Attention: Derek Newland, Planner III

**SUBJECT: PM 2510 Apex Energy Solution LLC**  
Located at 1103 Flowing Wells Rd, Niland, CA 92257  
APN 025-260-011 & 025-260-019

Dear Mr. Minnick:

This letter is in response to your submittal received on April 26, 2024, for the above-mentioned project. The applicant is proposing to legally separate the north portion from the south portion of the parcel that is physically split by the railroad, as well as separate the Vega SES 2 solar project from Vega SES 5 solar project.

Department staff has reviewed the package information and the following comments:

1. Applicant shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to this department for review and approval. The developer shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.
2. Any activity and/or work within Imperial County right-of-way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance.
3. Any permanent structures shall be located outside of the ultimate County Right-of-Way.
4. The Permittee will be required to repair any damages caused to County roads by construction traffic during construction and maintain them in safe conditions.
5. Prior to issuance of final certificate of occupancy, the Permittee shall be responsible for repairing any damage caused to County roads and bridges during construction as determined by the Imperial County Road Commissioner.
6. Should any structures be developed in the future, street improvements will be required as per Imperial County ordinance: 12.10.020 - Street improvement requirements.

An Equal Opportunity / Affirmative Action Employer

**EEC ORIGINAL PKG**

7. Provide a Parcel Map prepared by a California Licensed Land Surveyor or Civil Engineer and submit to the Department of Public Works, for review and recordation. The Engineer must be licensed in the category required by the California Business & Professions Code.
8. Provide tax certificate from the Tax Collector's Office prior to recordation of the Parcel Map.
9. The Parcel Map shall be based upon a field survey. The basis of bearings for the Parcel Map shall be derived from the current epoch of the California Coordinate System (CCS), North America Datum of 1983 (NAD83). The survey shall show connections to a minimum of two (2) Continuously Operating Reference Stations (CORS) of the California Real Time Network (CRTN). NAD 83 coordinates shall be established for every monument shown on the Parcel map.
10. Each parcel created or affected by this map shall abut a maintained road and/or have legal and physical access to a public road or access through common ownership.
11. The applicant will need to provide evidence of legal and physical access from Flowing Wells Road through a thirty-foot-wide easement granted by BLM.
12. The applicant will need to provide evidence of legal and physical access from Flowing Wells Road through a thirty-foot-wide easement granted by BLM and common ownership with Parcel 1.
13. The applicant will need to provide evidence of legal and physical access from Noffsinger Road.
14. The applicant will need to provide evidence of legal access to the Railroad Jurisdiction.
15. The applicant shall provide an Irrevocable Offer of Dedication (IOD) or dedicate the required portion for sufficient right of way for future development of Noffsinger Road, being classified as Minor Collector – Local Collector - two (2) lanes, requiring seventy (70) feet of right of way, being thirty - five (35) feet from the existing centerline. It is required that sufficient right of way be provided to meet this road classification. (As directed by Imperial County Board of Supervisors per Minute Order #6 dated 11/22/1994 per the Imperial County Circulation Element Plan of the General Plan).

**EEC ORIGINAL PKG**

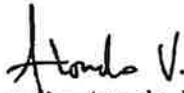
INFORMATIVE

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).
- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan (40 CFR 122.28).
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads and/or dimensions on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).

Respectfully,

John A. Gay, PE  
Director of Public Works

By:



Veronica Atondo, PE, PLS  
Deputy Director of Public Works - Engineering

EEC ORIGINAL PKG





# IID

*A century of service.*

www.iid.com

*Since 1911*

May 9, 2024

**RECEIVED**

*By Imperial County Planning & Development Services at 8:55 am, May 09, 2024*

Mr. Derek Newland  
Planner III  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: Apex Energy Solutions Minor Subdivision; PM02510, IS24-0006

Dear Mr. Newland:

On April 26, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Parcel Map No. 2510, Initial Study No. 24-0006. The applicant, Apex Energy Solutions, LLC; proposes to subdivide a parcel to separate the north portion from the south portion that is physically split by the railroad as well as separate the Vega SES 2 solar project from the Vega SES 5 solar project. The parcel is located at 1103 Flowing Wells Road, Noland California (APNs 025-260-011 and -019).

