



0.2 Response to Comments

This section contains responses to all comment letters received on the Draft EIR. Five letters were received during the comment period, which began on February 26, 2024, and closed on April 16, 2024. A copy of each letter with bracketed comment numbers on the right margin is followed by the response for each comment as indexed in the letter. The comment letters are listed in Table 0.2-1.

Table 0.2-1. VEGA SES 6 Solar and Battery Storage Project Draft EIR Comment Letters

Letter	Commenter	Date
A	California Department of Transportation	April 15, 2024
B	Imperial Irrigation District	April 15, 2024
C	Defenders of Wildlife	April 16, 2024
D	Comite Civico del Valle's Lithium Valley Equity Technical Advisory Group	April 16, 2024
E	Imperial County Air Pollution Control District	April 16, 2024

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 379-7349 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



April 15, 2024

11-IMP-86
PM 31.288
VEGA SES 6 Solar and Battery Storage Project
DEIR/SCH# 2022070146

Mr. David Black
Planner IV
Imperial County, Planning and Development Services Department
801 Main Street
El Centro, CA 92243

Dear Mr. Black:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the VEGA SES 6 Solar and Battery Storage Project (SCH#2022070146) located near State Route 86 (SR-86). 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 our mission and state planning priorities.

A.1

Caltrans has the following comments:

Design

The following Caltrans project has a footprint passing by the VEGA SES 6 Solar and Battery Storage Project area:

- Caltrans Project ID # 1123000001 Broadband Project
 - o This broadband project is still in early design phase and scheduled to be delivered by the end of the year (2024).
 - o Construction is scheduled to start in the beginning of 2025.
 - o Fiber Optic conduit line running under IMP-086 in State Right-of-Way (R/W) North of the Brawley Bypass at SR-86 and SR-78 (Postmile Start R24.052) continuing through the Imperial County/Riverside County line (Postmile end 67.824).

A.2

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Mr. David Black, Planner IV
April 15, 2024
Page 2

Right-of-Way Utilities

- It is also understood by our agency that no new utility crossings on State Facilities will occur as a result of this project. However, 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. As part of the encroachment permit process, the applicant must provide an approved final environmental document including the California Environmental Quality Act determination addressing any environmental impacts within the Caltrans' R/W, and any corresponding technical studies. 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.

A.3

If you have any questions or concerns, please contact Charlie Lecourtois, LDR Coordinator, at (619) 985-4766 or by e-mail sent to Charlie.Lecourtois@dot.ca.gov.

A.4

Sincerely,

Melina Pereira

MELINA PEREIRA
Acting Branch Chief
Local Development Review

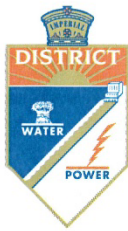
"Provide a safe and reliable transportation network that serves all people and respects the environment"

Letter A

California Department of Transportation

April 15, 2024

- A.1** This comment is noted and does not address the adequacy of the EIR. As such, no further response is necessary.
- A.2** The County acknowledges the Caltrans project identified in this comment (Project ID # 1123000001 Broadband Project) and that it is located in the vicinity of the proposed project. As required by general Conditional Use Permit conditions of approval, the applicant is required to coordinate with all applicable agencies, including Caltrans as it relates to the construction of the proposed project.
- A.3** This comment is correct as no utility crossings on State Facilities is proposed as part of the project. It is acknowledged that any work performed within Caltrans' right of way would require an encroachment permit, which is a discretionary approval by Caltrans subject to CEQA clearance as identified in this comment.
- A.4** Comment noted.



IID

A century of service.

www.iid.com

Since 1911

April 15, 2024

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOA of a DEIR for the VEGA SES 6 Solar and Battery Storage Project

Dear Mr. Black:

On February 24, 2024, the Imperial County Planning & Development Services Department published the Notice of Availability of a Draft Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project. The project consists of an 80 MW solar energy generation facility and substation, a 160 MW battery energy storage system and an approximately 4-mile electrical gen-tie transmission line to connect to the IID 161 kV "L" Line**. The project will be located on approximately 320 acres of privately-owned vacant land (APN 034-160-002) in unincorporated Imperial County, approximately 6 miles south of the Salton Sea; 10 miles west of Brawley, CA and about 5 miles southwest of the community of Westmorland, CA. The site is located directly south of Andre Road and ½ mile west of the Westside Main Canal and will require upgrades to the Ramon Substation to accommodate the project.

B.1

The Imperial Irrigation District has reviewed the DEIR and in addition to the comments provided in the August 15, 2022 and July 5, 2022 district letters on the project's Notice of Preparation and the Administrative DEIR (see attached letters), has the following comments:

1. The project is outside of IID's water service area. However, there are some inconsistencies regarding water source in the DEIR. The applicant will need to rely entirely on well water and although it does note well water use, there are areas where the document stipulates IID canal water will be used. The following areas need to be corrected:

B.2

- **Table 3.10-1 on Page 3.10-19 Consistency with General Plan Policies:**
"Water use during construction would be used primarily for dust control and obtained from local IID irrigation canals or laterals in conformance with IID construction water acquisition requirements. The project applicant will also coordinate with IID to purchase water needed for maintenance activities (i.e., PV module washing) to ensure efficient use of water resources."

David Black
April 15, 2024
Page 2

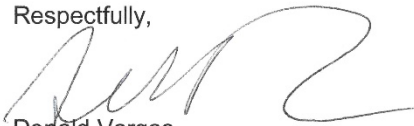
- Initial Study
- Air Quality Report
- Noise Impact Assessment
- Energy Assessment

B.3

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

B.4

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.



IID

A century of service.

IID Attachment

www.iid.com

Since 1911

August 15, 2022

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOP of a Draft EIR For Vega SES6 Solar and Battery Storage Project -
Additional Comments

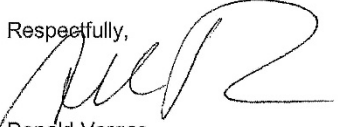
Dear Mr. Black:

In addition to the comment letter the Imperial Irrigation District submitted to the Imperial County Planning & Development Services Department on this date, pursuant to the Notice of Preparation of an Draft Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project, the IID would like to clarify that APN 034-160-002 is entirely outside of IID's water service and district boundaries thus unable to receive water service from the district for any purpose, including construction. For future reference, a general map of the IID service area can be accessed from IID's website at <https://www.iid.com/home/showdocument?id=4680>.

While all specific project inquiries should be directed to IID, a quick rule of thumb is that projects within the Imperial Unit (designated by the darker green area/hash marks on the service area map) are usually eligible to receive water. All new projects requiring water service from IID should, however, continue to contact the Water Department directly to discuss water availability and service issues. If you have any questions, please feel free to contact Justina Gamboa-Arce at (760) 339-9085 or at jgamboaarce@iid.com.

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

Respectfully,


Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook – Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

IID
Attachment
RTC-1

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



IID

A century of service.

IID Attachment

www.iid.com

Since 1911

August 15, 2022

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOP of a Draft EIR For Vega SES6 Solar and Battery Storage Project

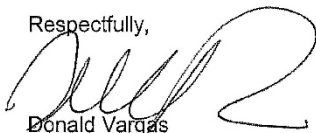
Dear Mr. Black:

On July 11, 2022 the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Preparation of an Draft Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project. The project proposes a 80 MW solar energy generation facility and substation, a 160 MW battery energy storage system and an electrical gen-tie transmission line to connect to the Imperial IID 161 kV "L" Line. The project will be located on approximately 320 acres of privately-owned vacant land (APN 034-160-002) in unincorporated Imperial County, approximately 6 miles south of the Salton Sea; 10 miles west of Brawley, CA and about 5 miles southwest of the community of Westmorland, CA.

The IID has reviewed the documents and finds that the comments provided in the July 5, 2022 district letters on the project's Administrative Draft Initial Study and NOP of an EIR (see attached letters) continue to apply.