The IID has reviewed the application and has the following comments:

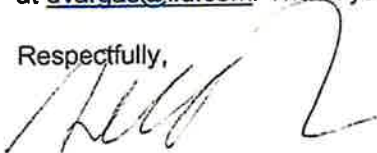
1. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. No foundations or buildings will be allowed within IID's right of way.
2. The proposed parcels are encumbered by an inactive 50-ft. easement in IID's favor that is not shown on the proposed parcel map. It's important to note that Parcel 1 is planned to be sited with a new switchyard substation and "in and out" power lines in IID's favor to interconnect the Vega 2 Project.

Derek Newland  
May 9, 2024  
Page 2

3. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements, and/or the district's abandonment and/or quitclaim process.
4. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

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

Respectfully,



Donald Vargas  
Compliance Administrator II

Jamie Asbury – General Manager  
Mike Pacheco – Manager, Water Dept.  
Matthew H Smelser – Manager, Energy Dept.  
Paul Rodriguez – Deputy Mgr, Energy Dept.  
Geoffrey Holbrook – General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

EEC ORIGINAL PKG



# Imperial County Planning & Development Services Planning / Building

Jim Minnick  
DIRECTOR

April 26, 2024  
REQUEST FOR REVIEW  
AND COMMENTS

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

- | To: County Agencies   | State Agencies/Other  | Cities/Other  |
|---|---|---|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez                                  | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley                | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/Sal Flores/Robert Malek/David Lantzer |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay                                    | <input checked="" type="checkbox"/> Board of Supervisors – Ryan E. Kelley District #4                                 | <input checked="" type="checkbox"/> EHD – Jeff Lamoure / Jorge Perez/Sheila Vasquez                         |
| <input checked="" type="checkbox"/> IID – Donald Vargas   | <input checked="" type="checkbox"/> Ag. Commissioner – Margo Sanchez/Antonio Venegas/ Ashley Jauregui/ Jolene Dessert | <input checked="" type="checkbox"/> APCD – Jesus Ramirez/Belen Leon-Lopez/Monica Soucier                    |
| <input checked="" type="checkbox"/> Fort Yuma Quechan Indian Tribe- H. Jill McCormick / Jordan D. Joaquin | <input checked="" type="checkbox"/> Campo Band of Mission Indians – Marcus Cuero / Jonathan Mesa                      |   |

From: Derek Newland Planner III - (442) 265-1736 or [dereknewland@co.imperial.ca.us](mailto:dereknewland@co.imperial.ca.us)  
Project ID: Parcel Map #02510 / Initial Study#24-0006  
Project Location: 1103 Flowing Wells Rd, Niland, CA 92257 APN 025-260-011 & APN 025-260-019

Project Description: Applicant is proposing to legally separate the north portion from the south portion of the parcel that is physically split by the railroad, as well as separate the Vega SES 2 solar project from Vega SES 5 Solar project.

Applicants: Apex Energy Solutions LLC

Comments due by: **May 10<sup>th</sup>, 2024, at 5:00PM**

COMMENTS: (attach a separate sheet if necessary) (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)

No comments

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV

Date: 04/26/2024 Telephone No.: (442) 265-1486 E-mail: antoniovenegas@co.imperial.ca.us

D:\NATIS\AllUsers\APN\025\260\011\PM\02510\_IS24-0006\PM\02510 Request for Comments 4.26.24 docx