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

Respectfully,

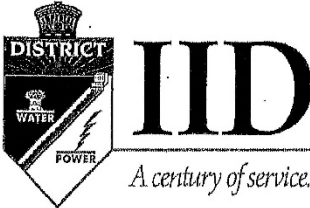


Donald Vargas
Compliance Administrator II

IID
Attachment
RTC-2

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Geoffrey Holbrook – Interim General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



IID Attachment

www.iid.com

Since 1911

July 5, 2022

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Administrative Draft IS and NOP of an EIR VEGA SES 6 Solar and Battery Storage Project – Additional Comments

Dear Mr. Black:

In addition to the comment letter the Imperial Irrigation District submitted to the Imperial County Planning & Development Services Department on this date, pursuant to the ICPDSD's request for agency comments on the Administrative Draft Initial Study and Notice of Preparation of an Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project, the IID has the following concerns:

1. The applicant has indicated to IID through the interconnection process that the project is a 75 MW photovoltaic/energy storage project, meaning the project is a hybrid facility with 75 MW of PV and 75 MW of energy storage. The Administrative Draft IS and NOP of an EIR indicate a 80 MW PV and 160 MW BESS facility.
2. In the *Project Description* document, there is mention of a switching station to be built at the customer site (figure 2-4 and section 2.3.3). IID Transmission Planning has provided a draft facility study proposing the SS to be owned by IID and located adjacent to IID's 161kV "L" Line. This would mitigate the need for a 4-mile double circuit 161kV Line. The applicant is currently reviewing this alternative.
3. In the *Project Description* document, Section 2.3.4 Gen-Tie Line, with the recommendation of placing the SS adjacent the 161kV "L" Line, the 4-mile gen-tie would be single circuit wood poles and could very well fit within a 60 ft. right of way. IID is still pending the applicant's acceptance of the facility study but if the "L" Line would be looped in and out to the SS at the customer site, the "gen-tie" would be 4 miles of double circuit steel poles and would require at least 100-120 ft. ROW.

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

Respectfully,


Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Jamie Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Wayne K. Strumpler, General Counsel
Michael P. Kamp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

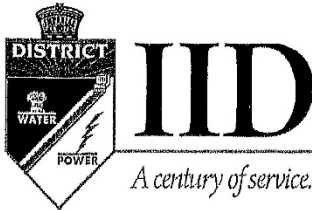
IID
Attachment
RTC-3

IID
Attachment
RTC-4

IID
Attachment
RTC-5

IID
Attachment
RTC-6

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



IID Attachment

www.iid.com

Since 1911

July 5, 2022

Mr. David Black
Planner IV
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Administrative Draft IS and NOP of an EIR VEGA SES 6 Solar and Battery Storage Project

Dear Mr. Black:

On June 28, 2022 the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Administrative Draft Initial Study and Notice of Preparation of an Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project. The project consists of an 80 MW solar energy generation facility and substation, a 160 MW battery energy storage system and an electrical gen-tie transmission line to connect to the Imperial IID 161 KV "L" Line. The project will be located on approximately 320 acres of privately-owned vacant land (APN 034-160-002) in unincorporated Imperial County, approximately 6 miles south of the Salton Sea; 10 miles west of Brawley, CA and about 5 miles southwest of the community of Westmorland, CA.

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

1. If the project requires temporary construction or permanent distribution-rated electrical service (15 kilovolts or less), the applicant should be advised to contact Gabriel Ramirez, IID Customer Project Development Planner, at (760) 339-9257 or e-mail Mr. Ramirez at gramirez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required submit a complete set of plans approved by the County of Imperial (in hardcopy and AutoCad formats), one-line diagrams, electrical loads and panel schedules, electrical panel specifications (size, voltage and location), project schedule, and the estimated in-service date, in addition to the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Distribution-rated electrical service is limited in the area. A circuit study may be required. Any improvements or mitigation identified in the circuit study to enable the provision of electrical service shall be the financial and permitting responsibility of the applicant.
3. The project is located on APN 034-160-002-000 which is outside IID's Water Service Area. However, the Westside Main Canal is located to the north and west of the project site and

IID
Attachment
RTC-7

IID
Attachment
RTC-8

IID
Attachment
RTC-9

IMPERIAL IRRIGATION DISTRICT • P.O. BOX 937 • IMPERIAL, CA 92251



David Black
July 5, 2022
Page 2

IID Attachment

- | | |
|--|--|
| <p>could be impacted by the project. The applicant may not use IID's canal or drain banks to access the project site. Any abandonment of easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) needs.</p> | <p>IID
Attachment
RTC-9
(cont'd)</p> |
| <p>4. To insure there are no impacts to IID facilities, applicant should submit project plans to IID Water Department Engineering Services for review and comment prior to final project design and CUP approval. IID WDES can be contacted at (760) 339-9265 for further information on this matter.</p> | <p>IID
Attachment
RTC-10</p> |
| <p>5. 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/departments-directory/real-estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.</p> | <p>IID
Attachment
RTC-11</p> |
| <p>6. 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</p> | <p>IID
Attachment
RTC-12</p> |
| <p>7. 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 CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.</p> | <p>IID
Attachment
RTC-13</p> |
| <p>8. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be</p> | <p>IID
Attachment
RTC-14</p> |

David Black
July 5, 2022
Page 3

IID Attachment

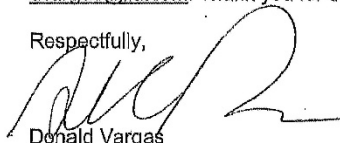
considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has established general principles on project segmentation for different project types. For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

IID
Attachment
RTC-14
(cont'd)

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

IID
Attachment
RTC-15

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Janile Asbury – Manager, Energy Dept.
Constance Bergmark – Deputy Mgr. Energy Dept., Energy Business, Regulatory & Transactions Admin.
Wayne K. Strumpler, General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



Letter B

Imperial Irrigation District

April 15, 2024

- B.1** This is an introductory comment that provides a general summary of the proposed project. This comment does not raise an issue related to the adequacy of the EIR, as such, no further response is necessary.
- B.2** The comment is correct that groundwater is proposed for project construction. EIR Section 2.3.10 Water Use, states, “Water for construction (primarily dust control) would be obtained from a new onsite groundwater supply well or wells to be drilled and installed as part of the VEGA 6 project (see Figure 2-3).”

Table 3.10-1 Consistency with General Plan Policies (EIR page 3.10-19) has been modified as follows:

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

- B.3** Please refer to response to comment B.2. It is acknowledged that technical reports listed in this comment reference IID as the source of water as was originally proposed by the project applicant. Use of IID canal water was initially planned; however, it was subsequently determined that the project site is located outside of the IID service area; and use of groundwater is currently the proposed water source. Although the technical reports (air quality, noise and energy) referenced in this comment originally contemplated the use of IID water source, the change of source of water for construction of the project does not change the conclusions of the technical studies. For example, dust generated during construction would be controlled by watering and, as necessary, other dust suppression methods and materials accepted by the Imperial County Air Pollution Control District (ICAPCD) would be used (regardless of the water source). Groundwater would be utilized as the source of water for construction and operation activities.

- B.4** Comment noted.

IID Attachment RTC-1 Please refer to response to comment B.2.

IID Attachment RTC-2 Comment noted. Please see responses to comments B.1 through B.4 and responses to comments IID Attachment RTC-3 through RTC-15.

IID Attachment RTC-3 This comment relates to the interconnection process with IID, and is not a specific comment related to the EIR. The project applicant has applied for a Conditional Use Permit with the County of Imperial, which

would allow the construction and operation of a 80 MW solar photovoltaic facility, with a 160 MW storage capacity BESS. These are the assumptions for MW generation and storage of project characteristics evaluated in the EIR. Upon approval by the County of the CUP, the applicant would be required to coordinate and work with IID related to the interconnection process with IID (independent of the CUP process).

IID Attachment RTC-4

This comment is noted and it is noted that subsequent to this comment letter a final facility study has been completed. The proposed project's final facility study dated April 16, 2024, states, "The Project is requesting to cut-in to the 161kV "L" Line and extend to the IID switching station located at the Project location, approximately 4.0 miles." Consistent with the final facility study, the environmental analysis provided in the EIR assumes that the switchstation would be constructed on-site, and therefore, includes the environmental evaluation of an approximately 4-mile gen-tie transmission connection to the existing IID 161 "L" Line off-site.

IID Attachment RTC-5

This comment is acknowledged. The applicant will request the appropriate right of way approvals (e.g. required right of way width to accommodate any gen-tie line improvements) as part of the application process for grant of right of way with the BLM.

IID Attachment RTC-6

Comment noted.

IID Attachment RTC-7

Comment noted. This comment does not raise an issue related to the adequacy of the EIR, as such, no further response is necessary. IID application submittal requirements identified in this comment are acknowledged.

IID Attachment RTC-8

Comment noted. This comment does not raise an issue related to the adequacy of the EIR, as such, no further response is necessary. IID comment that a circuit study may be required is acknowledged.

IID Attachment RTC-9

As indicated on EIR Figure 2-3 VEGA 6 Site Plan, access to the project site is proposed via Andre Road. Vehicles will cross over the Westside Main Canal on Andre Road. No use of IID's canal or drain banks to access the project site is proposed.

IID Attachment RTC-10

Comment noted. The project applicant will coordinate with IID as necessary to avoid impacts to IID facilities, including submittal of project plans to IID Water Department Engineering Services for review and comment prior to final project design.

IID Attachment RTC-11

It is acknowledged that any work performed within IID right of way would require an encroachment permit subject to IID approval as identified in this comment.

- IID Attachment RTC-12** Comment noted. The County acknowledges that any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent (i.e., project applicant). The project applicant will coordinate with IID as necessary to avoid impacts to IID facilities and obtain necessary approvals from IID to construct and operate the project.
- IID Attachment RTC-13** Comment noted. The County acknowledges that any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent (i.e., project applicant). The project applicant will coordinate with IID as necessary to avoid impacts to IID facilities and obtain necessary approvals from IID to construct and operate the project.
- IID Attachment RTC-14** Comment noted. EIR Section 2.0 Project Description of the EIR provides a detailed description of the whole of the project and the EIR does not piecemeal analysis of the proposed project. In fact, an EIR has been prepared for the project, rather than a mitigated negative declaration, although no significant unmitigated impacts were identified. EIR Section 2.0 Project Description provides a description of proposed on-site facilities, and off-site infrastructure components.
- For example, Figure 2-3 VEGA 6 Site Plan, shows the alignment of the proposed off-site gen-tie connection to the existing “L” Line. Figure 2-4 VEGA 6 Gen-Tie Route depicts detail of the gen-tie path line. EIR pages 2-21 through 2-22 provide a detailed description of the proposed gen-tie. Further, EIR Section 2.1.5 Ramon Substation Expansion, is included in the project description as a related project, the environmental impacts of which are also evaluated in the EIR.
- IID Attachment RTC-15** Comment noted.



California Program Office

P.O. Box 401, Folsom, California 95763 | 916-313-5800
www.defenders.org

April 16, 2024

David Black, Planner IV
Imperial County, Planning and Development Services Department
801 Main Street
El Centro, CA 92243
Delivered via email to: DavidBlack@co.imperial.ca.us

RE: Draft Environmental Impact Report – VEGA SES 6 Solar and Battery Storage Project
(SCH 2022070146)

Dear Mr. Black,

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Report (DEIR) for the proposed VEGA SES 6 Solar and Battery Storage Project (VEGA 6 Project) and the upgrades to the Ramon Substation (Substation Upgrade), collectively referred to as the Projects. Defenders of Wildlife (Defenders) is dedicated to protecting all wild animals and plants in their natural communities and has nearly 2.1 million members and supporters in the United States, with more than 316,000 residing in California.

Defenders strongly supports generation of electricity from renewable energy sources. A low-carbon energy future is critical for California's economy, communities and environment. Achieving this future—and how we achieve it—is critical for protecting California's internationally treasured wildlife, landscapes and diverse habitats. We believe transitioning to a renewable energy future need not exacerbate the ongoing extinction crisis by thoughtfully planning projects while protecting habitat critical to species.

The proposed VEGA 6 Project is a solar photovoltaic facility that would generate up to 80 MW of renewable energy and includes a 160 MW battery storage system. The VEGA 6 Project is on 320 acres of private land within Imperial County. It is located 6 miles south of the Salton Sea and is bound by undeveloped Open Space/Bureau of Land Management land to the west and south. The VEGA 6 Project and several other planned utility scale projects in the region will require upgrades to the Ramon Substation; therefore, the substation expansion is considered a

C.1

connected project for the purposes of CEQA review. The Substation Upgrade includes an expansion area of four acres immediately adjacent to the existing substation.

C.1
(cont'd)

Comments

We offer the following comments on the DEIR for the proposed Projects:

Protocol Level Surveys

The DEIR states the biological reconnaissance survey for the VEGA 6 Project was conducted in September 2020 and August 2021, and the field survey for the Substation Upgrade was conducted in June 2023; however, no species-specific protocol-level surveys were conducted. Findings cannot be made without protocol-level surveys as they are necessary to provide thorough and accurate results that support informed decision-making and enable identification of appropriate avoidance and mitigation measures for each species. The surveys should be completed across the entirety of both the VEGA 6 Project site and the Substation Upgrade site.

C.2

Burrowing Owl (BUOW)

The Biological Technical Report for the VEGA 6 Project acknowledges the site has previously documented occurrences for BUOW and contains suitable habitat. Furthermore, the Biological Resources Report for the Substation Upgrade states that dumped materials were observed onsite that may provide burrows for the species. Despite the potential for the species to occur, no species-specific protocol-level surveys were conducted. Protocol-level surveys for BUOW should be performed, prior to the development of mitigation measures, across the entirety of the site and must conform to the current survey standards established in the *Burrowing Owl Survey Protocol and Mitigation Guidelines*¹ and the *Staff Report on Burrowing Owl Mitigation*.²

C.3

Coachella Valley Fringe-toed Lizard (CVFTL)

CVFTL suitable habitat exists onsite for the Substation Upgrade, and the nearest California Natural Diversity Database (CNDDB) occurrences are less than .5 miles west and east of the project site. Additionally, the Substation Upgrade is located within critical habitat for the species. The CVFTL is a covered species under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP); therefore, the project requires payment of the land development mitigation fee and must comply with CVMSHCP requirements. However, adhering to CVMSHCP requirements does not negate the purpose of

C.4

¹ California Burrowing Owl Consortium. 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*.

² California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

conducting protocol-level surveys to determine if any additional avoidance and minimization measures may be appropriate, and subsequently applied. Defenders recommends consultation with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (CDFW) to establish the appropriate survey methods.

C.4
(cont'd)

Crotch's Bumble Bee (CBB)

CBB is a candidate species for listing under the California Endangered Species Act and, as such, must be accorded protection as if they were listed. The DEIR acknowledges potential suitable creosote scrub habitat onsite for the Substation Upgrade, and therefore, there is potential for the species to be impacted. Defenders requests CBB surveys be conducted in accordance with CDFW's methods as outlined in Survey Considerations for California Endangered Species Act Candidate *Bumble Bee Species*.³

C.5

Flat-Tailed Horned Lizard (FTHL)

Suitable habitat for FTHL exists on site for the Substation Upgrade, and the nearest CNDDDB occurrence is less than one-mile northeast of the site. Defenders requests protocol-level surveys for FTHL be performed that, at a minimum, conform to the survey standards established within the *Flat-tailed Horned Lizard Rangewide Management Strategy*.⁴ These survey recommendations are for FTHL habitat on federal lands outside of Management Areas. Although the Project site is located on private land, it is within potential FTHL habitat and the historical range of this species. Therefore, it is pertinent to apply these survey protocols for the Project, as species-specific surveys are necessary to ensure appropriate mitigation measures are applied.

C.6

Palm Springs Pocket Mouse (PSPM)

PSPM is a CDFW Species of Special Concern and a Bureau of Land Management sensitive species. The VEGA 6 Project site contains burrows with creosote bush scrub, which provides suitable habitat. Defenders requests that the applicant consult with CDFW to establish appropriate survey methodologies.

C.7

BUOW Mitigation

Mitigation measure BIO-5 states that if BUOW or suitable BUOW burrows with sign are identified, consultation with CDFW is required to establish appropriate methods for avoidance or passive

C.8

³ California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.

⁴ Flat-tailed Horned Lizard Interagency Coordinating Committee. 2003. Flat-tailed Horned Lizard Rangewide Management Strategy.

relocation. Proposed avoidance or passive relocation measures should be available within the DEIR to allow for public comments and informed decision-making; this highlights the need for protocol-level surveys to be conducted prior to the establishment of mitigation measures. It is impossible for decision-makers and the public to be fully informed on a project if key measures that aim to mitigate the environmental consequences are not available within the administrative record. We request that specific BUOW mitigation measures be included within the EIR for public and decision-maker review.

C.8
(cont'd)

The BUOW mitigation measures should include an established buffer distance for activities around occupied burrowing owl nests, consistent with the *Staff Report on Burrowing Owl Mitigation*.⁵

Table 1: Burrowing Owl Avoidance Buffers

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

C.9

Mitigation measures should also include, but not be limited to, requirements for avoiding burrows during the nesting season, developing and implementing a worker awareness program and placing visible markers near burrows. Additionally, methods for potential burrow exclusion and closure should be included. Defenders requests consultation with CDFW for establishing the appropriate mitigation measures.