# **APPLICATION**

EEC ORIGINAL PKG

# MINOR SUBDIVISION

I.C. PLANNING & DEVELOPMENT SERVICES DEPT  
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME <b>Apex Energy Solutions, LLC</b>	EMAIL ADDRESS <b>ziad@zglobal.biz</b>	
2. MAILING ADDRESS <b>750 W. Main Street El Centro, CA</b>	ZIP CODE <b>92243</b>	PHONE NUMBER <b>760-353-0288</b>
3. ENGINEER'S NAME <b>Precision Engineering &amp; Surveying, Inc. - PLS 9436</b>	CAL. LICENSE NO. <b>PLS 9436</b>	
4. MAILING ADDRESS <b>P.O. Box 2216 El Centro, CA</b>	ZIP CODE <b>92244</b>	PHONE NUMBER <b>760-353-2684</b>
5. PROPERTY (site) ADDRESS <b>NA</b>	LOCATION <b>0.8 miles SE from Highline Canal on Noffsinger Rd.</b>	
6. ASSESSOR'S PARCEL NO. <b>025-260-011 &amp; 025-260-019</b>	SIZE OF PROPERTY (in acres or square foot) <b>442.86 Ac. N. of RR and 94.01 Ac. S. of RR</b>	
7. LEGAL DESCRIPTION (attach separate sheet if necessary) <b>Section 17, T.11S., R.15E., S.B.M. excepting North half of Northeast 1/4 and Railroad R.O.W.</b>		
8. EXPLAIN PURPOSE/REASON FOR MINOR SUBDIVISION <b>To legally separate the north and south parts of Section 17 that the Railroad split and to separate proposed Solar Project Vega SES 2 from Vega SES 5</b>		

9. Proposed DIVISION of the above specified land is as follows:

PARCEL	SIZE in acres or sq. feet	EXISTING USE	PROPOSED USE	ZONE
1 or A	280.20 Ac.	Desert Land	Solar and BESS	S-2-RE
2 or B	162.66 Ac.	Desert Land	Solar and BESS	S-2-RE
3 or C	94.01 Ac.	Desert Land	Solar and BESS	S-2-RE
4 or D				

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED SEWER SYSTEM(s) NA

11. DESCRIBE PROPOSED WATER SYSTEM NA

12. DESCRIBE PROPOSED ACCESS TO SUBDIVIDED LOTS See attached project description

13. IS THIS PARCEL PLANNED TO BE ANNEXED? IF YES, TO WHAT CITY or DISTRICT?  
 Yes  No

I HEREBY APPLY FOR PERMISSION TO DIVIDE THE ABOVE SPECIFIED PROPERTY THAT I  OWN  CONTROL, AS PER ATTACHED INFORMATION, AND PER THE MAP ACT AND PER THE SUBDIVISION ORDINANCE  
 I, CERTIFY THAT THE ABOVE INFORMATION, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

Ziad Alayman 31/1/2024  
 Print Name (owner) Date  
Taylor Preece, PLS 3-6-24  
 Signature (owner) Date  
 Print Name (Agent)  
 Signature (Agent)

### REQUIRED SUPPORT DOCUMENTS

- A. TENTATIVE MAP
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. FEE \_\_\_\_\_
- D. OTHER \_\_\_\_\_

Special Note:  
An notarized owners affidavit is required if application is signed by Agent

APPLICATION RECEIVED BY: <u>DN</u>	DATE <u>3/6/24</u>	REVIEW / APPROVAL BY OTHER DEPT'S required. <input type="checkbox"/> P. W. <input type="checkbox"/> E. H. S. <input type="checkbox"/> A. P. C. D. <input type="checkbox"/> O. E. S. <input type="checkbox"/> _____ <input type="checkbox"/> _____
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	
APPLICATION REJECTED BY: _____	DATE _____	
TENTATIVE HEARING BY: _____	DATE _____	
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	

PM#  
02510

EEC ORIGINAL PKG

Parcel Map

Cedar 2 Solar Project *Parcel Map*

Project Description

The Parcel Map consists of one legal parcel that was split by the railroad and has two separate Assessor Parcel Numbers. The north portion of the parcel is Assessor Parcel Number 025-260-011 and is located 0.7 miles northeast on Flowing Wells Road from the intersection of Noffsinger Road and Flowing Wells Road. The south portion of the parcel is Assessor Parcel Number 025-260-019 and is located 0.8 miles southeast on Noffsinger Road from the intersection of Noffsinger Road and Flowing Wells Road in the County of Imperial, California.