Compensatory Mitigation

The Biological Technical Report for the VEGA 6 project stated BUOW has a high potential to occur within the project area. Despite the high likelihood of impacts to BUOW, no compensatory mitigation is included within the DEIR. This Project will result in the permanent conversion of BUOW habitat, as once the land is developed, the habitat will not return to its current state; this warrants permanent protection of habitat and foraging lands. Defenders recommends consultation with CDFW to determine the appropriate compensatory mitigation ratio for BUOW. This habitat must be permanently protected and include similar vegetation communities to provide for burrowing owl nesting and foraging. The compensatory mitigation lands must be managed in perpetuity by a qualified conservation organization as defined by CA Civil Code Section 815.3. Alternatively, credits could be purchased in a CDFW-approved mitigation bank.

C.10

⁵ California Department of Fish and Game. 2012. *Staff Report on Burrowing Owl Mitigation*.

Cumulative Impacts Analysis

The ever-increasing large-scale renewable energy footprint within Imperial County is significantly impacting biological resources in the region. The proposed project would contribute to the cumulate loss of the region's important and declining biological resources. The DEIR considers five energy projects within the area that have contributed to ongoing cumulative loss and fragmentation of wildlife and habitat but fails to consider all types of development projects causing related impacts, fully reveal the condition of the biological resources in the region and analyze thoroughly how these various projects are cumulatively impacting the species and their habitats. The cumulative analysis on biological resources must detail the potential impacts on the individual biological resource level and provide specific data on the loss of habitat. We request such analysis include a detailed map of all existing and planned development within the remaining habitat for BUOW and FTHL.

C.11

The cumulative impacts analysis states that mitigation measures identified in Section 3.4 contain requirements that would thereby minimize potential impacts to biological resources, including BUOW, to a less than significant level. It is premature to state the measures will reduce impact when the BUOW mitigation measures themselves have not been identified or included within the DEIR. Instead, the DEIR states they will be developed if protocol-level survey results find BUOW and BUOW sign. Therefore, the cumulative impacts analysis should not rely on hypothetical measures that have not been included within the DIER and are not available for review.

C.12

Additionally, the VEGA 6 Project site is located adjacent to the West Mesa Area of Critical Environmental Concern (ACEC). The DEIR acknowledges the adjacent ACEC but fails to provide any meaningful analysis on this project's impact to the ACEC. We recommend the cumulative impacts analysis include regional development impacts to the West Mesa ACEC.

C.13

Conclusion

Thank you once again for the opportunity to provide comments on the DEIR for the VEGA SES 6 Solar and Battery Storage Project and for considering our comments. We look forward to reviewing the Final EIR and request to be notified when it is available. If you have any questions, please contact me at 408-603-4694 or via email at smarkowska@defenders.org.

C.14

Respectfully submitted,


Sophia Markowska

Senior California Representative

Defenders of Wildlife
Comments on DEIR – VEGA SES 6 Solar and Battery Storage Project
SCH 2022070146
Page 5

Letter C

Defenders of Wildlife

April 16, 2024

- C.1** This is an introductory comment. This comment does not raise an issue related to the adequacy of the EIR, as such, no further response is necessary.
- C.2** Please refer to response to comments C.3 through C.7.
- C.3** No burrowing owl were observed on the project site during general biological surveys; however, the EIR identifies that there is a high potential for the occurrence of burrowing owl on the project site. As indicated on EIR page 3.4-7, the creosote bush scrub, disturbed creosote bush scrub, disturbed areas, berms of the irrigation canals, and agricultural areas provides potential habitat throughout the VEGA 6 survey area. Ground squirrel burrows that could be utilized by owls were detected within the solar facility site. As noted in the EIR, “No owl sign was detected at the burrow entrances.” However, also as noted in the EIR, there are twenty-five recent CNDDDB records that occur within five miles of the VEGA 6 project area with the closest being less than one mile away. With respect to the Ramon substation improvements, as noted in EIR Table 3.4-3 Special-Status Wildlife Species with Potential to Occur within Ramon Substation BSA, the potential presence of burrowing owl is considered low as the site does not contain suitable natural habitat to support this species, but debris piles are present within the site.

As discussed in the EIR, burrowing owl has a high potential to occur on the VEGA 6 project area and buffer due to the number of previously documented occurrences and suitable habitat on the VEGA 6 project area. Suitable burrowing owl burrows and burrow structures were identified during the general biological surveys of the project site. Although no burrowing owl were observed or burrows with sign identified at the time of the survey, due to the mobile nature of the species it is possible that burrowing owl could use the site prior to the start of project activities. If burrowing owl are found to be using or nesting on the site prior to the start of construction due to a change in potential burrow presence, direct impacts in the form of ground disturbance, vegetation removal, habitat loss, and mortality and indirect impacts from construction noise and vibrations may occur. The EIR identifies that potential project-related direct impacts to these species could be significant and occur in the form of injury, mortality, and loss of active nests or young. Indirect impacts could occur in the form of habitat loss, increased human and vehicular activity, ground disturbances, noise, and increased dust. Implementation of Mitigation Measure BIO-5 (and as modified in the Final EIR), would reduce impacts to a level less than significant. Mitigation Measure BIO-5 requires that preconstruction burrowing owl surveys be conducted prior to start of ground disturbing activities, “If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified in the project area during the survey and impacts to those features are unavoidable, consultation with the CDFW shall be conducted and the methods for avoidance or passive relocation should be followed.” Although the potential for borrowing owl presence on the Ramon Substation site is low as there is no suitable habitat, rather, debris piles, similar measures are proposed for any construction activity associated with the Ramon Substation expansion.

- C.4** As acknowledged in this comment, the EIR indicates that the proposed Ramon substation expansion area “is within the planning boundary of the CVMSHCP; however, the project footprint is not within but adjacent to the Thousand Palms Conservation Area (Figure 5). According to the CVMSHCP:

“Local jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for the Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of an existing fee ordinance. In addition to large vacant areas, this also applies to small vacant lots within urban areas that still contain natural open space.”

Development on this vacant land (i.e., the 4-acre Ramon substation expansion area) would impact critical habitat for the Coachella Valley fringe-toed lizard, a CVMSHCP covered species, and the IID is a permittee to the CVMSHCP, requiring payment of the land development mitigation fee. As the IID is a permittee of the CVMSHCP, with payment of the mitigation fee, and compliance with the requirements of CVMSHCP Section 4.2, Conservation Areas; Section 4.4, Avoidance, Minimization, and Mitigation Measures; and Section 4.5, Land Use Adjacency Guidelines, full mitigation compliance with CEQA, CESA, and FESA will be granted for covered species. (EIR Appendix D2 pages 41 and 42). The Section 4.4 Avoidance, Minimization, and Mitigation Measures address the portion of the comment as to whether additional available and minimization measures would be appropriate. The Coachella Valley fringe-toed lizard is a CVMSCHP covered species and direct impacts to this species is considered a covered activity and mitigated through participation in the CVMSCHP.

- C.5** As indicated in EIR Appendix D2 Table 2 – Special Status Wildlife Species Known From the Vicinity of the Project Footprint (page 33), there is potentially suitable creosote scrub habitat within the larger biological resources study area for the Ramon substatiion expansion site. However, the nearest CNDDDB occurrence for the Crotch’s Bumble Bee is over 9.5 miles west of the Ramon substation expansion site. Additionally, as shown on Appendix D2 Figure 3, only disturbed creosote bush scrub is located within the 4-acre footprint of the proposed expansion area, as this area is disturbed as a result of various activities (e.g., off-road vehicle use, illegal dumping). Although within the larger Ramon substation biological resources study area, the creosote bush scrub is suitable habitat for these species, the area (proposed disturbance footprint) of the 4-acre expansion area is disturbed with dumping of materials or homeless encampments. Adjacent areas are also highly disturbed with residential living areas or are lacking active dune habitat that some species utilize.

The California Department of Fish and Wildlife Survey Considerations for California Endangered Specific Act (CESA) Candidate Bumble Bee Species (June 6, 2023), indicates that “This document should not be interpreted as an order or mandatory protocol for species surveys.” (page 1). The Crotch’s Bumble Bee is not currently a listed as a special status wildlife species; however, this species is included in the pre-construction surveys at the Ramon substation, as required by modified Mitigation Measure RS-BIO-3. The text of Mitigation Measure RS-BIO-3 has been modified as follows:

- b. The project biologist shall conduct focused pre-construction surveys for any special-status wildlife species, including Coachella Valley fringe-toed lizard, flat-tailed horned lizard, burrowing owl, loggerhead shrike, vermilion flycatcher, Palm Springs pocket mouse, American badger, and Coachella Valley round-tailed

ground squirrel and Crotch's Bumble Bee in accordance with "The California Department of Fish and Wildlife Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (June 6, 2023)." Surveys shall be conducted at least 14 days prior to the start of construction within suitable habitat located within the project footprint. At the discretion of the project Biologist, work will be halted if the species are highly disturbed.