The subject property is described as being Section 17, T.11S., R.15E., S.B.M., excepting therefrom a strip of land 200 feet wide for the Southern Pacific Railroad Company's Railroad, also excepting therefrom the North Half of the Northeast Quarter of said Section 17, the parcel is 442.86 Acres north of the Railroad and 94.01 Acres south of the Railroad.

The reasoning behind the proposed parcel map is to legally separate the portion north of the railroad and to separate the proposed Solar project Vega SES 2 from Vega SES 5.

**Proposed Parcel 1** will have legal and physical access from Flowing Wells Road through a thirty foot wide easement granted by BLM.

**Proposed Parcel 2** will have legal and physical access from Flowing Wells Road through a thirty foot wide easement granted by BLM and common ownership with Parcel 1. Once Parcel 1 is separated, an easement will be granted by separate ownership.

**Proposed Parcel 3** will have legal and physical access from Noffsinger Road.

The proposed parcels will obtain water through CUPs for Groundwater Wells, reference CUP 22-0025, 22-0026, and 22-0027.

CUP 20-0021 and 20-0023 have been submitted for the proposed Solar Projects on this parcel.

Drainage of stormwater has been outlined by the EIR for Vega SES 2,3, and 5 Solar Energy Project. A grading plan will be submitted to the County of Imperial prior to construction.

# TENTATIVE PARCEL MAP SITE PLAN

BEING PORTIONS OF SECTION 17 IN TOWNSHIP 11 SOUTH, RANGE 15 EAST, S.B.M. IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA

LEGAL DESCRIPTION EXISTING PROPERTY - APN: 025-260-011 & 025-260-019 SECTION 17, TOWNSHIP 11 SOUTH, RANGE 15 EAST, SAN BERNARDINO MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING A STRIP OF LAND 200 FEET WIDE CONTAINING 22 ACRES LYING EQUALLY ON EACH SIDE OF THE CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY AS NOW CONSTRUCTED, RESERVED BY SOUTHERN PACIFIC LAND COMPANY BY DEED RECORDED OCTOBER 16, 1951 IN BOOK 823, PAGE 299 OF OFFICIAL RECORDS.

ALSO EXCEPTING THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 17.

FLOOD ZONE  
ACCORDING TO FEMA FLOOD INSURANCE MAP PANEL No. 06025C0250C DATED SEPTEMBER 26, 2008 PORTIONS OF THIS PROPERTY (AS DELINEATED ON THIS SITE PLAN) ARE LOCATED IN ZONE "X", WHICH IS DEFINED AS AREAS OF 1% ANNUAL CHANCE OF FLOOD. ALL REMAINING PORTIONS OF SUBJECT PROPERTY ARE LOCATED IN ZONE "X", WHICH IS DEFINED AS AREAS OF 0.2% ANNUAL CHANCE OF FLOOD.

- GENERAL NOTES
- ACREAGE NOTES:
    - NORTH OF RAILROAD: 442.86±
    - SOUTH OF RAILROAD: 94.01±
    - PROPOSED PARCEL 1: 280.20±
    - PROPOSED PARCEL 2: 84.01±
    - PROPOSED PARCEL 3: 84.01±
  - TOTAL NUMBER OF PROPOSED PARCELS: 3
  - EXISTING ZONING: S-2-R