Guidelines recognize the movement of bumble bee nest sites "Bumble bees move nests sites each year; therefore, surveys should be conducted each year that project activities will occur." (page 4). Modified Mitigation Measure RS-BIO-3 would allow for the determination of presence and necessary measure to avoid direct or indirect impact to this species.

C.6 In addition to being a covered activity through participation in the CVMSCHP, as required by Mitigation Measure RS-BIO-3, with respect to the flat-tailed horned lizard, the project biologist shall conduct focused pre-construction surveys for federal- and State-listed and other special-status plants. All special-status plant species (including listed threatened or endangered species, and all CRPR 1A, 1B, 2, 3, and 4 ranked species) impacted by project activities shall be documented in pre-construction survey reports. Surveys shall be conducted during the appropriate season in all suitable habitat located within the project footprint. The field surveys and reporting must conform to current CDFW botanical field survey protocol (CDFG 2009) or more recent updates, if available.

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

C.7 In addition to being a covered activity through participation in the CVMSCHP, as required by Mitigation Measure RS-BIO-3, with respect to the Palm Springs Pocket Mouse, the project biologist shall conduct focused pre-construction surveys for federal- and State-listed and other special-status plants. All special-status plant species (including listed threatened or endangered species, and all CRPR 1A, 1B, 2, 3, and 4 ranked species) impacted by project activities shall be documented in pre-construction survey reports. Surveys shall be conducted during the appropriate season in all suitable habitat located within the project footprint. The field surveys and reporting must conform to current CDFW botanical field survey protocol (CDFG 2009) or more recent updates, if available.

- b. The project biologist shall conduct focused pre-construction surveys for any special-status wildlife species, including Coachella Valley fringe-toed lizard, flat-tailed horned lizard, burrowing owl, loggerhead shrike, vermilion flycatcher, Palm Springs pocket mouse, American badger, and Coachella Valley round-tailed ground squirrel. Surveys shall be conducted at least 14 days prior to the start of construction within suitable habitat located within the project footprint. At the

discretion of the project Biologist, work will be halted if the species are highly disturbed.

- C.8** As noted in response to comment C.3 no burrowing owl, or sign of burrowing owl was observed during general biological surveys, although it has been determined that a high potential for burrowing owl exists on the project site. In response to this comment, Mitigation Measure BIO-GEN has been added to apply specifically to the VEGA 6 project site (in addition to the Ramon Substation site) as follows:

BIO-GEN Biological Resource Protection Measures Prior to Construction:

- a. Prior to the commencement of construction on the project site, a project biologist (a person with, at minimum, a bachelor's degree in biology, ecology, or environmental studies with familiarity with special status plant and wildlife species with the potential to be affected by the proposed project shall be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities within and adjacent to areas of native habitat. The project biologist shall be familiar with the local habitats, plants, and wildlife, and shall maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist may designate qualified biologists or biological monitors to help oversee project compliance or conduct preconstruction surveys for special status species. These biologists shall have familiarity with the species for which they would be conducting preconstruction surveys or monitoring construction activities.
- b. The project biologist or designated qualified biologist shall review final plans, designate areas that need temporary fencing (e.g., environmentally sensitive area [ESA] fencing), and monitor construction activities within and adjacent to areas with native vegetation communities or special status plant and wildlife species. The qualified biologist shall monitor activities within designated areas during critical times such as vegetation removal, initial ground disturbing activities, and the installation of BMPs and fencing to protect jurisdictional resources, and shall ensure that all regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. The qualified biologist shall check construction barriers or exclusion fencing and shall provide corrective measures to the contractor to ensure that the barriers or fencing are maintained throughout construction. The qualified biologist shall have the authority to stop work if a special status wildlife species is encountered within the Project area during construction. Construction activities shall cease until the Project Biologist or qualified biologist determine(s) that the animal will not be harmed or that it has left the construction area on its own. The appropriate regulatory agency(ies) shall be notified within 24 hours of sighting of a special status wildlife species.
- c. Prior to the start of construction, all project personnel and contractors who will be on site during construction shall complete mandatory training conducted by the project biologist or a designated qualified biologist. Any new project personnel or contractors that come on board after the initiation of construction shall also be required to complete the mandatory Worker Environmental Awareness Program training before they commence with work. The training shall advise workers of

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

- d. Prior to any ground disturbance the project boundary will be fenced as a means to protect the adjacent lands. The fencing/signage shall be clearly marked in the field by construction personnel under the guidance of the biologist or designated employee. The fencing/signage will remain in place for the duration of the project activities and no work or other project activities will occur outside of the fenced area to incidental impacts to nearby species. Upon completion of project activities, the fencing/signage will be removed.
- e. Construction activities shall be limited to daylight hours to the extent feasible. If nighttime activities are unavoidable, then workers shall direct all lights for nighttime lighting into the work area and shall minimize the lighting of natural habitat areas adjacent to the work area. The contractor shall use light glare shields to reduce the extent of illumination into special status vegetation communities. If the work area is located near surface waters, the lighting shall be shielded such that it does not shine directly into the water.
- f. Clearing shall be confined to the minimum area necessary to facilitate construction activities. Cleared vegetation and spoils shall be disposed of daily at a permanent off site spoils location or at a temporary on site location that will not create habitat for special status wildlife species. Spoils and dredged material shall be disposed of at an approved site or facility in accordance with all applicable federal, state, and local regulations.
- g. The Contractor shall avoid wildlife entrapment by completely covering or providing escape ramps for all excavated steep walled holes or trenches more than 1 foot deep at the end of each construction workday. The qualified biologist shall inspect open trenches and holes and shall remove or release any trapped wildlife found in the trenches or holes prior to filling by the construction contractor.
- h. Wildlife can be attracted to den like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar features; construction equipment; or construction debris left overnight in areas that may be occupied by special status species that could occupy such structures shall be inspected by a qualified biologist prior to being used for construction. Such inspections shall occur at the beginning of each day's activities for those materials to be used or moved that day. If necessary, and under the direct supervision of the biologist, the structure may be moved up to one time to isolate it from construction activities, until the special status species has moved from the structure of its own

volition, has been captured and relocated, or has otherwise been removed from the structure.

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

Additionally, in response to this comment, EIR Mitigation Measure BIO-5 has been revised as follows:

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

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

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

C.9 Please refer to response to comment C.8.

C.10 The mitigation measures required for implementation of the proposed project have been determined to be necessary to reduce potential impacts to special-status species, including burrowing owl, to a level less than significant. However, should a California Department of Fish and Wildlife (CDFW) Incidental Take Permit (ITP) be required, the applicant would be required to consult with CDFW for mitigation requirements or in-lieu fee credits for any direct unavoidable impacts to burrowing owl. The County acknowledges that mitigation preserves are located and available in Imperial County, and that the project may be required to contribute through purchase of credits (or preservation of lands elsewhere) should an ITP for burrowing owl be required.

C.11 There are no other currently proposed or otherwise reasonably foreseeable projects in the general geographic area than the utility-scale solar projects identified in EIR Section 5 Cumulative Impacts.



- C.12** Mitigation measures that address potential presence of burrowing owl are identified in the EIR. Please refer to response to comment C.8.
- C.13** Please refer to response to comment C.11.
- C.14** Comment noted. The County has provided the Final EIR to all entities that submitted written comments on the Draft EIR, include Defenders of Wildlife.

April 16, 2024

David Black, Planner IV
County of Imperial
801 Main Street
El Centro, CA 92243
via email: davidblack@co.imperial.ca.us

Re: Comments on Vega SES 6 Solar and Battery Storage DEIR

Dear: David Black, Planner IV, Jim Minnick, Planning & Development Services Director,
Michael Abraham, AICP, Assistant Planning & Development Services Director,
Diana Robinson, Planning Division Manager,

Please find below comments on the **Vega SES 6 Solar and Battery Storage Project Draft Environmental Impact Statement (DEIR)** from experts from Comit  Civico del Valle's Lithium Valley Equity Technical Advisory Group.

The Lithium Valley Equity Technical Advisory Group collaborates with Comit  Civico del Valle and the Lithium Valley Community Coalition on:

- Reviewing of the scientific and legal literature to guide the development of a research agenda for the expansion of a circular lithium economy based in the Imperial Valley, with requirements for environmentally responsible raw material sourcing, refinement, and product design that supports material recovery, reuse, and recycling;
- Surveying Lithium Valley stakeholders to identify priorities that can contribute to government and academic research goals, while emphasizing participatory research models for community engagement and action;
- Connecting technical support to strengthen environmental and health mitigation measures in the preparation of Imperial County's Lithium Valley Programmatic Environmental Impact Report for local stakeholders; and
- Executing research/analysis that can support community benefit projects and agreements, in addition to educational pathways for a skilled and trained workforce, including internships, apprenticeships, certificate, and degree programs for Imperial Valley residents.

We have been conducting community-engaged research on environmental justice issues relating to the development of Lithium Valley and hold expertise in a variety of related fields. Our CVs are already on file with the County from previous comment

D.1

periods in the planning process for Lithium Valley. We hope that our comments will be helpful in ensuring that proposed solar, battery storage and renewable energy projects, including this one, are built in a just and sustainable way. In what follows we offer suggestions for further consideration of impacts.

D.1
(cont'd)

Consistency with County General Plan

- The proposed project requires conversion of land designated as Open Space/Preservation (S-2) into the Renewable Energy Overlay Zone and has the potential to further exacerbate cumulative impacts on air quality in the area, particularly fugitive dust emissions. It may undermine efforts to improve air quality and loss of open space and habitat.
- Please clarify the process and criteria by which land use designations are changed, especially changes from open space to the renewable energy overlay zone.

D.2

From the DEIR: *"The County's General Plan and Land Use Ordinance allow that, for proposed renewable energy projects on land classified in a non-overlay zone, the land on which the project would be located may be included/classified in the RE Overlay Zone if the renewable energy project: 1) would be located adjacent to the existing RE Overlay Zone; 2) is not located in a sensitive area; 3) is located in proximity to renewable energy infrastructure; and 4) and would not result in significant environmental impacts."*

D.3

- It is unclear from the DEIR which of these criteria is allowing this application to proceed with conversion from open space to the renewable energy overlay zone. The project does not meet criteria 1, as it is not adjacent. The project does not meet does not meet criteria 2, as it is a sensitive area. The DEIR acknowledges the presence of nesting birds, other animals and riparian habitat listed as potentially significant in DEIR, as well as sensitivity regarding air quality, cultural resources, and other impacts described in the DEIR. The document concludes these impacts will be less than significant because of mitigations, but it is not clear how these mitigations substantively reduce impacts. The project does not meet criteria 3 because it is not proximate to the renewable energy overlay zone. The project does not meet criteria 4, considering air quality impacts listed and mitigations that seem more like standard practice than mitigations.

- This is an important consideration at the current moment because it is important to maintain consistent ordinance rules as zoning is finalized in the Specific Plan

D.4

and Programmatic Environmental Impact Report under consideration for the study area in the County's Lithium Valley planning process.

D.4
(cont'd)

Air Pollution Emissions

- The potentially significant air pollution emissions are mitigated by saying at a minimum equipment shall be equipped with an engine designation of EPA Tier 2 or better (Tier 2+). The EPA developed new Tier 4 emissions standards for nonroad equipment in 2018, and the equipment suggested for mitigations are several generations behind.¹ This will result in unnecessary air pollution burdens that could be much better mitigated by using more equipment with updated pollution controls.

D.5

- It is critical to consider the broader impact on air quality caused by the buildout of solar and other renewable energy projects throughout Imperial County. Cumulative impacts of solar buildout should be evaluated and design features should be considered to reduce or eliminate fugitive dust caused by grading land for site preparation.

D.6

Cultural Resources

- The Cultural Resources Inventory Report "contains sensitive and confidential information that is not available for public distribution."² This is understandable, but it is not clear how to reconcile the need to maintain confidentiality and the very weak mitigations.
- According to the DEIR there will be no onsite professional with training to identify important artifacts or findings of significance during construction and land preparation. Several cultural resource impacts are listed as potentially significant, but the document is unavailable to the public.
- There has been no Tribal consultation on the project, despite it also encompassing Bureau of Land Management lands for the Gen Tie line (which typically requires early consultation). Has the Cultural Resources Inventory Report been made available or distributed to Tribes? The only persons or

D.7

D.8

D.9

¹ U.S. EPA 2018. Regulations for Emissions from Heavy Equipment with Compression-Ignition (Diesel) Engines, <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-emissions-heavy-equipment-compression>

² Appendix F1, Cultural Resources Inventory Report for the VEGA 6 SES Solar and Battery Storage Project.

organizations contacted in preparation of this document appears to be the Imperial Irrigation District.

D.9
(cont'd)

- The EIR states: "Copies of studies are provided to tribes, upon their request, as a confidential document. If a proposed project is subject to the requirements of the Traditional Tribal Places Act (commonly referred to as Senate Bill 18), a Phase 1 report is forwarded to tribes who request it as part of consultation under SB 18. Typically, official tribal consultations are scheduled after the report has been sent to the tribe(s) to maximize consultation efforts."

D.10

From the DEIR Analysis: *"A cultural resources inventory was prepared for the project area. The proposed VEGA 6 project has the potential to encounter undocumented historical, archaeological resources, and human remains. Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce potential impacts on historical resources to a level less than significant. With implementation of Mitigation Measure CUL-3, potential impacts to previously unrecorded cultural resources would be reduced to a level less than significant. Mitigation Measure CUL-4 would ensure that the potential impact on previously unknown human remains does not rise to the level of significance pursuant to CEQA."*

D.11

- The mitigation is to simply notify, potentially stop work, and to hire an archeologist should they find something of significance. How will the work crew know that they find an object of significance if they do not have an archeologist or tribal monitor from the start of the construction? It is not evident from the DEIR that these mitigation measures reduce the significance of the impact.

D.12

- The approach to evaluate and mitigate cultural resource impacts is inconsistent with the requirements for projects in the Desert Renewable Energy Conservation Plan.³

D.13

Water

- The solar project will require water for construction and cleaning panels, and because it will be applied to land currently open space, it will expand the area in Imperial Valley that uses water. Reduced inflow of water to the Salton Sea due to increased apportionment of water for this proposed project would indirectly impact air quality by exposing more lakebed and releasing toxic dust into the air.

D.14

³ See, DRECP Proposed Land Use Planning Amendment and Final EIS, Native American Concerns.

- The project will require up to 170 acre-feet during construction for mostly dust control. Disk and roll techniques using road grading equipment cause erosion and compact soil. Dust emissions could be significantly reduced by using lighter on land approaches to solar development that do not use grading equipment and instead only mow vegetation and leave top soil intact.

D.15

Biological Resources

- Biological resource impacts including potential impacts to 11 special status plant species, Palm Springs pocket mouse, and burrowing owl habitat would be reduced by implementing design measures that leave top soil and vegetation intact and avoid use of grading equipment for site preparation.
- Disturbance of tamarisk thickets and aquatic resources requires compensatory mitigation because of disturbance to riparian areas. The project design should avoid all areas with impacts that require compensatory mitigation. The aquatic resource mitigations “negotiated with the regulatory agencies during the permitting process” should be specified in the final EIS.

D.16

D.17

Thank you for the opportunity to provide input.

D.18

Sincerely,



Dustin Mulvaney, PhD
Professor, Department of Environmental Studies
San José State University
Email: dustin.mulvaney@sjsu.edu
Phone: 831-247-3896



James J. A. Blair, PhD
Associate Professor, Department of Geography and Anthropology
Cal Poly Pomona
Email: jblair@cpp.edu
Phone: 781-856-7269

Letter D

Comite Civico del Valle's Lithium Valley Equity Technical Advisory Group

April 16, 2024

- D.1** This comment is an introductory comment and does not comment on the adequacy of the EIR. As such, no further response is necessary.
- D.2** As described in EIR Section 2.5 Required Project Approvals, no change in the underlying General Plan land use (Agriculture) is proposed as part of the project. However, an amendment to the County's General Plan, Renewable Energy and Transmission Element is required to implement the proposed project. Per the County's Renewable Energy and Transmission Element, CUP applications proposed for specific renewable energy projects not located in the RE Overlay Zone would not be allowed without an amendment to the RE Overlay Zone. As shown in EIR Figure 2-1, the project site is located outside of the RE Overlay Zone. Therefore, the applicant is requesting a General Plan Amendment to include/classify the project site (APN No. 034-160-002) into the RE Overlay Zone.