VESTED IN:  
APN: 025-260-011 & 019 VESTED IN:  
APEX ENERGY SOLUTIONS, LLC  
CALIFORNIA UNITED LIABILITY COMPANY



- LEGEND
- INDICATES ZONE "X" AREAS SEE FLOOD ZONE NOTE ABOVE.
  - SUBDIVISION BOUNDARY
  - PROPOSED PARCEL LINES
  - EXISTING RAIL ROAD
  - EXISTING EASEMENT LINE
  - EXISTING TRAVELED PATH OR WASH
  - FOUND MONUMENT
  - EXISTING UTILITY POLE

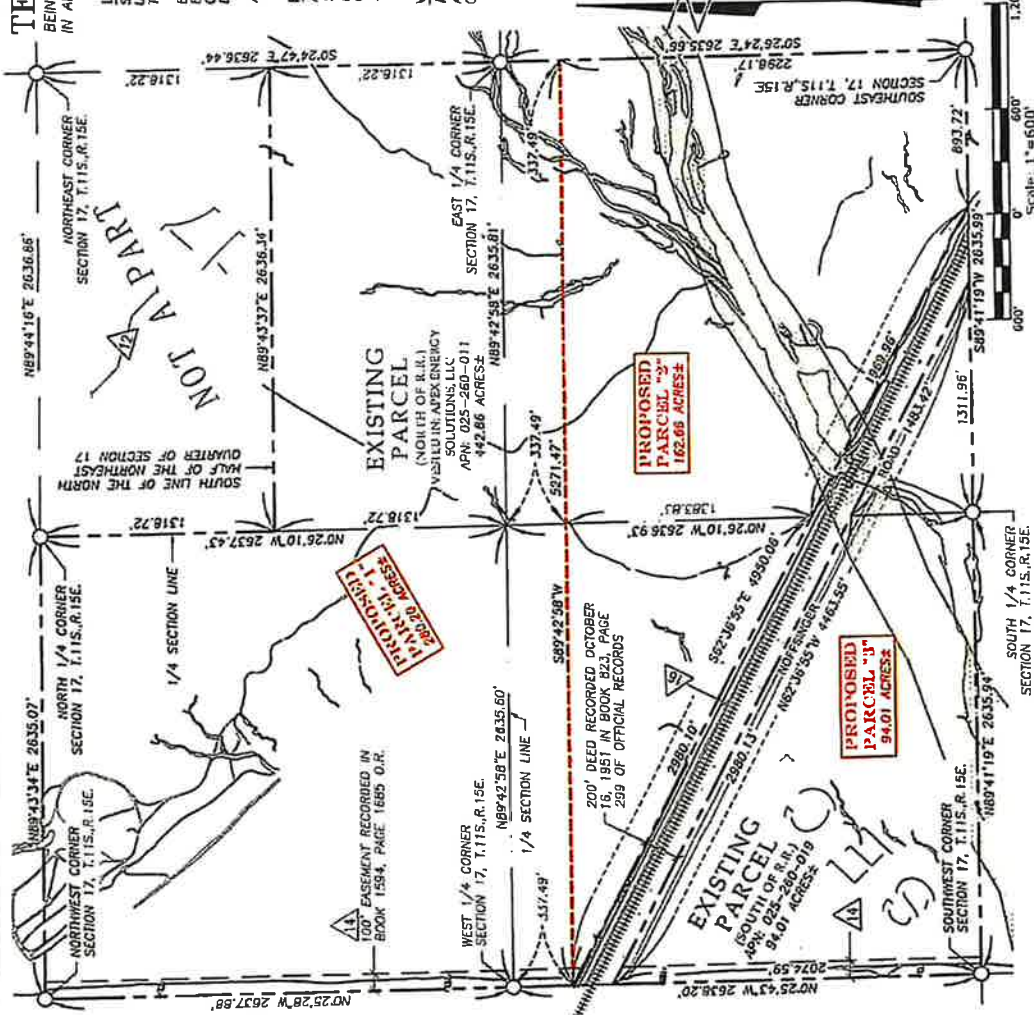
EXCEPTIONS FOUND IN PRELIMINARY TITLE ORDER No. 20000378837 UNIT No. 48 PREPARED BY STEWART TITLE GUARANTY COMPANY