Projects that involve a request for a general plan amendment require the project proponent to complete and process for approval a general plan amendment permit application with the County. The application is reviewed by the County Planning and Development Services Department and other County Departments (e.g., Public Works), and once determined to be complete, is ultimately subject to review and approval by County decision makers including the Planning Commission and Board of Supervisors. The County's Land Use Permit Process is illustrated on the County's website at: [landuse-pmt-process.pdf \(icpds.com\)](https://www.icpds.com/landuse-pmt-process.pdf). The approval of a General Plan Amendment is considered a discretionary action as defined by the CEQA Guidelines and is therefore subject to environmental review pursuant to CEQA. The County Planning Commission and Board of Supervisors make a determination that the project complies with the requirements of the Imperial County Code and is accordance with State Planning and Zoning law, and therefore, makes findings pursuant to Imperial County Code §90203.09. These findings include findings that the project is consistent with the adopted County General Plan (§90203.09A).

- D.3** Ultimately, the County Planning Commission and Board of Supervisors determine the project's consistency with the general plan. The project meets criteria 3: the project is located within proximity to the existing IID "L" Line, in which the project will connect to, and criteria 4: no residual significant impacts (i.e., significant and unmitigated) have been identified. Implementation of proposed mitigation measures will reduce all impacts to a level less than significant. An analysis of the project's consistency with the General Plan goals and objectives relevant to the project is provided in EIR Table 3-10. While this EIR analyzes the project's consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Imperial County Planning Commission and Board of Supervisors retain final authority for the determination of the VEGA 6 project's consistency with the General Plan. (EIR page 3.10-5).

As stated in the EIR (see pages 3.10-26 and 3.10-27), the solar energy facility site is located outside of the RE Overlay Zone. Therefore, the project applicant is seeking a Zone Change to include/classify the solar energy facility site into the RE Overlay Zone and approval of a CUP by the County to allow for the construction and operation of the proposed solar energy facility with an integrated battery storage system. EIR Table 3.10-2 provides an analysis of the project's consistency with the "Island Overlay" criteria. As indicated in EIR Table 3.10-2, the

solar energy facility site is not located adjacent to an existing RE Overlay Zone; therefore, the VEGA 6 project will need to meet the criteria identified for the “Island Overlay” to obtain approval of an amendment to the RE Overlay Zone.

- D.4** The proposed project is not located within the boundaries, or proximity to the Lithium Valley Specific Plan, nor is subject to the proposed implementation standards or process of that Specific Plan; and therefore, would not affect the County’s Lithium Valley planning process.
- D.5** The air quality analysis assumes that EPA Tier 2 or better (Tier 2+) shall be utilized, at a minimum, the use of which, would minimize air emissions such that applicable air quality standards would not be exceeded and therefore the impact would be mitigated to a level less than significant. The use of Tier 2 equipment has been determined to be adequate to reduce project emission to a level less than significant, and no additional air emission reduction measures are required. Tier 2 equipment has become more readily available, is therefore considered a feasible, and is a requirement of project mitigation measures. Use of higher efficiency construction equipment could be utilized if available, but is not a requirement of the proposed project in order to maintain emission levels to less than significant. It should be noted that the project applicant would implement Mitigation Measure AQ-3, which requires the construction equipment list to be submitted periodically to ICAPCD to perform a NOx analysis to verify that equipment use does not exceed significance thresholds.
- D.6** EIR Section 5 Cumulative Impacts provides an evaluation of potential cumulative air quality impacts associated with the project. Included in this analysis is the discussion that the AQAP for the SSAB, through the implementation of the AQMP and SIP for PM₁₀, sets forth a comprehensive program that will lead the SSAB into compliance with all federal and state air quality standards. Specifically with respect to PM₁₀, (for which the basin is non-attainment), the ICAPCD implements Regulation VIII – Fugitive Dust Rules, to control these emissions and ultimately lead the basin into compliance with air standards, consistent with the AQAP. Within Regulation VIII are Rules 800 through 806, which address construction and earthmoving activities, bulk materials, carry-out and track-out, open areas, paved and unpaved roads, and conservation management practices. Best Available Control Measures to reduce fugitive dust during construction and earthmoving activities include but are not limited to:
- Phasing of work in order to minimize disturbed surface area;
 - Application of water or chemical stabilizers to disturbed soils;
 - Construction and maintenance of wind barriers; and
 - Use of a track-out control device or wash down system at access points to paved roads.

Compliance with Regulation VIII is mandatory on all construction sites, regardless of size. As disclosed in the EIR, the project’s operational contribution to O₃, PM_{2.5} and PM₁₀ would be below a level of significance. As with the construction phases, the cumulative projects would also be required to comply with ICAPCD’s Regulation VIII for dust control (Regulation VIII applies to both the construction and operational phases of projects) as discussed above.

- D.7** The cultural resources survey report contains confidential information that is provided in Confidential EIR Appendix F1, consistent with CEQA Section 21082.3 regarding confidentiality. For example, consistent with subdivision (c), the lead agency shall publish confidential information obtained from a California Native American tribe during the

consultation process in a confidential appendix to the environmental document and shall include a general description of the information, as provided in paragraph (4) of subdivision (c) in the environmental document for public review during the public comment period provided pursuant to this division.

- D.8** Confidential information is provided in confidential EIR Appendix F1; however, the information pertinent to the evaluation of potential cultural resources impacts is summarized in EIR Section 3.5 Cultural Resources and mitigation measures to reduce the impacts to a level of less than significant have been identified. Please also refer to response to comment D.9.

The potential impact to cultural resources is identified as significant, and mitigation measures are required to be implemented prior to construction activities in order to ensure any potential impacts to cultural resources is reduced to a level less than significant. EIR Mitigation Measures CUL-1 through CUL-3 require that a qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, evaluate the significance of any discovered unknown archaeological resources. However, in response to this comment and to clarify the necessary qualifications of the archaeological monitor, as well as include the requirement for Native American monitoring during site survey and construction monitoring work, Mitigation Measures CUL-1 through CUL-3 have been revised as follows:

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

CUL-2 A. Evaluate Significance of Find. If previously documented but unevaluated and/or newly documented archaeological resources are identified within the project site, they shall be evaluated by a qualified archaeologist defined as one meeting the Secretary of the Interior's Professional Qualification Standards (U.S. Department of the Interior 2008) for inclusion in the CRHR, NRHP and/or as unique archaeological resources. Should newly documented archaeological resources be found eligible for listing in the CRHR, NRHP and/or constitute unique archaeological resources, avoidance and preservation in place is the preferred manner of mitigation. If avoidance is not feasible, a treatment plan shall be developed by the qualified archaeologist in coordination with the project applicant and the lead agency that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resources.

B. Cultural Resources Management Plan. Project proponent will develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resources laws, management of resources during operation, and

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

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

CUL-3 Evaluate Significance of Find (Unknown Archaeological Resources). In the event of the discovery of previously unidentified archaeological materials, the archaeological monitor shall require that the contractor shall immediately cease all work activities within approximately 100 feet of the discovery. After cessation of excavation, the archaeological monitor ~~contractor~~ shall immediately contact the Imperial County Department of Planning and Development Services. Except in the case of cultural items that fall within the scope of the Native American Grave Protection and Repatriation Act, the discovery of any cultural resource within the project area shall not be grounds for a "stop work" notice or otherwise interfere with the project's continuation except as set forth in this paragraph.

In the event of an unanticipated discovery of archaeological materials during construction, ~~the applicant shall retain the services of a~~ qualified professional archaeologist, meeting the Secretary of the Interior's Standards for a Qualified Archaeologist, shall ~~to~~ evaluate the significance of the materials prior to resuming any construction-related activities in the vicinity of the find. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA and it cannot be avoided, the applicant shall implement an archaeological data recovery program in accordance with the procedures and recommendations established as part of the Cultural Resources Management Plan required by Mitigation Measure CUL-2B.

D.9 As indicated in Section 3.14 Tribal Cultural Resources, "ECORP contacted the California Native American Heritage Commission (NAHC) on September 15, 2020, to request a search of the Sacred Lands File for the VEGA 6 project area (Appendix F1 of this EIR). A search of the Sacred Lands File by the NAHC failed to indicate the presence of Native American cultural resources in the VEGA 6 Survey Area. A record of all correspondence is provided in the *Cultural Resources Inventory Report* (Appendix F1 of this EIR)." (EIR page 3.14-1).

Further, EIR pages 3.14-1 and 3.14-2, summarizes the tribal notification conducted for the project. As described, In accordance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, the County provided notification of the proposed project to Native American tribes that the

County understands to be traditionally and culturally affiliated with the geographic area of the proposed project. This notification was provided in a letter sent via certified mail on July 1, 2022 to the following Native American tribes and groups:

- Torres-Martinez Desert Cahuilla Indians
- Kumeyaay Cultural Reparation Committee
- Manzanita Band of Kumeyaay Nation
- La Posta Band of Mission Indians
- Fort Yuma - Quechan Indian Tribe
- Ewiiapaayp Band of Kumeyaay Indians
- Colorado River Indian Tribes
- Inter-Tribal Cultural Resource Protection Council
- Cocopah Indian Tribe
- Campo Band of Mission Indians
- Chemehuevi Reservation
- Augustine Band of Cahuilla Mission Indians.

Further, as described on EIR page 3.14-5, the County requested for tribes to provide any information regarding any Traditional Cultural Properties, Sacred Sites, resource collecting areas, or any other areas of concern known to occur in the project area.

To date, no tribes have responded that indicate the potential for traditional cultural properties or sacred sites. Therefore, the project is not anticipated to cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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 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 PRC Section 5024.1, and, per the criteria set forth in Section 5024.1, considering the significance of the resource to a California Native American tribe. As stated in Section 3.5 Cultural Resources, potential impacts to archaeological resources and human remains would be less than significant with implementation of Mitigation Measures CUL-3, CUL-4, RS-CUL-1 and RS-CUL-2. Impacts specifically related to tribal cultural resources would be less than significant.

D.10 Please refer to response to comment D.9.

D.11 Please refer to response to comment D.8.

D.12 A qualified archaeologist, as well as a Native American monitor are required to be present on the project site to monitor construction activities. Please refer to response to comment D.8.

D.13 EIR Section 2.5.2 Discretionary Actions and Approvals by Other Agencies identifies:

- **Bureau of Land Management (BLM) (National Environmental Policy Act – Federal Lead Agency).** Right-of-way grant for the off-site gen-tie line to be located

on federal lands under the jurisdiction of the BLM. As shown in Figure 2-4, the proposed ROW would be 60-feet-wide.

The applicant is currently processing a Plan of Development (POD) with BLM for the improvements associated with the off-site gen-tie line that will tie into the existing IID “L” Line. As part of this process, the applicant submitted POD will be subject to environmental review by BLM, including preparation of appropriate NEPA documentation, and Section 106 compliance. It is acknowledged that the proposed project is located within the Desert Renewable Energy Conservation Plan, and therefore, is subject to the Programmatic Agreement for tribal consultation/outreach and SHPO consultation. Through this process, it has been anticipated that the cultural resource evaluations required as part of Mitigation Measures CUL-1 and CUL-2 would be conducted, and along with the DRECP Programmatic Agreement requirements, would meet the requirements for projects in the DRECP.

- D.14** As indicated in EIR Section 2.3.10 Water Use, the use of groundwater is proposed for construction and panel washing. Utilization of groundwater for this source would not reduce inflow of water to the Salton Sea as the groundwater is not currently a source of inflow to the Salton Sea (as opposed to the use of the IID canal waters associated with other projects). Therefore, the proposed project would not have an indirect effect on exposing more lakebed and releasing toxic dust into the air as suggested in this comment.
- D.15** This comment is noted. Depending on site conditions, grading and impacts to topsoil is typically minimized to the extent feasible in order to implement the proposed project. However, it should be noted that grading requirements may vary, but ultimately are minimized where feasible to reduce overall construction costs.
- D.16** This comment is acknowledged. Please refer to response to comment D.15.
- D.17** Comment noted. As indicated on EIR Table 3.4-1 Vegetation Communities and Land Cover Types in VEGA 6 Project (EIR page 3.4-2), 1,948 acres of Disturbed Tamarisk Thickets has been identified on the project site. EIR page 3.4-2 characterizes the Disturbed Tamarisk Thickets as, “In the VEGA 6 project area, this vegetation cover is characterized as sparser, and in some areas completely lacked vegetation other than a few tamarisk shrubs.” Avoidance of these areas may be anticipated. Mitigation Measure BIO-2 requires that, to the greatest extent possible, plans shall avoid impacts to disturbed tamarisk thicket habitats to minimize potential impacts to special-status species. Further, Mitigation Measure BIO-7 requires that, “New structures shall not be placed within 50 feet of wetland or riparian habitat boundaries. A construction buffer of 300 feet shall be established around the wetlands and riparian habitats during bird breeding season (February 1 to August 31). Prior to construction, fencing shall be installed approximately 10 feet from the wetland and riparian habitat boundaries within 50 feet of the VEGA 6 project area. Fencing shall be easily visible to construction personnel.”
- D.18** Comment noted.

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (442) 265-1800
FAX: (442) 265-1799

AIR POLLUTION CONTROL DISTRICT



April 16, 2024

Mr. Jim Minnick
Planning Director
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 9:28 am, Apr 17, 2024

SUBJECT: Draft Environmental Impact Report for the VEGA SES 6 Solar and Battery Storage Project

Dear Mr. Minnick,

The Imperial County Air Pollution Control District (Air District) thanks you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the VEGA SES 6 Solar and Battery Storage (Project). The Project proposes to develop an 80 megawatt (MW) photovoltaic (PV) solar facility with an integrated 160 MW battery storage system (BESS) on approximately 320 acres of privately-owned land. The project also includes associated an on-site substation, gen-tie line, inverters, transformers, underground electrical cables, and access roads. The project is located approximately 6 miles south of the southern-most edge of the Salton Sea; 10 miles west of the City of Brawley; and approximately 5 miles southwest of the community of Westmorland on a parcel identified as Assessor's Parcel Number 034-160-002.

E.1

The DEIR determined the project's impacts on air quality can be mitigated to less than significant levels through the implementation of the mitigation measures identified as AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, and AQ-7. The DEIR included an Air Quality Analysis (AQA) in Appendix C – Air Quality and Greenhouse Gas Emissions Assessment for the VEGA SES 6 Solar and Battery Storage Project. Air District staff reviews all Air Quality Analyses to ensure enforceability and consistency of air analysis methodology to the Imperial County Air Pollution Control District CEQA Air Quality Handbook (Handbook), Air District Rules & Regulations, and Air District guidelines. Upon review of the AQA and the corresponding CalEEMod files the Air District was unable to satisfactorily reproduce the CalEEMod analysis and is unable to concur with the CalEEMod Analysis due to discrepancies in modeled emission levels. However, the Air District can concur with the Less than Significant finding with the implementation of mitigation measures AQ-1 – AQ-7 as these mitigation measures are consistent with mitigation measures used to maintain this type of project to below than significant levels.

E.2

The Air District would like to remind the applicant that as described in AQ-3 the Construction Equipment Lists will be used to calculate NOx emissions during construction to ensure emission threshold limits are not exceeded. If the Air District determines NOx thresholds were exceeded the project may be subject to Policy 5 fee requirements. The forms for the Construction Dust Control Plan as described in AQ-6 can be found at <https://apcd.imperialcounty.org/planning/#construction>, the Air District also requests the applicant submit a Construction Notification Form 10 days prior to earthmoving beginning for the project. Finally, the Air District would inform the applicant that as part of AQ-7, finalization of the Operational Dust Control Plan will require a site visit by Air District staff.

E.3

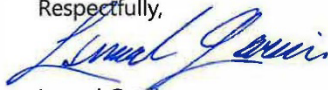
The project site is currently zoned Open Space/Preservation (S-2) and applicant is requesting a General Plan Amendment and Zone Change to include the VEGA 6 project site into the County's Renewable Energy Overlay Zone. The project would require the approval of a Conditional Use Permit (CUP) to be allowed on land zoned S-2. Should the project site remain zoned S-2 and the project require a CUP to proceed, the Air District requests the mitigation measures AQ-1 – AQ-7 be included in the CUP conditions.

E.4

For your convenience the Air District rules and regulations can be found for review on our website at <https://apcd.imperialcounty.org/rules-and-regulations/>. Should you have any questions or concerns, please contact our office at (442) 265-1800.


E.5

Respectfully,



Ismael Garcia
Environmental Coordinator II

Reviewed by,



Monica N. Soucier
APC Division Manager

Letter E

Imperial County Air Pollution Control District

April 16, 2024

- E.1** This comment is an introductory comment and provides a summary of the project. No further response is necessary.
- E.2** Comment noted.
- E.3** These comments are acknowledged. In addition to the requirements identified in the mitigation measures referenced in the comment, the requirements will also be memorialized in the project Conditional Use Permit (CUP) Conditions of Approval, in which the applicant will be required to concur with acceptance of these conditions as part of the approval of the CUP for the project.
- E.4** Comment noted. Approval of a CUP will be required of the project as currently proposed. Requirements identified by the ICAPCD are memorialized in EIR Mitigation Measures as well as CUP Conditions of Approval.
- E.5** Comment noted.