TENTATIVE PARCEL MAP  
CEDAR 2

CLIENT: APEX ENERGY SOLUTIONS, LLC  
DRAWN BY: A.D.  
CHECKED BY: J.P.  
PRINTED: 06/03/24

788 E. HEILAVENUE  
EL CENTRO, CA 92243  
P.O. Box 2346  
El Centro, CA 92244  
Telephone: (760) 353-2844  
Email: [info@precisioninc.com](mailto:info@precisioninc.com)

**Precision**  
ENGINEERING & SURVEYING, INC.



Scale: 1" = 600'

EEG ORIGINAL PKG





**ATTACHMENT "G"**  
**Comments**



August 20, 2024

**RECEIVED**

*By Imperial County Planning & Development Services at 3:54 pm, Aug 22, 2024*

Jim Minnick, Director  
Imperial County Planning & Development Services  
801 Main Street  
El Centro, CA 92243

**SUBJECT:** Notice of Intent for a Negative Declaration for Parcel Map 02510 – Apex Energy Solutions, LLC

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) would like to thank you for the opportunity to review and comment on the Notice of Intent (NOI) for a Negative Declaration (ND) for Parcel Map (PM) 02510 (Project). The project is located at 1103 Flowing Wells Rd, Niland and consists of two existing parcels currently identified with Assessor's Parcel Numbers (APN) 025-260-011 & 025-260-019. The project proposes to separate the north portion from the south portion of the parcel that is physically split by the railroad, as well as separate the Vega SES 2 solar project from the Vega SES 5 solar project. The existing parcels are approximately 442.86 acres and 94.01 acres respectively and the project will result in three parcels measuring approximately 280.22 acres, 162.66 acres, and 94.01 acres.

The Air District provided comments for the project previously in a letter dated May 9, 2024, and will reiterate its previous comments. The project and all developments must comply with all Air District Rules & Regulations including Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20 % visual opacity. Given the size of the parcels, the future development of Vega SES 2 and Vega SES 5 will require the submittal of Construction Dust Control Plans and Construction Notification Forms for compliance with Regulation VIII. An Operational Dust Control Plan is required for each Vega SES project and must be submitted for Air District review and approval prior to the completion of construction and the project becoming operational. The Air District requests a copy of the finalized map for its records.

Finally, the Air District requests a copy of the recorded Conditional Use Permits (CUP) 20-0021 and CUP 20-0023 for the Vega SES 2 and Vega SES 5 projects for its records.

For your convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations> and construction documents can be found at <https://apcd.imperialcounty.org/planning/#construction>. Should you have any questions or concerns please feel free to contact the Air District by calling our office at (442) 265-1800.

Respectfully,



Ismael Garcia  
Environmental Coordinator



Reviewed by,  
Monica Soucier  
APC Division Manager

**California Department of Transportation**

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
(619) 709-5152 | FAX (619) 688-4299 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)

**RECEIVED**

By Imperial County Planning & Development Services at 11:30 am, Aug 22, 2024

August 22, 2024

11-IMP-111  
PM 39.2  
PM #02510 / IS #24-0006  
Apex Energy Solutions  
ND/SCH # 2024071177

Mr. Derek Newland  
Planner III  
Imperial County Planning and Development Services  
801 Main Street  
El Centro, CA 92243

Dear Mr. Newland:

Thank you for including the California Department of Transportation (Caltrans) in the review for the Negative Declaration (ND) of the Apex Energy Solutions Parcel Map (PM) #02540 and Initial Study (IS) #24-0006 located near State Route 111 (SR-111) and McDonald Road in Imperial County. The project is proposing to legally separate the project parcel that has previously been physically split by the Union Pacific Railroad line as well as separate the approved Vega SES 2 and Vega SES 5 solar energy projects. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with Caltrans' mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Mr. Derek Newland, Planner III  
August 22, 2024  
Page 2

Caltrans has the following comments:

### **Traffic Management Plan/Hauling**

Caltrans has discretionary authority with respect to highways under its jurisdiction and may, upon application and if good cause appears, issue a special permit to operate or move a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum limitations specified in the California Vehicle Code. The Caltrans Transportation Permits Issuance Branch is responsible for the issuance of these special transportation permits for oversize/overweight vehicles on the State Highway network. Additional information is provided online at: <http://www.dot.ca.gov/trafficops/permits/index.html>

A Traffic Management Plan is to be submitted to Caltrans District 11, including the intersection at SR- 111 and McDonald Road at least 30 days prior to the start of any construction. Traffic shall not be unreasonably delayed. The plan shall also outline suggested detours to use, including routes and signage.

### **Right-of-Way**

Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.

Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>.

If you have any questions or concerns, please contact Mark McCumsey, LDR Coordinator, at (619) 985-4957 or by e-mail sent to [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov).

Sincerely,

*Rogelio Sanchez for*

KIMBERLY D. DODSON, GISP  
Branch Chief  
Local Development Review



# IID

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July 30, 2024

**RECEIVED**

*By Imperial County Planning & Development Services at 1:25 pm, Jul 30, 2024*

Mr. Derek Newland  
Planner III  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: NOI for the Preparation of an ND for the Apex Energy Solutions Minor Subdivision;  
PM02510, IS24-0006

Dear Mr. Newland:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Negative Declaration for Parcel Map No. 2510, Initial Study No. 24-0006. The applicant, Apex Energy Solutions, LLC; proposes to subdivide a parcel to separate the north portion from the south portion that is physically split by the railroad as well as separate the Vega SES 2 solar project from the Vega SES 5 solar project. The parcel is located at 1103 Flowing Wells Road, Noland California (APNs 025-260-011 and -019).

The IID has reviewed the IS/ND and found that the comments provided in the May 9, 2024 district letter (see attached) continue to apply.

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

Respectfully,

Donald Vargas  
Compliance Administrator II

Enclosure

Jamie Asbury – General Manager  
Mike Pacheco – Manager, Water Dept.  
Matthew H Smelser – Manager, Energy Dept.  
Paul Rodriguez – Deputy Mgr. Energy Dept.  
Geoffrey Holbrook – General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes. – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



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May 9, 2024

Mr. Derek Newland  
Planner III  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: Apex Energy Solutions Minor Subdivision; PM02510, IS24-0006

Dear Mr. Newland:

On April 26, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on Parcel Map No. 2510, Initial Study No. 24-0006. The applicant, Apex Energy Solutions, LLC; proposes to subdivide a parcel to separate the north portion from the south portion that is physically split by the railroad as well as separate the Vega SES 2 solar project from the Vega SES 5 solar project. The parcel is located at 1103 Flowing Wells Road, Noland California (APNs 025-260-011 and -019).

The IID has reviewed the application and has the following comments:

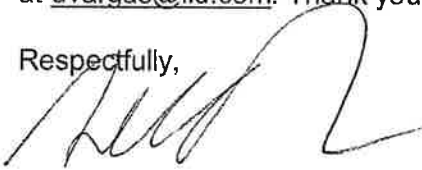
1. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. No foundations or buildings will be allowed within IID's right of way.
2. The proposed parcels are encumbered by an inactive 50-ft. easement in IID's favor that is not shown on the proposed parcel map. It's important to note that Parcel 1 is planned to be sited with a new switchyard substation and "in and out" power lines in IID's favor to interconnect the Vega 2 Project.

Derek Newland  
May 9, 2024  
Page 2

3. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements, and/or the district's abandonment and/or quitclaim process.
4. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

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

Respectfully,



Donald Vargas  
Compliance Administrator II

Jamie Asbury – General Manager  
Mike Pacheco – Manager, Water Dept.  
Matthew H Smelser – Manager, Energy Dept.  
Paul Rodriguez – Deputy Mgr. Energy Dept.  
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